# RANGELEY TOWN CODE

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## APPENDIX A: MAINE STATUTES

APP-i
CHAPTER 1. GENERAL

1.1 How Code Designated and Cited

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Rangeley, Maine", and may be so cited. Such Code may also be cited as the "Rangeley Town Code."

Article 1.2 Constructions of Ordinances

The rules and the definitions set forth in this Chapter shall be observed in the construction of this Code unless such construction would be inconsistent with either the manifest intent of the Town or the context of this Code.

Article 1.3 Definitions

Section 1.3.1 General Rules Regarding Definitions

All words and phrases should be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a particular appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrase and such others as may have acquired a particular and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1.3.2 Acts by Agents

Section 1.3.3 Code

The words "the Code" or "this Code" shall mean the "The Code of the Town of Rangeley, Maine" unless the context indicates otherwise.

Section 1.3.4 Computation of Time

The time within which an act is to be done as provided in this Code or in any order issued pursuant to any ordinance, which expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday.
Sunday or holiday, it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight shall be excluded.

Section 1.3.5 Day

A “day” is the period of time between any midnight and the midnight following.

Section 1.3.6 Daytime, Nighttime

“Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise.

Section 1.3.7 Department, Board, Commission, Office, Officer or Employee

Whenever any “department, board, commission, office, officer, or employee” is referred to, it shall mean a department, board, commission, office, officer or employee of the Town of Rangeley, unless the context clearly indicates otherwise.

Section 1.3.8 Reserved

Section 1.3.9 Gender: Singular and Plural

Words of the masculine gender include the feminine; and words in the singular number include the plural, and words in the plural number include the singular.

Section 1.3.10 In the Town

The words “in the Town” or “within the Town” shall mean and include all territory over which the Town now has, or shall hereafter acquire, jurisdiction for the exercise of its police power or other regulatory powers.

Section 1.3.11 Joint Authority

All words purporting to give a joint authority to three or more Town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

Section 1.3.12 Month

The word “month” shall mean a calendar month.

Section 1.3.13 Oath

“Oath” includes affirmation or declaration.
Section 1.3.14  Or, And

"Or" may be read "and" and "and" may be read "or" if the sense requires it.

Section 1.3.15  Person

The word "person" shall extend and be applied to firms, corporations, partnerships, or voluntary associations, as well as to individuals, unless plainly inapplicable.

Section 1.3.16  Personal Property

"Personal property" includes every species of property, except real property as defined in this Article.

Section 1.3.17  Preceding, Following

The words "preceding" and "following" mean next before and next after, respectively.

Section 1.3.18  Property

The word "property" shall include real and personal property.

Section 1.3.19  Real Property

"Real property" shall include lands, tenements, and hereditaments.

Section 1.3.20  Shall, May

"Shall" is mandatory, and "may" is permissive.

Section 1.3.21  Shall Have Been

The words "shall have been" include past and future cases.

Section 1.3.22  Signature or Subscription by Mark

"Signature" or "subscription" includes a mark when the signor cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature of subscription to a sworn statement only when two witnesses so sign their own names thereto.

Section 1.3.23  State

The words "the state" shall be construed to mean the State of Maine.
Section 1.3.24  **Tenant or Occupant**

The word “tenant” or “occupant” applied to a building or land shall include any person holding a written or an oral lease of or who occupies the whole or part of such building or land, either alone or with others.

Section 1.3.25  **Tenses**

The present tense includes the past and future tenses, and the future includes the present.

Section 1.3.26  **Time - Reasonable**

In all cases, where any section of this Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Section 1.3.27  **Time - Computation**

See § 1.3.4 Computation of Time

Section 1.3.28  **Town**

Whenever the word “Town” is used, it shall be construed to mean the Town of Rangeley, Maine unless otherwise specified.

Section 1.3.29  **Truck**

The word “truck” shall mean any motor vehicle with a gross weight of 10,000 pounds or heavier designed or used primarily for the carrying of property other than the effects of the driver or passengers.

Section 1.3.30  **Week**

A “week” consists of seven consecutive days.

Section 1.3.31  **Writing**

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Section 1.3.32  **Year**

The word “year” shall mean a calendar year, except where otherwise provided.
Article 1.4 Reference to Chapters, Articles or Sections: Conflicting Provisions

Section 1.4.1 Additional Rules of Construction

In addition to the rules of construction specified in the previous Article, the rules set forth in § 1.4.2, -- 1.4.4 shall be observed in the construction of this Code.

Section 1.4.2 References to this Code

All references to chapters, articles or sections are to be chapters, articles or sections of this Code unless otherwise specified.

Section 1.4.3 Conflicting Provisions - Difference Chapters

If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1.4.4 Conflicting Provisions - Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Article 1.5 Section Headings

Headings of the several sections of the Code are intended as a convenience to indicate the contents of the section and shall not be deemed to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such section, including the headings, is amended or re-enacted.

Article 1.6 Effect of Repeal

When any ordinance, repeal or Chapter which, is a formed ordinance, chapter clause, or provision, is itself repealed, such repeal shall not be construed to revive such former ordinance, chapter clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1.7 Severability of Parts of Code

It is hereby declared to be the intention of the Town that the sections, paragraphs, sentences, clauses and phrases of this Code shall be severable, and if any provisions of this Code is held unconstitutional or illegal for any reason by the court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining provisions of the Code.
Article 1.8 Fiscal Year

The fiscal year of the Town shall commence on the first day of July of each year and shall end on the thirtieth day of June of each year thereafter.

Article 1.9 Penalty

When an act or omission is declared by statute, universal search or by this Code or by any ordinance of the Town to be unlawful and no penalty is prescribed by such statute, Code or ordinance, the act or omission is punishable as a misdemeanor.

Article 1.10 Repeal of Existing Ordinances

Section 1.10.1 Effective Date of Repeal

All resolutions in conflict with any provisions of this Code and ordinances of the Town of Rangeley except those specifically exempted in this Article, now in force and effect are hereby repealed effective at twelve o'clock noon on the _____ day of __________, 20___, but all rights, duties and obligations created by said ordinances shall continue and exist in all respects as if this Code had not been adopted and enacted.

Article 1.11 Ordinances Exempt from Repeal

The adoption and enactment of this Code shall not be construed to repeal or in any way to affect or modify unless otherwise specifically provided for therein:

A. Any special ordinances or resolutions regarding franchises, annexations, dedications, traffic control regulations, signs and devices and speed limits.

B. Any ordinance making an appropriation.

C. Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

D. The running of the statutes of limitations in force at the time this Code becomes effective.

E. The continued existence and operation of any department, agency, commission, or office heretofore legally established or held.

F. Any bond of any public officer.
CHAPTER 2. ADMINISTRATION

2.1 Definitions

For the purposes of this Chapter, definitions of terms shall be as provided for in Maine Statutes, Title 30A, Section 2001 (see Appendix A).

2.2 Municipality as a body corporate

The residents of the Town of Rangeley are a body corporate, which may sue and be sued, appoint attorneys, and adopt a seal. See Title 30-A, M.R.S.A., Section 2002.

Article 2.3 Nonstatutory Municipal Functions

In addition to those offices and departments required by general law, the Town of Rangeley may provide under its home rule authority for the performance of any other municipal function per Title 30-A, M.R.S.A., Section 2003.

2.4 Municipal officials

2.5 Town Manager plan

2.6 Municipal clerks

2.7 Law Enforcement officers

2.8 Health insurance; retired employees

2.9 Board of Appeals

2.10 Municipal employment

2.11 Ordinances

2.12 Abatement of nuisances

2.13 Town budget

2.14 Equal Employment Opportunity Policy

2.15 Fair Housing Resolution

2.16 Anti-Displacement Plan

Article 2.4 Municipal Officials

.1 Appointment and term of officials; generally
See Title 30-A, M.R.S.A., Section 2601

.2 Appointment of Code Enforcement Officers
See Title 30-A, M.R.S.A., Section 2601-A

.3 Vacancy in Municipal Office
See Title 30-A, M.R.S.A., Section 2602

.4 Deputy Officials
See Title 30-A, M.R.S.A., Section 2603

.5 Conflicts of Interest
See Title 30-A, M.R.S.A., Section 2605

.6 Prohibited Appointments
See Title 30-A, M.R.S.A., Section 2606
.7 Neglect of official duty  
See Title 30-A, M.R.S.A., Section 2607

Article 2.5 Town Manager Plan

.1 Town Manager Plan  
See Title 30-A, M.R.S.A., Section 2631

.2 Qualifications of Town Manager  
See Title 30-A, M.R.S.A., Section 2632

.3 Term, compensation, removal, suspension  
See Title 30-A, M.R.S.A., Section 2633

.4 Absence or disability of Town Manager  
See Title 30-A, M.R.S.A., Section 2634

.5 Board of Selectman/Town Manager  
See Title 30-A, M.R.S.A., Section 2635

.6 Powers and Duties of Town Manager  
See Title 30-A, M.R.S.A., Section 2636

.7 Transitional Provisions  
See Title 30-A, M.R.S.A., Section 2637

.8 Regional cooperation  
See Title 30-A, M.R.S.A., Section 2638

Article 2.6 Municipal Clerks

.1 Bond  
See Title 30-A, M.R.S.A., Section 2651

.2 Fee Schedule  
See Title 30-A, M.R.S.A., Section 2652

.3 Expenses  
See Title 30-A, M.R.S.A., Section 2653

.4 Assistant Clerks  
See Title 30-A, M.R.S.A., Section 2654

Article 2.7 Law Enforcement Officers

.1 Police Officers  
See Title 30-A, M.R.S.A., Section 2671
.2 Special Police Officers
   See Title 30-A, M.R.S.A., Section 2672

.3 Constables
   See Title 30-A, M.R.S.A., Section 2673

.4 Aid to other Municipalities
   See Title 30-A, M.R.S.A., Section 2674

.5 Wearing of uniform or badges; labor disputes
   See Title 30-A, M.R.S.A., Section 2675

.6 Interstate Police Assistance
   See Title 30-A, M.R.S.A., Section 2676

Article 2.8 Health Insurance; retired employee
See Title 30-A, M.R.S.A., Section 2677

Article 2.9 Board of Appeals
See Title 30-A, M.R.S.A., Section 2691

Article 2.10 Municipal Employment

.1 Employee probation periods
   See Title 30-A, M.R.S.A., Section 2701

.2 Personnel records
   See Title 30-A, M.R.S.A., Section 2702

.3 Residency requirement; ordinances and collective bargaining
   See Title 30-A, M.R.S.A., Section 2703

.4 Mandatory retirement age prohibited
   See Title 30-A, M.R.S.A., Section 2704

Article 2.11 Ordinances

.1 Ordinance Powers
   See Title 30-A, M.R.S.A., Section 3001

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   See Title 30-A, M.R.S.A., Section 3002

.3 Adoption of Codes by Reference
   See Title 30-A, M.R.S.A., Section 3003
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See Title 30-A, M.R.S.A., Section 3004

.5 Ordinances available
See Title 30-A, M.R.S.A., Section 3005

.6 Proof of ordinances
See Title 30-A, M.R.S.A., Section 3006

.7 Specific Ordinance provisions
See Title 30-A, M.R.S.A., Section 3007

.8 Cable TV ordinances
See Title 30-A, M.R.S.A., Section 3008

.9 Authority of Municipal Officers to enact ordinances
See Title 30-A, M.R.S.A., Section 3009

.10 Consumer rights and protection
See Title 30-A, M.R.S.A., Section 3010

.11 Regulation of sport shooting ranges
See Title 30-A, M.R.S.A., Section 3011

.12 Radio antenna towers: construction in conformance with federal requirements
See Title 30-A, M.R.S.A., Section 3012

.13 Abatement of nuisances
See Title 30-A, M.R.S.A., Section 3104

Article 2.12 Abatement of Nuisances
See Title 30-A, M.R.S.A., Section 3104

Article 2.13 Town Budget

.1 Fiscal year
.2 The budget
.3 Calendar for budget preparation
.4 Budget approval
.5 Membership of budget committee
.6 Town Treasurer
.7 Lapsed appropriations
.8 Capital improvement program
.9 Effective date and severability

.1 Fiscal Year

The fiscal year shall commence on July 1 and end on June 30.
.2 The Budget

.1 When required

At the Annual Town Meeting and each Special Town Meeting for which the warrant calls for action on appropriations, a complete budget shall be presented so that the voters can determine the impact of proposed appropriations on the total expenditures for the town. In the case of a Special Town Meeting, it shall not be required that the entire budget process of section 2.12.3 below be followed, but a complete budget shall be presented; new or changed items for appropriation shall be shown and the effect of the changes on the totals shall also be shown. The “amended” budget resulting from this process is solely for informational purposes. Only appropriation articles will be up for vote, not the entire budget as amended.

.2 Budget Preparation

The budget shall show all of the items and be in the form shown below in Section 2.5. The Board of Selectman shall be responsible for preparation of a recommended budget with respect to all revenue and expenditure items for categories I-IX. The School Committee shall be responsible for preparation of a recommended budget for all revenue expenditure items for categories X-XI. See section 2.13.3 for calendar and procedure for initiation and review.

.3 Budget Content

The budget shall contain, but not be limited to:

.1 A statement of the Town’s current financial condition.
.2 An estimate of all non-property-tax revenues to be received.
.3 An estimate of all lapsed appropriations.
.4 Recommended expenditures for each item.
.5 A statement with respect to the purposes of each expenditure item.
.6 An estimate of the county tax and any other amounts required by law to be raised by the property tax levy.
.7 An estimate of the tax levy required.

Each line of the budget shall show in parallel columns the proposed revenues and expenditures and comparisons with revenues and expenditures of the preceding fiscal year. Significant increases or decreases shall be explained.

Each Roman Numeral item for categories I to VI, VII, and IX shall be a cost category. Each capital letter item for category VII shall be a cost category. “Cost category” in this context shall mean that the expenditure for the category shall not exceed the appropriated amount, except as provided in Section 2.13.7.2.
.4 Categories

Revenue categories shall be as follows:

.1 General Property Taxes
.2 Excise Taxes
.3 Licenses and Permits
.4 Fines and Penalties
.5 Charges for Services
.6 Intergovernmental Revenues (includes state revenue sharing)
.7 Investment Income
.8 Special Projects
.9 Miscellaneous Revenues

Expenditure Cost Categories shall be as follows:

I. General Government
II. Public Safety
III. Public Works
IV. Health and Welfare
V. Recreation
VI. Debt Service
VII. Education
VIII. Transfers
IX. Contingency

.5 Budget Format

The budget shall have the following format. The format is shown as a guide to the minimum amount of detail required. Roman numeral items I-IX and all items under VII shall always be included. Officials preparing budgets may include more detail or, except as provided in this paragraph, change or move items from one category to another.

I. General Government

A. Legislation
B. Town Clerk
C. Administration
D. Assessor
E. Financial Administration
F. Planning
G. Building - Town Hall
II. Public Safety
   A. Police Department
   B. Fire Department
   C. Animal Control
   D. Emergency Medical Services

III. Health and Welfare
   A. Health Services
   B. General Assistance

IV. Public Works
   A. Highways
   B. Sanitary Sewers
   C. Solid Waste
   D. Airport

V. Recreation/Culture

VI. Debt Service
   A. Principal
   B. Interest

VII. Education
   A. Student Instruction
      Instruction
      Guidance
      Special Education
   B. Administration
      Superintendent's Office
      Principal's Office
      School Committee
   C. Student Services and Physical Plant
      Health
      Library
      Co-Curricular
      School Lunch
      Transportation
      Operation of Plant
D. Debt Service

VIII. Transfers

IX. Contingencies

.3 Calendar for Budget Preparation for Annual Town Meeting

.1 Town Manager’s recommended budget shall be submitted to the Board of Selectmen and Budget Committee not later than March 1.

.2 Board of Selectmen and Budget Committee shall review the recommendations of the Town Manager and shall make changes as it deems appropriate. They may ask for the appearance of other officials, for the purpose of inquiring into any aspect of the recommended appropriations. The Budget Committee shall submit its own final recommendations to the Board of Selectmen not later than May 20.

.3 School Committee’s recommended budget shall be submitted to the Budget Committee and Selectmen not later than April 1.

.4 Budget Committee shall review the recommended budgets. It shall meet with the Board of Selectmen and the School Committee at least once prior to May 15, and may ask for the appearance of other officials for the purpose of inquiring into any aspect of the recommended appropriations. It shall submit its own final recommendations to the Board of Selectmen not later than May 20.

5. Board of Selectmen, School Committee, and Budget Committee shall each conduct as least one public hearing during the preparation of their recommended budgets.

6. Board of Selectmen and School Committee may, by appropriate vote, modify their recommended budgets prior to May 20.

.4 Budget Approval

.1 Preparation of the Warrant

.1 For expenditure categories I - VI, VIII, and IX, there shall be included within the warrant for the Annual Town Meeting, or for any Special Town Meeting called for appropriation purposes, a separate appropriation article for each cost category. The recommendations of the Board of Selectmen and of the Budget Committee shall be shown under each article.
.2 For each of the expenditure categories VII, there shall be included within the warrant for the Annual Town Meeting, or for any Special Town Meeting called for appropriation purposes, an article for authorization for the School Committee to expend the amounts approved by such town meeting. There shall also be included with the warrant such articles as may be necessary to comply with the laws of the State of Maine with respect to appropriating and raising funds for the operation of schools. The recommendations of the School Committee and the Budget Committee shall be shown under each article.

.3 The Board of Selectmen may include within the warrant for the Annual Town Meeting, or for any Special Town Meeting called for appropriation purposes, one or more articles authorizing that specific amounts of non-property-tax revenues and unexpended balances (surplus), from designated sources, be applied to specific appropriations or to the total of appropriations and that the property tax commitment be reduced accordingly. Such transfers are permitted only by authorization of the Town Meeting.

.2 Annual Town Meeting

.1 The Annual Town Meeting shall be held prior to the third Sunday of June.

.2 The adoption of the appropriation articles by the Annual Town Meeting shall constitute adoption of the budget for the fiscal year unless modified by adoption of subsequent appropriation articles at a Special Town Meeting.

.3 After the adoption of the budget at the Annual Town Meeting, the total amount of all appropriations, less all non-property-tax revenues and unexpended balances authorized to be applied, plus other amounts required by law shall constitute a determination of the amount to be raised by the property tax levy during the current year.

.5 Membership of the Budget Committee

The Budget Committee shall be composed of seven members elected at the town meeting. Members shall be elected for a term of three years. Three members shall be elected in one year, two members shall be elected in each of the following two years, then the rotation shall start anew. In the case of a vacancy, the selectman shall appoint a member to serve until the next Annual Town Meeting to finish the unexpired term.
.6 Town Treasurer

.1 Records and Reports

The Treasurer shall keep all books and accounts in accordance with generally accepted accounting practices and consistent with the provisions of this chapter. The Treasurer will have a certain set of duties with respect to expenditure categories I - IV, VIII, and IX, and a different set of duties with respect to expenditure category VII.

For expenditure categories I - IV, VIII, and IX

All original books and accounts shall be kept in the Town Office at all times and shall be available for inspection by the Town Manager and the Board of Selectmen at all times. The Treasurer shall provide the Board of Selectmen a monthly report showing actual expenditures compared to appropriations for each cost category or in such additional detail as the Board of Selectmen may direct.

For expenditure category VII

The Treasurer shall keep books and accounts in the town office for the purpose of recording revenues and expenditures. The original copies of these documents shall be kept in the town office at all times. The School Committee shall cause to be kept in the school superintendent’s office a set of books and accounts with the details of budget, revenue, and expenditures that will comply with the requirements of the State of Maine and enable the orderly operation of the school and the adult education program. The Superintendent shall provide the school committee with a monthly report showing actual expenditures compared to appropriations in such detail as the School Committee may direct.

.2 Warrant for Expenditures

The Treasurer shall make disbursements only upon receipt of a written warrant signed by a majority of the Board of Selectman, specifying the payee, the amount, the purpose of the expenditure and the account to be charged.

.7 Lapsed Appropriations; Transfer among Cost Categories

.1 Lapse of appropriations

All appropriations, except as specifically provided herein, and except as provided by state law with respect to school accounts, shall lapse at the
.2 Transfers among line items

The Board of Selectmen and/or the School Committee shall not approve total expenditures for any cost category to exceed the amount appropriated by the Town Meeting except as provided in this section. For expenditure categories I - VI, VIII, and IX, the Board of Selectmen, or for expenditure category VII, the School Committee, may, by majority vote of the members, increase or decrease by up to 10% any cost category, so long as the total of all appropriations for which it has authority is not exceeded, and may make transfers of unencumbered appropriation balances among line items to implement the changes.

.8 Capital Improvement Program

.1 Capital Expenditure Account

There is established a separate lapsing account, the proceeds of which shall be used exclusively for specified Capital Expenditures of over $500. These accounts are for expenditures planned during the current fiscal year and shall be appropriated by vote at the Town Meeting.

.2 Capital Reserve Account

There is established a separate non-lapsing account, the proceeds of which shall be used exclusively for specified capital expenditures including real property. The account may be the repository for funds for one or more purposes and the records of the revenues and expenditures shall be kept separate for each purpose. The account shall be funded by appropriations approved by vote of the Town Meeting, by donations and by other sources. All accrued interest shall be credited to the account and spread proportionally to the various purposes. Disbursement from the account may be made only upon specific appropriation approved by vote of the Town Meeting.

.9 Effective Date and Severability

.1 Effective Date

This Chapter shall become effective upon a majority vote at a town meeting. Adoption of this Chapter shall repeal all provisions of previous ordinances that may be in conflict with this Chapter.

.2 Validity and Severability

Should any section or provision of this chapter be declared by any court to be invalid, such decision shall not invalidate any other section or provision.
Article 2.14 Equal Employment Opportunity Policy Statement

Adopted 10/03/01

The Board of Selectmen of Rangeley, Maine declares its intent that the Town will pursue a policy of non-discrimination in personnel practices, including: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age or physical handicap where these are not found to be bona fide occupational qualifications.

The Town recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as federal statutes, which may apply as a result of its federal grant activities.

Article 2.15 Fair Housing Resolution

Adopted by the Board of Selectmen on 10/03/01

LET IT BE KNOWN TO ALL PERSONS of the Town of Rangeley that discrimination in the sale, rental, leasing or financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status, or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law). It is the policy of the Town of Rangeley to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the Town does hereby the following resolution:

BE IT RESOLVED that within available recourses the Town will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division.

agreement to provide funds that will directly result in the demolition of low-moderate income dwelling units or the conversion of low-moderate income dwelling units, the Town of Rangeley will make public and submit the following information in writing to the State:

.1 A description of the proposed assisted activity:

.2 The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for low-moderate income dwelling units as a direct result of the assisted activity;
.3 A time schedule for the commencement and completion of the demolition or conversion;

.4 The source of funding and a time schedule for the provision of replacement dwelling units;

.5 The basis for concluding that each replacement dwelling unit will remain a low-moderate income dwelling unit for at least 10 years from the date of initial occupancy.

.6 Information demonstrating that any proposed replacement dwelling units with smaller dwelling units is consistent with the housing needs of low-moderate income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the Town of Rangeley will take all possible actions within its power to minimize the displacement of persons from their homes.

.3 Assistance to Persons Displaced

The Town of Rangeley shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or the Housing and Community Development Act of 1974, as amended. Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency's process. In addition, Town staff shall provide housing counseling and referral services to assist those displaced to find alternative housing in the neighborhood.

.4 Definitions

Displaced Persons: Any person (family, individual, business, nonprofit organization or farm operation) that moves from real property, or moves personal property form real property, permanently and involuntarily, as a direct result of rehabilitation, demolition, or acquisition (privately undertaken or public) for HUD-assisted program/project.

.5 Agency Responsibility

The Town of Rangeley Community Development Department shall be responsible for implementation of this plan as well as ensuring compliance with applicable federal and state law and regulations. The Town of Rangeley will identify and designate a relocation officer to perform functions concerning this plan.

Adopted: 10/03/01
CHAPTER 3A. BUILDING CODE

3A.1 Purpose

The Town of Rangeley adopts and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as authorized by 10 M.R.S.A. Section 9724 (1-A) and as may be amended from time to time. The Code Enforcement Officer of the Town of Rangeley shall serve as the building official as defined in 25 M.R.S.A. Section 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with this Chapter.

Article 3A.2 Permits

Section 3A.2.1 Required

Permits shall be required for all construction, structural alteration, addition, removal, demolition, relocation, and occupancy of all buildings and structures.

Section 3A.2.2 Expiration

Every permit issued by the building official under the provisions of this Chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 12 months from the issue date of the permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of six months.

A permittee holding an unexpired permit may apply for a one-time extension to up to six months, provided he can show good and satisfactory reasons, and beyond his control the work cannot be commenced within the 12-month period from the issue date.

If the building or work is commenced within the time limits set forth in this section, then the applicant shall be allowed a total of three years from the issue date of the permit to complete the work suitable for occupancy.
In order to review the work on a permit after it has expired, the permittee shall pay a new full permit fee.

**Article 3A.3 Fees**

**Section 3A.3.1 Payment of Fees**

A permit shall not be valid until the prescribed fees have been paid. Nor shall an amendment to a permit be released until the additional fee, in any, has been paid.

**Section 3A.3.2 Schedule of Permit Fees**

For each project, a fee for plan examination, building permit, and inspections shall be paid in accordance with a fee schedule set annually by the Board of Selectmen.

**Section 3A.3.3 Work Commencing Before Permit Issuance**

Any person who commences work requiring a permit on a building or structure before obtaining the necessary permits shall be subject to a fee established by the Board of Selectmen that shall be in addition to the required permit fees.

**Article 3A.4 Violations and Penalties**

Any person who violates a provision of this Chapter or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Chapter, shall be subject to penalties in accordance with 30-A M.R.S.A. Section 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Article 3A.5 Appeals**

Any person aggrieved by a decision of the Code Enforcement Officer may apply to the appropriate court of jurisdiction within 45 days of the Code Enforcement Officer’s decision.

**Article 3A.6 Effective Date**

This Chapter and the rules, regulations, provisions, requirements, orders and matters established and adopted shall hereby be effective July 1, 2012.
CHAPTER 4. CABLE TELEVISION

4.1 Purpose
4.3 Franchise Required
4.5 Public Comment Periods
4.7 Effective Date

4.2 Definitions
4.4 Franchise Contract
4.6 Performance Bond & Insurance Coverage

Article 4.1 Purpose
The purpose of this Chapter is to provide for Town regulation and use of the community antenna television systems including its construction, operation, and maintenance in, along, upon, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Rangeley, including poles, wires, cables, underground conduits, manholes, conductors, and fixtures necessary for the maintenance and operation in the Town of Rangeley, of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation (Reference 30-A, M.R.S.A., Section 3008 Cable Television Ordinances).

Article 4.2 Definitions
Section 4.2.1 “CATV” shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast to one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents or one or more apartment dwellings under common ownership, control or management.

Section 4.2.2 “Cable Television Company” shall mean any person, firm, or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Rangeley, sometimes hereinafter referred to as “the company”.

Article 4.3 Franchise Required
No person, firm or corporation shall install, maintain or operate within the Town, any of its public ways or other public areas, any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this ordinance and unless said franchise is in full fort and effect.
Article 4.4 Franchise Contract

Section 4.4.1 Ability to Contract

The Municipal Officers of the Town may contract on such terms, conditions, and fees as they deem in the best interests of the Town and its residents with one or more cable television companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed ten (10) years.

Section 4.4.2 Filing Fee

Applicants for a franchise shall pay a nonrefundable filing fee to the Town of $250 to defray the cost of public notice and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require including, but not limited to, a general description of the applicant’s proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten-year financial projection of its proposed system, its proposed annual Town franchise fee, if any, or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and microwave service including that of its officers, management and staff to be associated with the proposed operation.

Section 4.4.3 Revocation of Contract

Any franchise contract may be revoked by the Municipal Officers for good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

Article 4.5 Public Comment Periods

Section 4.5.1 Notice

Before issuance of a request for proposals, the Town shall hold a public hearing with at least seven (7) days advance notice for the purpose of determining any special local needs or interests regarding cable television.

Section 4.5.2 Filing of Public Record

Any proposal submitted by the prospective CATV franchise shall be filed in triplicate with the Town Clerk's office, shall be deemed a public record, shall be available for a period not less than thirty (30) days prior to the Town's taking any formal action thereon, and public notice of the filing shall be given.

Section 4.5.3 Review/Public Hearing
Before authorizing the issuance of any such franchise contract, the municipal officers shall review the applicant's character, financial, and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the Town and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing.

**Article 4.6 Performance Bond & Insurance Coverage**

Upon the execution of any such franchise contract, the cable television company shall file a surety company performance bond in an amount not less than $25,000.00 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations, governing said franchise, including the cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the Municipal Officers may require. When the cable television company has completed its proposed system as set forth in its proposal, and in compliance with its franchise agreement, the Municipal Officers shall permit the company to cancel said bond except for an amount to cover the cost of dismantling the system.

**Article 4.7 Effective Date**

Ordinance adopted and enacted on: October 6, 1987
CHAPTER 5. CEMETERY

5.1 Authority
This ordinance is enacted pursuant to the authority in 30-A M.R.S.A. Section 3001 Ordinance Power and compliant with the regulations and all aspects, as may be applicable, of 13 M.R.S.A. Chapter 83 Cemetery Corporations.

Article 5.2 Purpose
The Cemetery Sexton in consultation with the Cemetery Maintenance Contractor and Cemetery Committee shall establish rules and regulations governing the use of Town Cemeteries.

Established rules and regulations to be incorporated within the text of the ordinance at the next annual Town Meeting, upon Board of Selectmen approval.

Article 5.3 Amendments
An amendment to this Ordinance may be initiated by:

A. The Selectmen provided that a majority of the Board has so voted; or
B. Written petition to the Selectmen bearing signatures of registered voters of the Town of Rangeley, Maine numbering at least ten percent (10%) of the number who voted in the last gubernatorial election.

Upon Municipal review and Notice of Public Hearing at least seven days prior to the date of the hearing, amendments to this ordinance will be drafted and proposed for Town Meeting approval.

Article 5.4 Effective Date
This Chapter and amendments thereto shall become effective upon a majority vote of a Town Meeting.
CHAPTER 6. ANIMAL CONTROL

6.1 Dog Control

6.1.1 Authority and Purpose

This Ordinance is enacted pursuant to the authority in Title 30A M.R.S.A., Sections 2102 and 3001. The purpose of this ordinance is to provide regulation in addition to those contained in Title 7, M.R.S.A., Sections 3911-3964 with respect to controlling dogs throughout the Town of Rangeley in the interest of the health, safety, and general welfare of the residents.

6.1.2 Definitions

1. “At large” means off the premises of the owner and not under the control of any person by means of physical restraint or of such personal presence and attention as will reasonably control the conduct of such dog.

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

3. “Nuisance” shall mean a dog, which by loud, frequent, and habitual barking, howling or yelping disturbs the peace; or a dog that chases person, vehicles or other animals; or a dog that causes damage to persons or property.

4. “Dangerous dog” shall mean a dog that causes reasonable fear of bodily injury to any person, or which attacks or threatens to attack any person or animal.

6.1.3 Regulations

1. An owner shall not permit a nuisance.

2. A dangerous dog shall be confined in a secure enclosure or on a chain or leash controlled at all times by the owner or custodian.

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

Article 6.1 Dog Control

6.1.1.1 Authority and Purpose

6.1.2 Definitions

6.1.3 Regulations

6.1.5 Animal Shelter Board Records

6.2 Waterfowl

6.2.2 Prohibited

6.2.4 Enforcement

6.3 Severability
6.1.4 Fees and Boarding Charges

Prior to the release of an impounded dog, the owner must show proof of license to the police officer or Animal Control Officer, and must pay to the Town Clerk such costs and fees as are established by the Board of Selectmen.

6.1.5 Animal Shelter Board Records

It shall be the duty of a Police Officer or Animal Control Officer to keep or cause to be kept an accurate and detailed record of the impoundment and disposition of all dogs coming into their custody.

6.1.6 Penalties

1. An owner who violates the provisions of this Ordinance shall be punished by civil penalties established by the Board of Selectmen. All penalties recovered shall be paid to the Town of Rangeley.

2. Each day of violation shall constitute a separate violation.

3. If the Chief of Police determines that a dog constitutes a habitual nuisance or is dangerous, the Town may seek a court order requiring the removal of the dog beyond the Town limits or the destruction of the dog.

Article 6.2 Waterfowl Control

Article 6.2.1 Purpose

The purpose of this Ordinance is to control the feeding and baiting of migratory and non-migratory waterfowl (hereinafter referred to as “waterfowl”) including those fowl classified as gulls, in order to protect the public health and the water quality of Rangeley Lake and surrounding bodies of water by reducing the amount of fecal matter from these fowl deposited in the water and on adjacent public and private shoreline and waterfront property.

Article 6.2.2 Prohibited

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the U.S. Fish and Wildlife Service or his/her designee in the conduct of waterfowl management practices, shall feed or bait any migratory or non-migratory waterfowl within the Shoreland of the Town of Rangeley. This Ordinance in not to prohibit the raising of domestic waterfowl as allowed by the Ordinance except that domestic waterfowl must be securely contained or penned in an enclosure in an area so as to prevent fecal matter from entering the bodies of water situated in the Town of Rangeley.
Article 6.2.3 Definitions

The following definitions shall apply unless the context clearly indicates another meaning:

1. “Waterfowl” shall mean any of the family Anatidae (ducks and geese) and or the family Laridae (gulls) migratory, non-migratory or resident.

2. “Feeding and Baiting” shall the placing, exposing, depositing, distributing or scattering, directly or indirectly of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice fowl to, on or over any such areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered.

Article 6.2.4 Enforcement

Any Animal Control Officer, Code Enforcement Officer, Health Officer or his/her designee or Police Officer of the Town of Rangeley may enforce this Ordinance.

Article 6.2.5 Penalty

Whoever violates any provision of this Ordinance shall pay such fine(s), as the Board of Selectmen shall determine, to be recovered, on complaint to the use of the Town of Rangeley. Civil process may be waived upon complaint by payment to the Town of Rangeley within 7 days of complaint.

Article 6.3 Severability

If any action, phrase, sentence or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Amended June 2003
CHAPTER 7. Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax

7.1 Authority

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

7.2 Excise Tax Exemption; Qualifications

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident’s vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident’s post, station or base, or from the commander’s designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, “United States Armed Forces” includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, “deployed for military service” has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purposes of this section, “vehicle” has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

7.3 Effective Date; Duration

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.
CHAPTER 8. CONSUMER FIREWORKS

8.1 Authority

This Ordinance is enacted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

8.2 Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Rangeley and of the general public.

8.3 Definitions

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

Section 8.3.1 Consumer Fireworks

"Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products which are illegal to sell, use, or possess in the Town of Rangeley or the State of 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 definition, "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.
Section 8.3.2 Display or Commercial Grade Fireworks

Fireworks that only trained and licensed pyro-technicians may handle and are regulated by the State of Maine and Federal Law.

Article 8.4 Permitting

Section 8.4.1 Required

No person shall use, display, fire, or cause to be exploded, consumer fireworks within the Town of Rangeley without a permit. This Section shall not apply to a person in possession of a fireworks display permit by the State of Maine pursuant to Title 8, MRSA Section 227-A.

Section 8.4.2 Fire Danger

No permit shall be issued on any day with a Fire Danger Class of 3, 4, or 5.

Section 8.4.3 Permissible Site

A person may use consumer fireworks only on that person's property or on the property of a person who has consented, in writing, to the use of consumer fireworks on that property.

Article 8.5 Use of Consumer Fireworks

Section 8.5.1 Restrictions

No person shall use, display, fire, or cause to be exploded, consumer fireworks within 100 feet of any buildings or structures.

A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Rangeley or in or from any watercraft within waters of the Town except on the following days and during the following times:

A) July 3rd, beginning at 12pm (noon) and ending at 10pm;
B) July 4th, beginning at 12pm (noon) and ending at 11 p.m.;
C) December 31st, beginning at 12pm (noon) and ending at 12:30 a.m. the following day; and
D) January 1st, beginning at 12pm (noon) and ending at 10:00 p.m.
E) With valid permit for all other dates/times during a calendar year and ending at 10 p.m.
Article 8.6 Violation & Enforcement

Section 8.6.1 Penalty

Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00) plus attorney's fees and costs to be recovered by the Town of Rangeley for its use. Each incident shall constitute a separate violation.

Section 8.6.2 Enforcement

This Ordinance shall be enforced by the Town of Rangeley Police Department and any other authorized responding law enforcement officer.

Section 8.6.3 Injunction

In addition to any other remedies available at law or equity, the Town of Rangeley, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

Section 8.6.4 Seizure & Disposal of Consumer Fireworks

The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Article 8.7 Exceptions

Section 8.7.1 Valid Permit

This Ordinance does not apply to a person or group of persons issued a fireworks permit by the Town of Rangeley pursuant to the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

Section 8.7.2 Municipality

The Town of Rangeley is exempt from the provisions of this Ordinance.

Article 8.8 Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.
Article 8.9 Effective Date

This ordinance shall take effect immediately upon enactment by the municipal legislative body.
CHAPTER 9. E911 EMERGENCY ADDRESSING

9.1 Purposes

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

9.2 Authority

This Chapter is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A, M.R.S.A., Section 3001.

9.3 Administration

This Chapter shall be administered by the Board of Selectmen or their designees, (hereinafter referred to as the Board of Selectmen) which is authorized to and shall assign road names and numbers to all properties both on existing and proposed roads, in accordance with the criteria in Articles 9.4 and 9.5. The Board of Selectmen shall also be responsible for maintaining the following official records of this section:

- A Town of Rangeley map for official use showing road names and numbers.
- An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- An alphabetical list of all roads with property owners listed in order of their assigned numbers.

9.4 Naming System

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

The following criteria shall govern the naming system:

- No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
• No two roads should have similar-sounding names (e.g., Beach Street and Peach Street.

• Each road shall have the same name throughout the entire length.

**Article 9.5 Numbering System**

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. (The frontage interval may vary in more densely or lightly populated areas, and it should be so indicated where that particular interval applies.)

The following criteria shall govern the numbering system:

• All number origins shall begin from the most easterly border of Rangeley or that end of the road closest to the designated border. (The numbering origin does not have to be the town center, but could be a border with another community. See step 2a on page 23 for suggestions.) For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

• The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.

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

**Article 9.6 Compliance**

All owners of structures shall, by the date stipulated in Article 9.8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

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

• Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line next to the walk or access drive to the residence or structure.
• Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located to be visible from the road. The Board of Selectmen will determine the minimum size of the number and the recommended color of assigned numbers.

• Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

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

Article 9.7 New Construction and Subdivisions

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

• New Construction: Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Board of Selectmen. This shall be done at the time of the issuance of the building permit.

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

Article 9.8 Effective Date

This Chapter shall become effective as of (July 1, 1997). It shall be the duty of the Town of Rangeley to notify by mail each property owner and the post office of a new address at least 30 (thirty) days before the effective date of its use. It shall be the duty of each property owner to comply with this Chapter, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

Article 9.9 Enforcement

Any violation of this Chapter shall be deemed to be a nuisance.
It shall be the duty of the Board of Selectmen or their designee to enforce the provisions of this ordinance. If the Board of Selectmen or their designee 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, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

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

Any person who violates any of the provisions of this ordinance after receiving notice of such violation shall be guilty of a misdemeanor, and, on conviction, shall be subject to a minimum fine of $100.00 up to a maximum fine of $2,500.00 for each violation by state law.
CHAPTER 10. FIRE LANES

10.1 Purpose

Fire lanes are established for the purpose of promoting the public health, safety, and welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the town within which and to which the public will be invited, served, or housed. These buildings or other areas must be provided prompt adequate emergency services, including access by firefighters and fire-fighting equipment and other emergency personnel and equipment in order to accomplish said purposes and effect the saving of life and property in emergency situations.

Article 10.2 Definitions

Section 10.2.1 A “fire lane” is defined for the purposes of this article as a designated unobstructed passageway at least twenty (20) feet in width with an outside turning radius of fifty (50) and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of year or weather conditions, around buildings, in areas or in developments or subdivisions as may be required elsewhere in this article.

Section 10.2.2 “Parking area” as defined in this article means lots, areas, or other accommodations for the parking of motor vehicles off the street, alley or other way, which said lots, areas or other accommodations are available for use by the public either with or without charge.

Article 10.3 Applicability

The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed and existing developments, subdivisions, buildings, and other premises, which are included within the following:

.1 Nonresidential subdivisions.

.2 Any nonresidential development not requiring subdivision approval.

.3 Residential subdivisions.

.4 Any proposed construction requiring site plan review by the Planning Board.

.5 All schools whether public or private.
.6 Hospitals.

.7 Convalescent homes, rest homes, and/or nursing homes.

.8 In addition to the foregoing, all other places of public assembly used for gathering together of fifty (50) or more persons.

Article 10.4 Establishment of Fire Lanes in the Town

Section 10.4.1 Each application for residential or nonresidential subdivision approval and each application for site plan review or review under the zoning regulations, chapter 38, submitted to the Planning Board shall be reviewed by the chief of the Rangeley Fire Department and/or the fire marshal of the fire district within which said development or building is located. The said fire chief and/or fire marshal shall review each such application to determine the location of such fire lanes as are necessary under this article and report his findings, recommendations and suggested designations of fire lanes to the Planning Board in writing, which findings, recommendations, and suggested designations of fire lanes shall be made a part of the record of proceedings before the Planning Board on each such subdivision site plan review application. In such case, the decision of the Planning Board shall govern the requirements and designation of said fire lanes.

Section 10.4.2 In any application for a building permit, occupancy or change of use permit not requiring subdivision or site plan review and approval, but otherwise included within Section 8-102 above, the building inspector shall notify the fire chief of the application for permit and the fire chief or fire marshal shall designate directly to the owner, owners or agent of the premises for which permit application is made the location of required fire lanes.

Section 10.4.3 Within existing developments and premises to which this article is applicable, the fire chief shall designate fire lanes by written order and shall notify in writing both the Planning Board and the owner, owners, or agents of such developments or premises by certified mail of such designation and of any specific requirements for compliance with this article and, shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the Town of Rangeley. The fire chief shall file one copy of any order of designation of any such fire lane with the town clerk. Any person aggrieved by such order may file with the clerk within fifteen (15) days after the date of the receipt of such order written notice of appeal, setting forth therein reasons for aggrievement.

Section 10.4.4 A public hearing shall be held by the Planning Board after which the board must affirm, modify or rescind such order within thirty (30) days of the public hearing. The board shall notify the fire chief, as may be applicable, by written communication, any and all action taken relative to the establishment of a fire lane.
Article 10.5  Maintenance and Identification of Fire Lanes

Fire lanes established under this article shall be kept free of ice and snow and rubbish containers or other obstructions. The owner, owners, agent or occupant of any premises to which this article is applicable shall cause to be erected, installed, and maintained at their own expense, permanent, adequate signs bearing the words, “FIRE LANE - NO PARKING - VEHICLES WILL BE TOWED AT OWNER’S EXPENSE” in or adjacent to said fire lane. Such owner, owners, agents or occupants shall cause such other and further declarations as are reasonably required by the fire chief to warn persons to keep said fire lanes unobstructed. Failure to maintain a fire lane in accordance with this section shall render the owner, owners, agent or occupant of said development liable to a fine in accordance with the general penalty provision of this code, with each continuing day of such violation constituting a separate offense.

Article 10.6  Compliance

Notice of establishment of fire lanes shall prescribe a reasonable time for compliance. If compliance is not obtained within said time, then such owner, owners, or agents shall be subject to a fine in accordance with the general penalty provisions of this code. Each day following such specified time for compliance shall constitute a new and separate violation. Reasonable time - seven (7) days.

Article 10.7  Parking Prohibited

Section 10.7.1  No person shall park or permit to stand a motor vehicle in any fire lane established in accordance with this article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

Section 10.7.2  The registered owner of said motor vehicle shall be presumed to be the operator of such vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, may be towed upon the direction of a police officer, to any public or private parking facility and all expense of such towing, and any subsequent storage shall be borne by the registered owner or operator of such vehicle.

Article 10.8  Penalty

Any person, owner or occupant of any development, subdivision, building or any other area of any established fire lane as designated in this code, who does not maintain a fire lane in accordance with Section 8-104 shall be liable for a fine or $100 with each continuing day of such violation constituting a separate offense.
Article 11.1 Purpose and Establishment

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

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

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

The Town of Rangeley has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A, M.R.S.A., Sections 3001-3007, 4352 and 4401-4407.

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


Article 11.2 Permit Required

Before any construction or other development (as defined in Article 11.13), including the placement of manufactured homes, begins within any areas of special flood hazard
established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits, which may be required pursuant to the codes and ordinances of the Town of Rangeley, Maine.

Article 11.3 Application for Permit

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

A. The name, address, and phone number of the applicant, owner, and contractor;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including, but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development, including all materials and labor;
F. A statement as to the type of sewage system proposed;
G. Specification of dimensions of the proposed structure and/or development;

(Items H-K.2 apply only to new construction and substantial improvements)

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

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones A1-30, AE, AO, and AH, from data contained in the “Flood Insurance Study - Town of Rangeley, Maine” as described in Article I; or,
   b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline, which passes along the ground through the site of the proposed building.

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

3. lowest floor, including basement; and whether or not such structures contain a basement; and
4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all new or substantially improved structures;

J. Either an Elevation Certificate (FEMA Form 81-31, 03/97, as amended) completed by a professional land surveyor, registered professional engineer or architect; or, for non-residential structures to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate;

K. Certifications as required in Article 11.6 by a registered professional engineer or architect that:

1. flood proofing methods for any non-residential structures will meet the flood proofing criteria of Article II.3.H.4; Article 11.6.G; and other applicable standards in Article VI;

2. engineered hydraulic openings in foundation walls will meet the standards of Article 11.6.L.2;

3. bridges will meet standards of Article 11.6.M;

4. containment walls will meet the standards of Article 11.6.N.

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

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

Article 11.4 Application Fee and Experts Fee

A non-refundable application fee of $15.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals need the assistance of a professional engineer or other expert. The expert’s fee shall be paid in full by the applicant within 10 days after the Town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the Ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the Municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant, who is dissatisfied with a decision of the Code Enforcement Officer may appeal that decision to the Board of Appeals.
Article 11.5  Review Standards for Flood Hazard Development Permit Applications

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article 11.6 (Development Standards) have, or will be met;

B. Utilize in the review of all Flood Hazard Development Permit applications, the base flood data contained in the “Flood Insurance Study - Town of Rangeley, Maine” as described in Article 11.1. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article 11.3.H.1.b; Article 11.6K; and Article 11.8.D; in order to administer Article 11.6 of this Ordinance.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article 11.1 of this Ordinance.

D. In the review of Flood Hazard Development Permit instructions, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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

F. Issue one of the following Flood Hazard Development Permits based on the type of development:

1. Issue a two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time, the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a professional land surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article 11.6, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
2. Issue a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated, but that meet the floodproofing standards of Article 11.6.G.1.a, b, and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. Issue a Flood Hazard Development Permit for Minor Development for all development that is no new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor developments also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects, such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and Certifications of Design Standards required under the provisions of Articles 11.3, 11.6, and 11.8 of this Chapter.

Article 11.6 Development Standards

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

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

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

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

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering and accumulating within the components during flooding conditions.
B. **Water Supply** - All new and replacement water supply systems shall be
designed to minimize or eliminate infiltration of flood waters into the systems.

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

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

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

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

1. Zones A1-30, AE, and AH shall have the lowest floor (including
   basement) elevated to at least one foot above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around
   structures on slopes, to guide floodwater away from the proposed
   structure.

3. Zone AO shall have the lowest floor (including basement) elevated
   above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the
      community’s Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated to at
   least one foot above the base flood elevation utilizing information
   obtained pursuant to Article 11.3.1.b; Article 11.5.B; or Article 11.8.D.

G. **Non-Residential** - New construction or substantial improvement of any non-
residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including
   basement) elevated to at least one foot above the base flood elevation,
or together with attendant utility and sanitary facilities shall:
a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water.

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the flood proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article 11.3K, and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade;

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth is specified; or,

   c. together with attendant utility and sanitary facilities be flood proofed to meet the elevation requirements of this section and floodproofing standards of Article 11.6.G.1.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article 11.3.1.b; Article 11.5.B; or Article 11.8.D, or

   a. together with attendant utility and sanitary facilities meet the flood proofing standards of Article 11.6.G.1.

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

1. Zones A1-30, AE and AH shall:

   a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,
be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

1. over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

2. frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

3. all components of the anchoring system described in Article 11.6, paragraph H.1.b(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. at least one foot higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified; and,

c. meet the requirements of Article 11.6.H.1.b.

4. Zone A shall:

a. be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation utilizing information obtained pursuant to Article 11.3.H.1.b: Article 11.5.B; or Article 11.8.D; and

b. meet the requirements of Article 11.6.H.1.b.

I. **Recreational Vehicles** - Recreational vehicles located within:

1. Zones A1-30, AH, and AE shall either:

a. be on the same site for fewer than 180 consecutive days,
b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article 11.6.H.1.a & b.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones A1-30, AE, AO, AH, and A, shall be exempt from the elevation criteria required in Article 11.6.F & G, above, if all other requirements of Article 11.6 and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habituation;

3. have hydraulic openings, as specified in Article 11.6.L.2 in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zones A1-30 and AE, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Insurance Rate Map" or "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article 11.6.K.3 unless a technical evaluation certified by a registered professional engineer is provided demonstrating
that the cumulative effect of the proposed development when combined with all other existing development and anticipated development:

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

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

3. In Zones A1-30, AE, and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article 11.6.K.2 a & b.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvements or any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Article 11.6, including the elevation requirements of Article 11.6, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts", or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article 11.13;

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

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

   b. meet or exceed the following minimum criteria;

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

      (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of food waters automatically without any external influence or control, such as human intervention, including the use of electrical and other non-automatic mechanical means;

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

4. The enclosed areas are usable solely for building access, parking of vehicles, or storing of articles and equipment used for maintenance of the building.

M. Bridges - New construction or substantial improvement of any bridge in Zones A1-30, AE, AO, AH, and A shall be designed such that:

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

2. a registered professional engineer shall certify that;
   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article 11.6.K; and
   b. the foundation and superstructure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values shall be those associated with the base flood.

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

1. Zones A1-30, AE, AH, and A shall:
   a. have the containment wall elevated to at least one foot above the base flood elevation;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this
section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article 11.3.K.

2. Zones AO and AH shall have adequate drainage paths around the containment walls on slopes, to guide floodwater away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community’s Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; and,
   c. shall meet the requirements of Article 11.6.N.1.b & c.

O. Wharves, Piers, and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, A1-30, AE, AO, and AH, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. commercial wharves, piers, and docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers’ Shore Protection Manual.

Article 11.7 Certificate of Compliance

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

A. For new construction or substantial improvement of any structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with Article 11.6, paragraphs F, G, or H.

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

C. Within 10 working days, the Code Enforcement Officer shall:
1. review the Elevation Certificate and the applicant's written notification; and,

2. upon determination that the development conforms to the provisions of this Ordinance, shall issue a Certificate of Compliance.

Article 11.8 Review of Subdivision and Development Proposals

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

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

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

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

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

E. Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with Article 11.6 of this Ordinance and that such requirement will be included in any deed, lease, purchase, and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including, but not limited to, a time-share interest. The condition shall clearly articulate that the Municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Article 11.9 Appeals and Variances

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

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

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

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

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

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

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

1. other criteria of Article 11.9 and Article 11.6.K are met; and
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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

1. the development meets the criteria of Article 11.9, paragraphs A through D above; and,
2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article 11.9, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

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

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

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

Article 11.10 Enforcement and Penalties

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter pursuant to Title 30-A, M.R.S.A., Section 4452.

B. The penalties contained in Title 30-A, M.R.S.A., Section 4452 shall apply to any violation of this Chapter.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the administration of the Federal Flood Insurance Administration requesting a denial or flood insurance. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;

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

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

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

Article 11.11 Validity and Severability

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

Article 11.12 Conflict with Other Chapters

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

Article 11.13 Definitions

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

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

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

Area of Shallow Flooding - means a designated AO and AH zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater change of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article 11.1 of this Chapter.
Base Flood - means the flood having a percent change of being equaled or exceeded in any given year, commonly called the 100-year flood.

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

Building - see Structure

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

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

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

Elevated Building - means a non-basement building

a. built, in the case of a building in Zones A1-30, AE, A, AO, or AH, to have the top of the elevated floor above the ground level by means of pilings, columns, post, piers, or "stilts"; and,

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

In the case of Zones A1-30, AE, A, AO, and AH, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeaded movement of flood waters.

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

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

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

Flood Insurance Study - see Flood Elevation Study

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

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

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

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

Floodway - see Regulatory Floodway

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

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

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

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

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

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

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

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

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article 11.6 of this Chapter.
**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article 11.6.J, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects, such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

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

**Recreational Vehicle** - means a vehicle, which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

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

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

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

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

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

Special Flood Hazard Area - See Area of Special Flood Hazard

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, and piers.
CHAPTER 12. MOORING

12.1 Purpose

The purpose of this chapter is to assure that owners of shorefront property are able to enjoy the privacy and water views that are expected with ownership of shorefront land.

Article 12.2 Authority and Administration

Section 12.2.1 Authority

.1 This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001 and to the extent applicable, Title 38, M.R.S.A., Section 3.

.2 This Chapter shall be known and cited as the Mooring Control Ordinance for the Municipality of Rangeley, Maine.

Section 12.2.2 Administration

.1 This Chapter shall be administrated by the Municipal Officials of the Town of Rangeley or their designee.

.2 The provisions of this Chapter shall apply to all land area that abuts a great pond or other navigable water course within the limits of the Town of Rangeley.

Article 12.3 Mooring Control

No person may moor, anchor, or otherwise affix or secure any boat or any other floating object within a mooring control area without explicit consent of the owner of the adjacent shorefront property.

Article 12.4 Duty of the Property Owner

It shall be the responsibility of the property owner to notify the police department of the Town of Rangeley of the violation of the ordinance within the mooring control area of his or her property.

Any property owner who notifies the police department of the Town of Rangeley of a violation of this ordinance thereby grants appropriate the authorities of the Town of
Rangeley access to his or her property for the purpose of investigating the alleged violation.

Article 12.6 Evidence

A boat or other floating object that is unlawfully moored in violation of this chapter shall be prima facie evidence of the unlawful mooring of the boat or floating object by the person in whose name such boat or floating object is registered.

Article 12.7 Notifications, Removal, and Recovery

Section 12.7.1 Notification

.1 The owner of the boat or floating object, if identifiable, will be notified to remove the mooring and the object attached to it within 24 hours or it will be subject to removal.

Section 12.7.2 Removal

.1 The police department may employ any reputable person engaged in the business of recovery and storage of boats to remove the illegally moored boat or floating object and its mooring by any means necessary to accomplish the removal. A written notice of the impounding will be sent to the owner at his or her last known address as shown by registration records. If the owner is unknown, the Town Manager or his designee shall cause to be published in the local newspaper, the notice of such impounding, giving the registration number and/or description of the boat or object.

Section 12.7.3 Recovery

.1 Before the owner of an impounded boat, floating object, and mooring ball may recover it from the possession of the person, who removed it from the site, the owner shall:

Furnish satisfactory evidence of identity and ownership to the police department and pay the established fee for advertising and the release. The fee amount is to be established annually by the Municipal Officials.

.2 Be furnished a two-part receipt upon payment of such charges; part one: a receipt for payment and part two: a release to be presented to the person having removed and stored the boat or object. The owner shall pay to that person all removal and storage fees.

Article 12.8 Violation

Any boat or other floating object secured in violation of this ordinance is declared to be a nuisance.
Article 12.9  Enforcement

This Ordinance shall be enforced by the Police Department for the Town of Rangeley.

Article 12.10 Definitions

Mooring  A device for securing a boat or other floating object usually by means of a chain or cable attached to an anchor or fixed object within the water or attached to the shore.

Mooring Control Area  The mooring control area is that area of water surface within 200 feet of the shore of a great pond or navigable water course that is bounded by lines perpendicular to the shore extending 200 feet from the boundaries of privately-owner property.
CHAPTER 13. PLANNING BOARD ORDINANCE
Adopted June 12, 2008

13.1 Establishment
.1 Pursuant to Article VIII-A of the Maine State Constitution and Title 30-A, M.R.S.A., Section 3001, the Town of Rangeley hereby establishes the Rangeley Planning Board.

.2 Pursuant to Article VIII, Pt. 2, Section 1 of the Maine State Constitution and Title 30-A, M.R.S.A., Section 3001, the Town of Rangeley hereby establishes a Planning Board. The Board, which has been acting as a Planning Board for the Town of Rangeley, is hereby reestablished as the legal Planning Board for the purposes of this Ordinance. The actions, which the Board took prior to the adoption of this Ordinance, are hereby declared to be the acts of the legally constituted Planning Board of the Town of Rangeley.

Article 13.2 Appointment

.1 Board members shall be appointed by the Municipal Officers, required to sign a Code of Ethics every year, and be sworn in by the Clerk or other person authorized to administer oaths. Members of any Board with a perceived conflict of interest on a specific issue shall excuse themselves from participation in any discussion and vote on said issue.

.2 The Board shall consist of five (5) members and two (2) alternate members with a quorum consisting of three (3) members.

.3 The term of each member shall be three years. Terms shall run from July 1st through June 30.

.4 When there is a permanent vacancy, the Municipal Officers shall, within 30 days of its occurrence, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation, including resignation by absence, or death of any member, or when a member ceases to be a legal resident of the town. The Municipal Officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.

.5 A Municipal Officer or their spouse may not be a member.

.6 All members shall be legal residents of the Town of Rangeley.
Article 13.3 Organization and Rules

.1 The Board shall elect a Chairman and a Vice-Chairman and fill such other offices as it may deem necessary noting that the Town hires secretaries for the boards. The term of office shall be for one year with eligibility for re-election with elections held in July.

.2 Any question of whether a member shall be disqualified from voting shall be decided by a majority vote of the members, except the member who is being challenged.

.3 The Chairman shall call at least one regular meeting of the Board each month.

.4 No meeting of the Board shall be held without a quorum consisting of three (3) members. The Board shall act by majority vote, calculated on the basis of the majority of the Board present and voting. Alternate members may not vote except when replacing an absent member.

.5 The Board shall adopt rules or bylaws 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 times.

Article 13.4 Duties and Powers

.1 The Board shall perform such duties and exercise such powers as are provided by Town Ordinances and the laws of the State of Maine.

.2 The Board shall submit an annual report to be included in the Annual Town Report.

.3 The Board, together with the Municipal Officers, is authorized to contract with federal, state, and private agencies to obtain goods and services necessary for its proper function.

Article 13.5 Repeal of Existing Planning Board Ordinances

.1 Adoption of this Ordinance shall repeal any and all previous Planning Board Ordinances.

Article 13.6 Effective Date

.1 This Ordinance shall become effective when enacted by the legislative body of the Town of Rangeley.
Article 13.7 Validity and Severability

.1 Should any action or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other provision of this Ordinance.

Article 13.8 Amendments

.1 This Ordinance shall be amended in accordance with procedures specified in Title 30-A, M.R.S.A., Section 3002 at any Town Meeting.
CHAPTER 14. VENDORS LICENSES

14.1 Definitions
14.2 Non-Profit Agencies
14.3 Requirements
14.4 Licenses and Fees
14.5 Violations and Penalties

Article 14.1 Definitions

Except as hereinafter provided, the term "Vendors" as used in this Chapter shall mean and include any person, whether principal or agent, who proposes to set up a temporary sales site, such as a sales table, kiosk or lunch wagon-style vehicle. A vendor is one whose business is of a temporary and completely portable nature. Vendors shall be defined as the following:

1. Short term - A vendor doing business in Rangeley for a maximum 3 days.
2. Seasonal - A vendor who doing business in Rangeley for the season, for more than 3 days or less than 5 months.
3. Organizational - A vendor who operates under an organization holding an event that has applied with the town for a permit for said event.
   a. For Profit - a business that is intended to return a profit to the owners.
   b. Non-profit - as defined by the IRS as conducting business exclusively for the benefit of the public.

Article 14.2 Non-Profit Agencies

Non-profit organizations shall apply for a waiver of the licensing fee for all Organizational vendors functions. Proof of non-profit status must be provided and a list of all Vendors must be included.

Article 14.3 Requirements:

All vendors shall meet the following requirements:

1. The vendor's operating site must be completely vacated at the end of each business day. All vendors must remove any signs, tables, or other miscellaneous items associated with the business by the end of the day.
2. Vendors require a license to operate and must follow the specific requirements set forth by the Town regarding where and when they may operate.
3. Vendors must observe all Town ordinances that apply to any operating business, such as the public display of license, parking, signs, and hours of operation.
4. Vendors must make an application in writing to the Board of Selectmen accompanied by photograph(s) or any applicable documentation of the vending unit or setup.

5. Vendors must have a certificate of insurance on file with the Town, meeting the minimum requirements as established by the Town.

6. An existing business who permits a vendor to operate on the business property must obtain an amendment to its conditional use permit.

7. Vendors must comply with all State and local requirements.

Article 14.4 License and Fees.

Every vendor desiring to do business in the Town of Rangeley shall file a completed application for a license for that purpose with the Board of Selectmen. Vendors’ license fees will be set by the Board of Selectmen and will be reviewed by the Board of Selectmen annually.

New Applications: An applicant for a new license may submit the license application and fee to the Board of Selectmen at any time during the year. Applications must be presented to the Town Clerk at least 30 days prior to event. New applications will be posted for a public hearing to be held at the next available meeting of the Board of Selectmen. An applicant for a new license must attend the public hearing. Upon approval of an application by the Board of Selectmen, the Town Clerk shall issue a vendor’s license. Any license, which is in effect for less than the full licensing period, shall include the dates for which the license is valid.

License Renewals: Renewal applications and license fees shall be submitted to the Town Clerk at least 30 days prior to the expiration date. Renewal applications shall be posted for review at a meeting of the Board of Selectmen. Upon approval by the Board of Selectmen, the Town Clerk shall issue a vendor’s license in conformity with this Ordinance.

Article 14.5 Violations and Penalties

A vendor, who sells, carries for sale, or offers for sale any goods, wares, merchandise, food, or other products, except as permitted by this Chapter or who fails to comply with any conditions imposed by the license shall forfeit their vendor’s license.

Violations of this chapter are also punishable by a civil penalty. The maximum penalty per violation shall be $100.00. Each day the violation continues constitutes a separate violation. Vendors who violate this Chapter shall be liable for court costs and reasonable attorney fees incurred by the Town.
When a violation of this Chapter is found, the Police Department shall issue a written notice of the violation to the responsible party or parties and shall also notify the Town Manager who will notify the Board of Selectmen of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen is directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief and the imposition of civil penalties that may be appropriate or necessary to enforce the provisions of this Chapter in the name of the Town of Rangeley.

Revised June 16, 2016 at Annual Town Meeting
CHAPTER 15. HAZARDOUS WASTE

15.1 Prohibited Actions

The storing, disposal, and treatment of hazardous wastes, and the overnight stopping of vehicles carrying hazardous waste that originated from outside the Town limits of the Town of Rangeley shall be unlawful.

15.2 Defined

Hazardous wastes shall be defined as such by referring to publication #06-096 Department of Environmental Protection, Chapter 850, Identification of Hazardous Wastes.

15.3 Penalty

Any person found to be in violation of this Ordinance shall be subject to a fine not more than $50,000.00 and not less than $1,000.00 for each offense, each day during which a violation occurs shall constitute a separate offense.

Adopted by the Board of Selectman on October 28, 1980.
CHAPTER 16. HEALTH HAZARDS

16.1 Prohibited Actions

No person shall throw or deposit or cause to be thrown or deposited in any street, sidewalk, court, square, lane, alley, or public place, any sawdust, soot, ashes, cinders, garbage, paper, shavings, hair, shreds, manure, waste, or dirty water, or any animal, vegetable or offensive matter whatsoever. No shall any person or persons thrown or cast any animal, live or dead, into any waters, within the town limits. Nor shall any person or persons throw or cast any foul or offensive matter into any waters within the town limits. No persons shall throw, cast, or place any living animal with intent to drown the same in any waters within the town limits.

Article 16.2 Liability and Action Taken

If any of the substances mentioned in Article 16.1 shall be thrown or carried into any street, sidewalk, court, square, lane, alley or public place, from any house, building, cellar, yard, or any other place, the occupant of such house or place, and the person who actually threw and carried the same therefrom, shall severally be liable for such violation of this chapter, and all such substances shall be removed at the expense of the occupant of the house or other place whence the same were thrown or carried within 24 hours after personal notice in writing to that effect given by the Constable, Chief of Police or Health Officer.

Article 16.3 Sewerage Disposal

No person shall throw or deposit, or cause to be thrown or deposited in any place, regardless of location or circumstance, within the town limits any sewage taken from private, or public, sewerage systems, or from any source whatsoever.

Article 16.4 Removal

All dirt, sawdust, soot, ashes, cinders, garbage, paper, shavings, hair shreds, manure, or any animal or vegetable substances of filth of any kind, in any house, building, cellar, yard, or other place which the health officer shall deem necessary for the health of the Town to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or other place where the same shall be found, and removed to such place as directed within twenty-four hours after notice in writing to that effect given by the Constable, Chief of Police or Health Officer.
Article 16.5 Enforcement

Whenever any person shall have been duly notified to remove any of the above substances, or to perform any other act or thing which it may be his duty to perform for the preservation of the health of the town and the time limit for the performance of such duty shall have elapsed without a compliance of such notice, the Constable, Chief of Police or Health Officer shall forthwith cause such substance to be removed at the expense of the person so notified. And the Constable, Chief of Police, or Health Officer shall cause all persons who shall violate or disobey any provision of this chapter to be prosecuted and punished. And if, in the opinion of the Health Officer, it shall be for the health or comfort of the inhabitants of the town that any particular substance should be removed forthwith and without delay, it shall be his duty to cause the same to be removed accordingly. And if the said substance existed in violation of this Chapter, or of any of the laws, regulations, or ordinances relating to the health of the Town, then the expense of removing the same shall be paid by the owner or occupant of the house, or other place where the same was found, and if payment be refused on demand therefore by the Constable, Chief of Police, it shall be sued for in the name of the Town.

Article 16.6 Penalty

Whoever violates any provision of this ordinance shall be subject to a fine of not less than $10.00 and not more than $50.00
CHAPTER 17. IMPACT FEES

17.1 Purpose

As new developments are undertaken and completed in the town, those new developments usually add a new burden to the off-site municipal infrastructure - services like sewer and solid waste systems, traffic systems, school system, public safety providers, and recreation resources. If the new burden requires expansion of the infrastructure or absorbs part of the capacity of the existing infrastructure, the new development should funds its fair share. This chapter sets forth the method by which this process will be implemented.

Article 17.2 Facilities Impact Analysis

Section 17.2.1 The Planning Board may require the applicant for a new development to provide a Facilities Impact Analysis.

Section 17.2.2 All costs to the Town to evaluate such an analysis shall be paid by the applicant.

Section 17.2.3 The Facilities Impact Analysis shall provide estimates of how the development will affect the several elements of the infrastructure, including the following as appropriate:

.1 Impact on the sewer system, showing flow and capacity.
.2 Impact on solid waste system
.3 Impact on traffic systems
.4 Impact on the school system
.5 Impact on public safety providers
.6 Impact on recreation resources

Section 17.2.4 The preparation of these analyses shall include input from the appropriate town agencies.

Section 17.2.5 If the project is for housing, a demographic study may be required, at the option of the Planning Board. The demographic analyses would include the following projections:

.1 Type of family, including income levels
.2 Average family size
.3 Numbers and age of children
.4 Schedule of occupancy for the dwelling units
.5 Projected selling prices of the units
.6 Other
Article 17.3 Determination and Assessment of Impact Fees

Section 17.3.1 The Planning Board may require the applicant to participate in the funding of municipal infrastructure, as follows:

Where it appears from the above analyses, that the proposed development will result in a requirement for expansion, reduction or reserve capacity or other negative impact on any existing infrastructure system or service, the Planning Board shall establish a fair-share level of participation by the applicant in the funding for that system or service.

Section 17.3.2 The Planning Board shall establish the fair-share level of participation by the following process:

1. There shall be a determination of the portion of the existing or proposed expanded capacity that is allocable.

2. An estimate shall be made of the cost of the replacement value of consumed resources and/or an estimate shall be made of the cost of expansion.

3. The applicant's fair share shall be determined by applying to the total estimated cost, a fraction that is appropriate for the portion of the resources that is allocated to the new development.

Article 17.4 Implementation of Improvements

Section 17.4.1 The Planning Board shall select the method by which the applicant shall bear his share of the cost.

1. In the case where the applicant uses all or part of an existing resource, the applicant will pay the impact fee at the time of approval of the final plan.

2. In the case where expansion or improvement of a system is required, the Planning Board may select one of the following methods.

   1. The applicant may be authorized to do the work as directed by the town and recovers from future applicants their fair share of the cost;

   2. The town may agree to do the work, with the applicant paying the appropriate impact fee at the time of approval of the final plan; the payment will be held in a separate fund until expended on the project; in the event that the project is not completed within X years, the unexpended portion of the fee will be refunded with interest.

February 1, 1990
CHAPTER 18. LANDFILL, TRANSFER STATION, RECYCLING

18.1 Authority
18.3 Purpose
18.5 Applicability
18.7 Separation Order
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Article 18.1 Authority

This chapter is adopted pursuant to Home Rule powers as granted in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917.

Article 18.2 Citation & Effective Date

This chapter shall be known as the Landfill, Transfer Station, Recycling Chapter of the Rangeley Town Code adopted and effective by vote of the town meeting on December 16, 1991.

Article 18.3 Purpose

The purpose of this Chapter is to encourage the recycling of newspaper, corrugated paper, high grade white paper, number 2 plastics, three colors of glass, aluminum, tin, and any other recyclable goods that the Sandy River Waste Recycling Association (that the Town of Rangeley has joined), might deem recyclable due to market flexibility, in order to reduce landfill costs and preserve valuable landfill space.

Article 18.4 Administration

The Selectmen of the Town of Rangeley will administer and enforce the provisions of this Chapter.

Article 18.5 Applicability

This Chapter shall apply to all users of the Rangeley Landfill, Transfer Station including residents/non-residents, other townships/plantations that have contracts with the Town of Rangeley concerning the Rangeley Landfill, Transfer Station, commercial/industrial establishments and commercial haulers.

Article 18.6 Separation

All newspapers, corrugated paper, high grade white paper, number 2 plastics, three colors of glass, aluminum and tin shall be separated individually from other wastes and deposited at the recycling depot.
Article 18.7  Separation Order

The Town is aware that some people and businesses will find it difficult to separate the recyclable wastes described above in Article 18.6. Taking this fact into consideration, together with the evidence that unrecycled wastes described above in Article 18.6 will create additional expense for the Town in landfills or transferring such material and/or reduce the life of the landfill, a fee may be imposed by the Board of Selectmen for UNSEPARATED recyclable waste as described in Article 18.6 for the following items.

.1 per bag or trash can for any vehicle.
.2 per cubic yard for bulk loads.

Article 18.8  Collection of Separation Option Fees

Section 18.8.1  The Landfill-Recycling Attendant may collect fees as described in Article 18.7.1 and .2 and Article 18.9.

Section 18.8.2  The Landfill-Recycling Attendant shall report weekly the amount of fees collected and deposit such fees to the Town Manager.

Article 18.9  User Fees

Fees may be charged for disposal of tires, so-called “white goods” demolition debris/landfill material and O.B.W. (oversized bulky waste), according to the following identification:

Section 18.9.1  Each passenger car tire (no rims); each truck tire 16-inch diameter and larger (no rims); each tractor/skidder tire or similar tire (no rims).

Section 18.9.2  Each washer, dryer, stove or similarly-sized appliance; each refrigerator/freezer.

Section 18.9.3  Per cubic yard or less, for demolition debris/landfill material.

Section 18.9.4  Per cubic yard for oversized bulky waste (O.B.W.) or O.B.W. (couches, chairs, mattresses, etc...)

Article 18.10  Wastes Prohibited

No commercial hauler shall dispose of any wastes at the Rangeley Landfill/Transfer Station that were collected outside the Township/Plantations that contract with the Town of Rangeley for use of its landfill/transfer station.

18.11 Enforcement

The Landfill/Transfer Station - Recycling Attendant shall have the authority to refuse the use of the facility to any person, corporation, or other user who does not conform to the
provisions of this Chapter and the guidelines set forth in the D.E.P. permit dated July 5, 1989.

Article 18.12 Penalties

Any person or corporation convicted of violating any provision of this chapter by UNAUTHORIZED DISPOSAL shall be punished by a fine not to exceed one hundred dollars ($100.00) for each violation.

Article 18.13 Power to Grant Variances and Waivers

Where the Board of Selectmen finds that extraordinary and unnecessary hardship may result from the strict compliance with the provisions of this Chapter, the Board of Selectmen may grant an appeal, variance, or waiver.

Article 18.14 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Article 18.15 Appeals

An appeal may be taken within 30 days from the Board of Selectmen’s decision by any party to Superior Court in accordance with Rule 80B of the Maine Rule’s of Civil Procedure.

Article 18.16 Amendments

This Chapter may be amended by a majority vote of those present and registered to vote at a Town Meeting. Amendments may be initiated by a majority vote of the Board of Selectmen or on petition of 10% of the votes cast in the last gubernatorial election in the Town of Rangeley. The Board of Selectmen shall conduct a public hearing on any proposed amendment.

Article 18.17 Definitions

In general, words and terms used in this chapter shall have their customary dictionary meaning. More specifically, certain words and terms used herein are defined as follows:

Section 18.17.1 Commercial Hauler: Any user, either an individual or a company, which hauls materials to the landfill site for others for a fee.

Section 18.17.2 Landfill Attendant: The Selectmen of the Town of Rangeley or the town employees or agents authorized by said Selectmen to act in their stead at the Landfill/Transfer Station site.
Section 18.17.3 Newspaper: Dry, clean newspaper deposited loose, not bundled, they may include inserts that come with the newspaper, but keep all foreign material, such as strings, rope or plastic, staples, etc., out of the load.

Section 18.17.4 Corrugated paper: Corrugated paper boxes should be broken down flat and deposited into the correct roll-off container compartment, it must be dry and clean material. The light-colored Japanese-made cardboard or the waxy coated vegetable boxes, cereal boxes, shoeboxes, and cartons or materials of that kind are not acceptable. Staples and tape should be removed. Brown paper bags can be included with corrugated cardboard.

Section 18.17.5 HDPE (#2) Plastics: Look for the recycling logo on the base of the container encircling the number 2. HDPE plastics include: plastic milk containers, some oil and antifreeze bottles, some margarine or other tubs, laundry detergent and some shampoo bottles. All the number 2 plastics must be rinsed clean. Paper labels on the plastic do not have to be removed. Oil and anti-freeze bottles must be completely drained. Any HDPE plastic bottles or containers must be crushed flat or cut in half to save space.

Section 18.17.6 Glass: Glass jars and bottles must all be rinsed and clean. Clear glass should be collected separately from colored glass, but the different colored glass (green and amber) can be mixed together. Any metal caps or rings must be removed. If the label can be removed without too much difficulty, then citizens should remove them, but glass containers at this time can be accepted with labels. Window glass, plastic, car windshields, light bulbs, and ceramic glass cannot be accepted.

Section 18.17.7 Steel (tin) cans: Steel cans or "tin cans" should be rinsed out and labels must be removed. The top and bottom of the cans should be cut off and the can crushed flat. Paint cans, spray cans, and aerosol cans cannot be accepted. Some cans are made with aluminum tops. Any easy way to distinguish between the two is to check the material with a magnet - only steel will be attracted.

Section 18.17.8 Aluminum: The aluminum should be separated from any non-aluminum parts. There are many sources of recyclable aluminum, including foil (clean), pie plates, law furniture, window frames, etc...

Section 18.17.9 High Grade White Paper: This paper includes computer paper, stationary, copy paper, mail envelopes (without the plastic or cellophane windows), notebook paper, etc...Do not include paper bags, glossy paper, tape, post-it notes, magazines, carbon paper, construction paper, newspapers, or any staples or other non-paper objects.

Section 18.17.10 Unauthorized Disposal: Dumping your waste in any area that is not designated as a "dump/transfer station/landfill" and/or dumping at a designated "dump/transfer station/landfill" without the permission of the town’s authorized attendant, employee, or Selectmen. Also, no dumping after hours at the designated area, or at the gate of the designated area.
Section 18.17.11 Oversized Bulky Waste (O.B.W.): i.e., couch, chair, mattresses, pressure-treated wood, particle board, and p.v.c. pipe.

Section 18.17.12 Demolition Debris/Landfill Material: asphalt roofing, sheetrock, masonry debris, porcelain - i.e., toilets, asbestos material.

Section 18.17.13 Ordinance Board of Appeals: An appeal board to review grievances with any chapter of this code.

Article 18.18 Definitions of Changes

The definitions of the recyclable wastes in sections 18.17.3 through .9 described above in Article 18.17 may change at any time, in the way they must be prepared, as the markets that the recyclable wastes are sold to, may change their requirements.
CHAPTER 19. LOITERING

Article 19.1 Loitering Prohibited

Section 19.1.1 No person shall loiter in or on any street, road, highway, sidewalk, land, park or public place, or adjacent thereto, or in or near the entrance of any public buildings in the Town of Rangeley between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, or on any day after having been verbally directed to move on by any Police Officer, Constable, Deputy Sheriff or State Police Officer.

Section 19.1.2 No person shall unlawfully loiter in or about any private dwelling or on the premises adjacent thereto in the Town of Rangeley at any time to the discomfort or alarm of any person lawfully in or going to or from such dwelling, or after having been verbally directed by any Police Officer, Constable, Deputy Sheriff, or State Police Officer to remove himself from or leave said premises.

Article 19.2 Penalty

Any person violating any of the preceding sections shall be subject to a fine of not more than one hundred dollars ($100.00) plus costs, which fine shall be recovered on complaint to the use of the Town of Rangeley.

Article 19.3

The above loitering chapter was accepted at the Town Meeting on March 20, 1973.
CHAPTER 20. DEPUTY CODE OFFICER

20.1 Authority
20.3 Appointment
20.5 Qualifications

20.2 Purpose
20.4 Duties

Article 20.1 Authority

This chapter is adopted pursuant to home rule powers as granted in article VII-A of the Maine Constitution and Title 30-A M.R.S.A. §3001.

Article 20.2 Purpose

To establish the office of Deputy Code Enforcement Officer.

Article 20.3 Appointment

The Deputy Code Enforcement Officer shall be appointed by the Town Manager. The Deputy’s term shall be one year.

The Town Manager may remove the Deputy for cause after notice and Hearing. More than one Deputy may be appointed. The appointment must be in writing and should state the extent of the Deputy’s authority and term of office.

Article 20.4 Duties

The duties of the Deputy Code Enforcement Officer shall be to assist the regular Code Enforcement Officer in the performance of his or her duties as directed by the Code Enforcement officer. In the event that the Code Enforcement Officer is absent or otherwise unavailable, the Deputy is authorized to act on his or her behalf.

Article 20.5 Qualifications

The Deputy must meet the same qualification as the Official in whose place he or she is supposed to act. The Deputy must be sworn into office before performing any official duties.
CHAPTER 21. OUTDOOR FESTIVALS

21.1 Purpose

Section 21.1.1 WHEREAS, the inhabitants of the Town of Rangeley, concerned about potential public health and safety problems that may arise when crowds assemble for any organized event, desire to provide a balance between the right of assembly and the legitimate rights of privacy of the residents of the Town.

Section 21.1.2 WHEREAS, there is a recognized need to address matters of waste disposal, portable water, first aid, sanitation, road and highway capacity, law enforcement, and the protection of public and private property.

Section 21.1.3 NOW, THEREFORE, this ordinance is adopted to address these matters as they may affect health, safety, and welfare.

Article 21.2 License Required

No person, organization or other entity shall exhibit, sponsor, hold, promote or operate any outdoor event, including without limitation, any pageant, amusement show, theatrical performance, music concert, exhibition or parade at which the continued attendance of 500 or more people is expected for more than six (6) hours, or which will take place on municipal property or on public streets, without first procuring a license therefore from the Board of Selectmen.

Article 21.3 License Requirements

Section 21.3. Application

An application for an Outdoor Festival license, and payment of the application fee prescribed in the Fee Schedule of the Town of Rangeley, shall be delivered to the Town clerk no less than forty-five (45) days before the beginning of the event.

A. Description of the drinking water, sanitation, and waste disposal facilities to be provided, including the number and type of toilets.

B. Confirmation for the Town Manager that all necessary municipal services, including police, fire, and ambulance, will be provided.

C. Description of the size and location of parking areas and location of traffic control personnel.
D. Evidence of permission of the owner of the property or properties to be used for the event or for parking.

E. Identification of all persons, organizations or other entities responsible for the event.

F. Description of the activities and facilities involved in the event, and the hours of their operation.

G. Evidence that the party or parties responsible for the event have adequate liability insurance for the event.

Section 21.3.2 Other Conditions

The Board of Selectmen may impose additional conditions upon the event, including, but not limited to:

A. Requiring a bond or escrow fund to insure prompt clean up of the area.

B. Requiring the employment or private security personnel or police officers.

C. Prescribing other precautions appropriate to the size, location, and purpose of the event, such as restrictions on the hours of operation, limitation on signage, requirements for fencing or other steps deemed necessary to protect the public health, safety, and welfare.

Article 21.4 Severability

Each part of this ordinance is severable and if any phrase, clause, sentence or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby.
CHAPTER 22. NUISANCE / NOISE

22.1 Purpose

Noise - The purpose of this Ordinance is to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of Rangeley through the reduction, control and prevention of excessive noise. In addition to 29-A M.R.S.A. §§ 1912, 2079, 2079-A, as may be amended from time to time (regarding motor vehicles); 12 M.R.S.A. § 13070, as may be amended from time to time (regarding airmobiles the following shall apply:

Article 22.2 Definitions:

Unreasonable Noise shall mean any excessive or unusually loud sound that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities within the Town. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to, the following: intensity of the noise, whether the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the intensity of the ambient noise, the proximity of the noise to sleeping facilities, the zoning district within which the noise emanates, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and whether alternate methods are available to achieve the objectives of the sound producing activity.

Person shall mean any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political, administrative or legal entity of any kind.

Plainly Audible shall mean any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

Article 22.3 Prohibitions:

General Prohibitions. No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary or unreasonable noise or disturbance, or any noise or disturbance that disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance, especially between the hours of 10:00 PM and 7:00 AM.
Specific Prohibitions. The commission of one or more of the following acts shall be deemed a violation of this Ordinance and shall be considered a noise disturbance and public nuisance, provided that the instrument, device, vehicle or other noise source is plainly audible from (a) the property line of the premises from which the noise emanates if the noise is from a fixed location; or (b) a distance of fifty feet (50') from the building, structure, location or vehicle from which the noise emanates, whichever distance is greater:

1. Horns and Signaling Devices. The repeated sounding of any horn or signal on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

2. Mobile, Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such a manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

3. Radios, Musical Instruments and Phonographs. The playing, using or operating of any radio, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, comfort or repose of any other persons in the vicinity with a volume louder than is necessary for the reasonably convenient hearing for the person or persons or voluntary listeners thereto who are in the immediate vicinity, vehicle or chamber in which such machine or device is operated between the hours of 10:00 PM and 7:00 AM or at any time so as to annoy or disturb the quiet, comfort or repose of any persons located within or upon the premises of any office, dwelling, hotel or other type of residence or business.

4. Vocal disturbances. Yelling, shouting, singing, hooting and whistling between the hours of 10:00 PM and 7:00 AM or at any time which makes an unreasonable noise which annoys or disturbs the quiet, comfort or repose of any persons located within or upon the premises of any office, dwelling, hotel or other type of residence or business.

5. Vehicular Noise. Vehicles used, operated, or revved in such a manner as to create loud and unnecessary noise that is audible above background sounds and that disturbs the peace and quiet of others.

6. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

7. Parties and Other Social Events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and
resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

Animal Noise Prohibitions. Except as provided in subparagraphs 1 and 2 below, no owner shall permit or allow any animal to bark, howl or make other sound common to its species if such sounds recur in steady, rapid succession for 20 (twenty) minutes or more or to recur intermittently for one hour or more.

1. Shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
2. Shall not apply to farm animals kept on property the principal use of which is the production of farm products, or to commercial kennels.

Article 22.4 Exemptions:

The following shall be considered exempt from this Ordinance:

1. Any person who has obtained a Special Sound Permit from the Town.
2. All signaling devices, safety signals and warning devices required by state, federal, or local law; all signaling devices, safety signals and warning devices installed pursuant to manufacturer’s specifications; or any other device used to alert persons to any emergency or used during the conduct of emergency work including, but not limited to, police, fire and medical/rescue vehicle sirens.
3. Any vehicle owned by and operated by federal, state or local government or a utility in the performance of its duties.
4. Any government or utility emergency repair.
5. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.
6. Musical, recreational and athletic events conducted by and on the site of a school or municipal facility.
7. Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 10:00 P.M. (including, but not limited to, lawn mowers, hedge trimmers, weed trimmers, chain saws and leaf-blowers).
8. Noise associated with routine snow removal activities where customary practices and equipment are used and where the snow removal equipment is operated within the manufacturer’s specifications and in proper operating condition.
Rangeley Town Code

9. Any activity or conduct, the regulation of which has been preempted by federal or state law.

10. Logging and commercial trucking companies.

Article 22.5 Quiet-Hours construction permits

The Code Enforcement Officer may issue or renew a quiet-hours construction permit only upon finding that:

1. The public health and safety will not be impaired by said construction between the hours of 10:00 p.m. and 7:00 a.m.

2. All quiet-hours construction permits shall meet the following provisions:
   a. The permit shall expire when the urgent necessity ceases to exist, regardless of the term of the permit.
   b. The length of any one permit may not exceed three days.
   c. Permits may be renewed in additional three-day increments.

3. The Board of Selectmen may set permit fees from time to time. No permit shall be issued except upon payment of the applicable fee, if any.

Article 22.6 Special Sound Permits

Any person may apply to the Town Manager for a Special Sound Permit to authorize the production or generation of noise that would otherwise be in violation of this Ordinance prior to engaging in such activity. Any request for such a permit must be made at least forty-eight (48) hours before the time the intended noise-producing activity will commence. The Town Manager or his designee has the authority to grant or deny a Special Sound Permit, but the decision shall be made subject to the following standards:

1. The activity producing the noise must be an event that occurs infrequently on the premises for which the Special Sound Permit is requested.

2. The applicant may not receive more than two (2) Special Sound Permits for any particular premises in any twenty-eight (28) day period.

3. Reasonable conditions may be imposed on the Special Sound Permit.

Article 22.7 Appeal of Denial of Special Sound Permit
An applicant may appeal the denial of a Special Sound Permit to the Board of Selectmen. Such an appeal must be filed within ten (10) days of the denial of the permit. The Board of Selectmen shall conduct an administrative hearing on the appeal. In the event such an appeal is not satisfactorily resolved before the Board of Selectmen, the applicant may appeal the Board of Selectmen’s decision to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Article 22.8 Violations and Penalties

A violation of this Ordinance shall be a civil violation.

Any municipal officer or their designee or any sworn law enforcement officer of the Rangeley Police Department or their designee may issue a civil violation complaint, in the same manner as would be the case with a parking violation, to the individual responsible for any such device emitting sound in violation of this Ordinance, including the driver of a motor vehicle, or the registered owner of the vehicle, the owner of record of a residence, the proprietor of a business or the person who is in physical control of the device responsible for the unreasonable or excessive noise. Actions shall be prosecuted in Maine District Court located in Farmington in accordance with Rule 80H of the Maine Rules of Civil Procedure.

For any first violation of this Ordinance, there shall be imposed a civil fine or penalty in such amount as specified in the Rangeley Fee Schedule, as established by order of the Board of Selectmen and as amended by the Board of Selectmen from time to time. Each subsequent violation within a two (2) year period from the date of the first violation shall carry with it a civil fine or penalty of double the prior penalty. A violation-free period of two (2) years shall return the penalty to the minimum.

In addition to civil penalties for any violation hereof, the District Court shall require the violator to pay the Town’s reasonable attorney’s fees and costs incurred in connection with prosecution of the enforcement action.

A person charged with a violation of this Ordinance may admit the violation and avoid the necessity of further legal action by payment of a waiver fee to the Town in the amount of the minimum fine for the violation; provided, however, that the violation(s) alleged in the civil violation complaint shall be deemed admitted for the purpose of assessing any future penalties under this section. Upon receipt of such payment to the Town, the Town shall cause the complaint to be dismissed. Failure to pay the waiver fee within seven (7) days from the date of issuance of the complaint shall result in further enforcement action, including, without limitation, liability for the full amount of the fine for the violation and any other appropriate relief.

Approved at Town Meeting on June 16, 2016.
CHAPTER 23. PESTICIDES

23.1 Adopted
23.3 Purpose and Definition
23.5 Notification
23.7 Restricted Area
23.9 Effective Date

23.2 Summary
23.4 Drift Management Plan
23.6 Pesticide Control Officer
23.8 Amendments, Validity, and Severability

Article 23.1 Adopted

May 20, 1989

Article 23.2 Summary

Pursuant to the revised Statutes of the State of Maine, as amended, 22 M.R.S.A., Section 1471-U and 1471-V, the Rangeley Municipal Ordinance for control of pesticides became void and of no effect after December 31, 1988, so that, as of that date, the only regulations for pesticide control in effect in Rangeley are the Pesticide Regulations for the State of Maine. The following are the Chapter Regulations for Rangeley:

Article 23.3 Purpose and Definition

The Town of Rangeley enacts this Pesticides Chapter to the Town Code to adopt the pesticide regulations of the State of Maine and the following regulations supplementary to the Pesticide Regulations of the State of Maine. The term “pesticide” includes, and is limited to, pesticides regulated by the State of Maine.

Article 23.4 Drift Management Plan

Any party who plans to apply pesticides by powered equipment to an area of two acres or greater shall submit a Drift Management Plan to the Selectmen for approval. The Drift Management Plan will describe the methods proposed for compliance with the requirements of Chapter 22 of the Pesticide Regulations promulgated by the Board of Pesticides Control, Maine Department of Agriculture.

Article 23.5 Notification

Any party who plans to apply pesticides by powered equipment to an area of two acres or greater shall notify all landowners within 500 feet of the perimeter of the area to be treated. The method of notification shall comply with the regulations set forth in Section 6C-1 of Chapter 22 of the State Pesticide Regulations.

Article 23.6 Pesticide Control Officer

The Selectmen of the Town of Rangeley shall appoint a Pesticide Control Officer. The duties of the Pesticide Control Officer shall be to monitor compliance with the requirements for Drift Management Plans and notification as set forth herein. The
Pesticide Control Officer shall cooperate with State Officials to promote compliance with the State Pesticide Regulations.

Article 23.7 Restricted Area

Within one-half of a mile of the intersection of Main St. and Pleasant St., there shall be no spraying of pesticides by powered equipment except by special permission of the Selectmen. If such special permission is granted, operating requirements more stringent than state regulations may be set by the Selectmen.

Article 23.8 Amendments, Validity, and Severability

This Chapter may be amended by a Town Hearing of the Town of Rangeley, legally warned, called, and conducted. The provisions of this Chapter are severable. Should any Section of this Chapter be declared by any Court to be invalid, such decision shall not invalidate any other Section or Provision.

Article 23.9 Effective Date

The effective date of this Chapter is the date on which it shall have received any required approval from a State entity and is affirmatively voted at Town Meeting. Unless otherwise ordered by a Court of Competent Jurisdiction, this Ordinance shall remain in effect until terminated or amended by majority vote of a town meeting.
CHAPTER 24. PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE
(6/14/2012)

24.1 Purpose and Enabling Legislation
24.2 Title and Definitions
24.3 PACE Program
24.4 Conformity with the Requirements of the Trust
24.5 Program Administration; Municipal Liability

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 Town of Rangeley wishes to establish a PACE program; and

NOW THEREFORE, the Town of Rangeley hereby enacts the following Ordinance:

ARTICLE 24.1 PURPOSE AND ENABLING LEGISLATION

Section 24.1.1 Purpose

By and through this Chapter, the Town of Rangeley 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 to be in conformity with federal and State laws.

Section 24.1.2 Enabling Legislation

The Town enacts this Chapter 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 24.2 TITLE AND DEFINITIONS

Section 24.2.1 Title
This Chapter shall be known and may be cited as “the Town of Rangeley Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

Section 24.2.2 Definitions

Except as specifically defined below, words and phrases used in this Chapter shall have their customary meanings; as used in this Chapter, 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 Rangeley.

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 24.3 PACE PROGRAM**

Section 24.3.1 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.

Section 24.3.2 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 24.4 CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**
Section 24.4.1 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 24.5 PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

Section 24.5.1 Program Administration

1. 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:

   A. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;

   B. the Trust, or its agent, will create and record a Notice of the PACE agreement in the Franklin County Registry of Deeds to create a PACE mortgage;

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

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

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

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

   G. 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.

2. 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.
3. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality’s PACE program.

4. 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.

Section 24.5.2 Liability of Municipal Officials; Liability of Municipality

1. 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.

2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article 24.5, Section 24.5.1.1 above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.
CHAPTER 25. RECALL OF ELECTED OFFICIALS

25.1 Authority
This ordinance is adopted pursuant Title 30-A M.R.S.A. Section 2602 (6)

25.2 Applicability
Any Elected Municipal Official, with the exception of School Board Members, of the Town of Rangeley may be recalled and removed from office as provided herein.

25.3 Petitions for Recall
a. Only registered voters of the Town of Rangeley may sign petitions for recall. To be valid the recall petition shall contain a number of valid signatures equal to twenty-five percent (25%) of the number of votes cast for Governor in the last gubernatorial election in Rangeley.

b. The petition shall be addressed to those members of the Board of Selectmen who are not subjects of the petition; if petitions for the recall of all Selectmen are submitted, the petitions shall be addressed to the Town Clerk.

c. The petition shall state the name and office of the person whose removal is being sought and shall list the specific reasons for recall and cite specific examples of behavior for which recall is being sought, consistent with Article 25.8.

d. If recall of more than one person is being sought, there shall be a separate petition for each person whose removal is being sought.

e. Each page of the petition shall provide a space for each voter’s signature, residence address (NOT a P.O.) and printed name.

f. All pages of the petition shall be filed as a single document.

g. At the bottom of each page of the petition, the circulator of that page shall certify that to the best of his or her knowledge, each signature is genuine.
Article 25.4 Clerk's Certification

Within ten (10) days of receipt of the petition the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the procedural qualifications as set forth in Article 25.3 of this ordinance and has set forth grounds for removal in compliance with Article 25.8. Should the petition be found insufficient, the petition shall be filed in the Town Clerk’s office and the voter who filed the petition shall be notified.

Article 25.5 Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with his or her certification to the Board of Selectmen at the next meeting and shall notify the person or persons whose removal is sought of such action.

b. The Selectmen, upon receipt of the certified petition, within ten (10) days, shall order an election by secret ballot pursuant to 30-A MRSA 2528 to be held not less than 45 nor more than 60 days thereafter, unless a regular municipal election is scheduled to be held within 90 days of receipt of the certified petition and in this case the recall election shall occur on the date of the regular municipal election.

c. In the event that the Selectmen fail or refuse to order an election as herein provided the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectmen's failure or refusal to order the required election, except as set forth in Article 25.5(b) above.

d. If at any time between the time of ordering the election and the date of the election the person whose recall is sought requests a public hearing, the Selectmen shall promptly schedule such a public hearing on the recall election.

Article 25.6 Ballot for Recall Election

Unless the official(s) whose removal being sought resigns within ten (10) days of receipt of the certified petition by the Board of Selectmen, the ballots shall be printed and shall read:

“SHALL ______________________________ BE RECALLED FROM THE OFFICE/ BOARD OF ______________________ (any elected position)?” with the name of the person whose recall is being sought inserted in the blank space. The Voter shall indicate their choice by a cross, X, or checkmark placed in the appropriate box under the words YES or NO.
Article 25.7 Results of Election

If a fifty-five percent (55%) majority of those voting in a recall election shall vote in favor of recalling such official, such official is thereby removed from office upon certification of the vote by the Town Clerk.

Article 25.8 Grounds for Recall

Grounds for recall: An elected official may be recalled for:

(a) failure to carry out the duties and responsibilities of the office;
(b) engaging in conduct which brings the office into disrepute;
(c) engaging in conduct which displays an unfitness to hold the office; or
(d) for the conviction of a felony crime under the laws of the State of Maine and/or a felony under the laws of the United States or entry of a plea of guilty to such an offense.

Limitations: (A.) No petition for recall shall be filed against an official who has been in office less than six (6) months, or with fewer than 60 days remaining in office. (B) If an official has been subjected to a recall election and not removed, no recall petition shall be filed against that official until at least twelve (12) months have passed since said recall election.

Article 25.9 Vacancies to Be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine Law.

Article 25.10 Effective Date

This ordinance shall take effect immediately upon enactment by the Municipal Legislative Body at the Annual Town Meeting scheduled for June 16, 2016.
CHAPTER 26. RANGELEY FIRE DEPARTMENT
(Adopted September 12, 1975 - Amended October 21, 1991)

26.1 Department Created
26.3 Compensation
26.5 Duties of Firefighters
26.7 Rules of General Administration

26.2 Appointments
26.4 Duties of Fire Chief
26.6 Removal for Cause

Article 26.1 Department Created

There is hereby created a fire department for the Town of Rangeley, which consists of the fire chief and such other members as may be provided by the Board of Selectmen.

Article 26.2 Appointments

The fire chief shall be appointed by the Board of Selectmen for a term not to exceed four years, taking into consideration the recommendation of the fire department. All other appointments within the department shall be made by the fire chief.

Article 26.3 Compensation

The compensation of all members of the department shall be set by the Board of Selectmen within the limits of town meeting appropriations.

Article 26.4 Duties of the Fire Chief

The municipal fire chief shall be the administrating officer of the fire department and shall be responsible to the Board of Selectmen for the performance of the department in all its functions.

Article 26.5 Duties of Firefighters

All members of the fire department shall serve subject to the orders of the fire chief.

Article 26.6 Removal for Cause

Any member of the fire department may be removed for cause after notice and hearing.

Article 26.7 Rules of General Administration

The Board of Selectmen was authorized to promulgate personnel rules and regulations dealing with general administration of the fire department and with the conduct of its members.
CHAPTER 27. ROAD CONSTRUCTION

06/27/88 adopted
06/10/03 amended

27.1 Authority/Purpose
27.3 Construction Standards
27.5 Construction
27.7 Inspection Fees

27.2 Standards from Subdivision
27.4 Pavement
27.6 Appeal

Article 27.1 Authority / Purposes

Section 27.1.1 This Ordinance is adopted pursuant to and in accordance with the provisions of Title 30, M.R.S.A., Chapter 201-A, Section, 1917 (Municipal Home Rule).

Section 27.1.2 The purpose of this Ordinance is to assure public safety and general welfare through regulation of the design and construction of all roads proposed to be built within the Town of Rangeley. The legislative body may accept no road unless it meets the requirements and standards of this Ordinance.

Section 27.1.3 No road may be accepted as a town way unless the Town of Rangeley receives title in fee simple.

Section 27.1.4 To assure that all roads built in the Town of Rangeley are constructed to acceptable standards.

Section 27.1.5 A “road” as used herein shall also mean a “street”.

Article 27.2.1 Street Design

Proposed streets shall be in harmony and conformance with existing and future streets. Street patterns shall give due consideration to contours and natural features. Every proposed street shall be laid out and constructed as required by the following minimum regulations.

.1 Existing Streets Extended: Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the existing width.

.2 Street Names: Street names require the approval of the Board of Selectmen. Streets that are obviously in alignment with street already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
.3 Intersections: All street intersections shall be at angles as close as ninety (90°) degrees as possible. In no instance shall street intersections be at an angle less than sixty (60°) degrees.

.4 Curb Line Radius: The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersection is less than ninety (90) degrees, a longer radius may be required.

.5 Dead End Streets: In addition to the design standards above, dead end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii: property line 60 feet; outer edge of pavement 50 feet. The use of a hammerhead turnaround may be permitted as an alternative to a cul-de-sac turnaround. In the case of a hammer-head turnaround, it shall be 30 feet wide and 60 feet long as measured from the center line of the abutting street and shall be located at least 50 feet from the end of the travel way. All hammerhead turns must be installed as right hand turns.

.6 Catch Basins: Catch basins (of standard design) shall be built where necessary. Provisions must be made for natural watercourses. Culverts of proper size and capacity will be installed at all watercourses with necessary headers.

.7 Sidewalks: The Planning Board or Road Commissioner shall have the authority to designate whether sidewalks shall be required.

.8 Utilities: Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances. Utility poles and electrical underground utility boxes shall be placed at minimum seven (7) feet from the edge of the shoulder.

.1 All new streets shall be classified as follows:

.1 The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips.

.2 The number of dwelling units to be served by the street may be used, as a useful indicator of the number of trips, but is not conclusive.

.3 Whenever a new street continues an existing street or is expected to be continued at some future time, the classification of the street will be based upon the street in its entirety.

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
.2 The classification of streets shall be as follows:

.1 Local: A Street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than 45 dwelling units and is expected to or does handle not more than 450 trips per day.

.2 Collector: A Street whose principle function is to carry traffic between local streets or between local streets and arterial streets, but that may also provide direct access to abutting properties.

Section 27.2.3 Construction Specifications

<table>
<thead>
<tr>
<th>Item</th>
<th>Collector</th>
<th>Local</th>
<th>Mobile Home Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum width of Right of Way</td>
<td>60 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>2. Minimum width of pavement</td>
<td>24 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>3. Minimum grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
</tr>
<tr>
<td>4. Maximum grade</td>
<td>8%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>5. Maximum grade at intersections</td>
<td>3% L</td>
<td>3% L</td>
<td>3% L</td>
</tr>
<tr>
<td>6. Minimum angle of intersections</td>
<td>60°</td>
<td>60°</td>
<td>60°</td>
</tr>
<tr>
<td>7. Width of shoulders</td>
<td>6 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
</tr>
<tr>
<td>8. Minimum center line radii of curves</td>
<td>200 ft.</td>
<td>200 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>9. Minimum tangent length between reverse curves</td>
<td>100 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>10. Road base (minimum)</td>
<td>18 in.</td>
<td>18 in.</td>
<td>18 in.</td>
</tr>
<tr>
<td>11. Surface leveling course</td>
<td>4 in.</td>
<td>4 in.</td>
<td>4 in.</td>
</tr>
<tr>
<td>12. Road crown (minimum)</td>
<td>¼ in./ft.</td>
<td>¼ in./ft.</td>
<td>¼ in./ft</td>
</tr>
<tr>
<td>13. Sidewalks width (where required)</td>
<td>4 ft.</td>
<td>4 ft.</td>
<td></td>
</tr>
<tr>
<td>14. Property line radii (intersections)</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>15. Curb radii at intersections (90°)</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Less than 90° intersections</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>17. Bituminous hot top</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
Total Thickness
3 in.  3 in.  3 in.

Surface Course
1 in.  1 in.  1 in.

Base Course
2 in.  2 in.  2 in.

Section 27.2.4 Gravel Surface Roads:

Certain local roads may be constructed with gravel surfaces. The Road Commissioner and Planning Board shall review requests for gravel-surfaced roads. In reviewing requests for gravel surface roads, the following requirements shall be met, in addition to all other design standards. Note: A road proposed to be accepted as a Town street must be paved prior to Town acceptance.

.1 Existing or projected traffic volumes shall not exceed 50 vehicles per day.

.2 The area has a low development density.

.3 Dust from the road surface will not adversely affect adjacent properties.

.4 The surface materials must support the traffic loads without detrimental deformation.

.5 The surface materials must be capable of withstanding the abrasive action of traffic.

.6 The surface materials shall shed rain which falls on the surface.

Section 27.2.5 Privately Owned Roads

Private roads may be permitted within a subdivision provided the following are met:

.1 Road Standards. All private roads shall be designed and constructed in accordance with this Chapter.

.2 Private Road Services Single Development. No road intended to be private may be planned to be extended to serve property outside the subdivision.

.3 Drainage. Adequate provisions are made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural watercourses.

.4 Maintenance. The subdivider shall demonstrate to the satisfaction of the Planning Board that the private road will be property maintained.

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
.5 Deed Restriction. The subdivider shall cause each property deed to clearly state that the road is a private road, and the Town of Rangeley will not be responsible for maintaining or plowing.

.6 Plan Condition. The recorded subdivision plan shall clearly state that such road is private.

FOR ALL STREET AND ROAD CONSTRUCTION, THE FOLLOWING STANDARDS ALL APPLY:

Section 27.3.1 The graded areas plus five (5) feet, or a minimum of fifty (50) feet width of Right of Way (R-O-W) shall be cleared of all stumps, roots, business, and perishable materials, including trees except those that do not interfere with travel or use and are deemed by the Road Commissioner to be desirable for shade or beautification.

Section 27.3.2 Excavation shall consist of removing and satisfactorily disposing of all materials encountered within the limits of work. Suitable material taken from excavation may be used in fill areas. Suitable material shall mean excavation that is free from all stumps, roots, business, grass turf or other objectionable material. In case the foundation material is soft or otherwise unsatisfactory, it may be necessary to excavate to a greater depth and backfill with a granular material.

Section 27.3.3 In areas where fill is ten (10) feet or less, side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical. Slopes in fill areas greater than ten (10) feet will require guardrails and shall be no steeper than two (2) feet horizontal and one (1) foot vertical. In-slopes and back-slopes in road areas susceptible to erosion, and in all lawn areas, shall be covered with two (2) inches of loam compacted, seeded, and adequately mulched. If the side slope extends outside the required right-of-way, the applicant shall expand the right-of-way to include the entire slope area.

Section 27.3.4 Adequate drainage/ditching shall be provided along all roads and streets. All drainage pipes except subsurface storm drainage systems shall be new corrugated metal or corrugated plastic pipe with a minimum diameter of fifteen (15) inches. Larger size pipe will be required where the potential flow of water dictates. Culverts shall be of sufficient length to reach from the center of ditches on each side of the roadway. Driveway culverts shall be new corrugated metal or corrugated plastic pipe with a minimum diameter of fifteen (15) inches and a minimum length of twenty-four (24) feet. Where the potential flow of water dictates, larger diameter culverts will be required.

Section 26.3.5 The sub grade shall be compacted and shaped to provide drainage before the application of the grave / equivalent base. The sub grade, depending upon the thickness of the sub base course, shall be a minimum thirty-six (36) feet in width for collector roads and minimum of thirty-four (34) feet in width for local roads.

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
Section 27.3.6  Sub base course thickness shall be minimums of eighteen (18) inches on fill sections. A minimum of twenty-four (24) inches of sub base shall be used on cut sections of earth or ledge, except if the cut section is through existing clean, durable, well draining sand or gravel, the sub base thickness may be reduced to eighteen (18) inches.

Section 27.3.7  The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel or equivalent materials as determined by the Road Commission. The gravel shall consist of hard, durable particles that are free from vegetable matter, lumps or balls of clay, and other deleterious substances. The gradation of the portion, which will pass a three (3) inch sieve, shall meet grading requirements that are commonly accepted as standard engineering practice in the State. Sub base materials shall contain particles or rock that will pass through the six (6) inch square mesh sieve. This sub base course shall be placed uniformly over the entire width of sub grade. The sub base will have a minimum width of twenty-eight (28) feet consisting of a twenty (22) foot roadway and two 3 feet wide shoulders for collector roads and a minimum of twenty-six (26) feet consisting of a twenty (20) foot roadway and two 3 foot wide shoulders for minor roads. All sub bases shall be placed in a minimum of two layers with the top layer not exceeding a compacted depth of nine (9) inches. The gravel base or equivalent material shall be thoroughly compacted one layer at a time.

Section 27.3.8  Sub base materials may be gravel or blasted rock with the Road Commissioner’s approval. Shale with friable edges or visible layering will not be considered acceptable as sub base materials. Sub base materials must pass the state requirements for road construction materials as denoted in Section 703.6 Materials may be subject to passing an abrasion (AASHTO T96) test prior to being accepted as equivalent materials.

Section 27.3.9  A four (4) inch compacted leveling course of surface screened gravel with rock not to exceed $1\frac{1}{4}$" shall be placed over the gravel base course for grading purposes.

Article 27.4  Reserved

Article 27.5  Reserved

Article 27.6  Appeal

All construction shall be to the satisfaction of the Road Commissioner. Appeal of Road Commissioner decisions may be made to the Board of Selectmen.

Article 27.7  Inspection Fees

The Board of Selectmen will set inspection fees.

Highlighted amendments passed at a Special Town Meeting on September 8, 2005
CHAPTER 28. SERVICE CHARGE
(Adopted January 10, 1989)

28.1 Summary
The Board of Selectmen shall, annually, assess a service charge upon the owners of certain institutional and organizational real estate, provided such real estate is:

.1 Totally exempt from property taxation under 36 M.R.S.A., Section 652;
.2 Residential property used to provide rental income; and
.3 Not a parsonage or used as student housing.

28.2 Computation of Service Charge
The service charge shall be an amount equal to the assessed valuation of the property multiplied by the mill rate to be certified in the tax commitment multiplied by the Service Charge Ratio. The Service Charge Ratio shall be a ratio wherein the numerator is the sum of appropriations for public safety, public health and sanitation, highways, and any other services other than education and welfare, and the denominator is the total appropriation under all budget categories approved by the annual town meeting.

28.3 Assessment and Collection
Each year, the town assessor shall determine on April 1, the valuation of all property subject to this chapter in the same manner as the taxable property, and submit a list of all such properties, their valuations and their owners of record to the Board of Selectmen prior to May 15. Immediately after the town meeting, the Board of Selectmen shall compute the Service Charge Ratio for the current year and the service charge upon each owner subject to this ordinance. The service charges shall be collected by the town manager, who shall have all the right and remedies provided by law, including the lien process. The billing shall be August 1, or the closest business day, and payment shall be due September 1, or the next business day. Interest shall be added to unpaid service charges at the same rate as that set at each annual town meeting for property taxes unpaid at due date.

28.4 Cap on Fees; Abatement
No service charge levied on any owner subject to this chapter shall exceed 2% of the gross annual revenue from the property. The amount in excess of 2% gross revenue for the calendar year preceding the year in which the service charge was assessed shall be
abated provided that the owner files with the Board of Selectmen an audit of the revenues for such preceding year.

Article 28.5 Appeals

Any owner subject to this ordinance shall have the same rights of appeal as an owner subject to property tax.
CHAPTER 29. RESPONSIBILITIES OF THE SEWER COMMISSION
(February 1987, Selectmen)

29.1 Budget
29.3 Abatement Policy
29.5 Operation and Maintenance
29.7 Changes

29.2 Rate Schedule
29.4 Enforcement
29.6 Expenditure Authorization

Article 29.1 Budget

The Sewer Commission shall be responsible for presenting a budget for review to the Selectmen and to the Budget Committee. A representative of the Sewer Commission shall be present at both the Selectmen’s review and the Budget Committee meeting to inform them in regards to the Sewer Budget.

Article 29.2 Rate Schedule

The Sewer Commission shall be responsible for the setting of the Sewer Rate Schedule and the Unit Charge.

Article 29.3 Abatement Policy

The Sewer Commission shall be responsible for setting Abatement Policy and ruling on abatement requests, which may be subject to review by the Board of Appeals.

Article 29.4 Enforcement

The Sewer Commission shall be responsible for the enforcement of the Sewer Ordinance and informing the Board of Selectmen as to any violation of the Sewer Ordinance that might require prosecution of the violator or violators. Legal action shall not be entered into without approval of the Board of Selectmen.

Article 29.5 Operation and Maintenance

The Sewer Commission, under the direction of the Town Manager, shall oversee the operation and maintenance of the complete Sewerage Treatment Facilities.

Article 29.6 Expenditure Authorization

Section 29.6.1 All expenditures from the Budget of the Sewerage Treatment Facilities shall be authorized as follows:

$ 0 - 25.00 any authorized employee of the Sewer Department
$ 25.00 - 150.00 must be signed by the department head
$150.00 - 500.00 must be authorized by the Town Manager
Section 29.6.2 All expenditures above $500.00 must be recommended by a majority of the Sewer Commission Members before they are presented to the Town Manager. If an emergency arises and a majority of signatures cannot be obtained then it shall not be necessary to obtain a majority before submitting a purchase order to the Town Manager.

Article 29.7 Changes

The Sewer Commission shall recommend to the Board of Selectmen any changes in the Sewer Ordinance for consideration at Town Meeting.
CHAPTER 30. SEWER

30.1 Definitions  
30.3 Private Sewage Disposal  
30.5 Licensing of Persons Authorized to Make Connections to the Public Sewers  
30.7 Use of the Public Sewers  
30.9 Protection from Damage  
30.11 Sewer Service Charges  
30.13 Penalty  
30.15 Repeal of Conflicting Ordinances  
30.17 Effective Date  
30.2 Use of Public Sewers Required  
30.4 Building Sewers and Connections  
30.6 Sewer Extensions  
30.8 Pretreatment and Permitting of Industrial or Unusual Wastes  
30.10 Power and Authority of Inspectors  
30.12 Intermunicipal Sewer Service  
30.14 Interpretation of Requirements and Appeals  
30.16 Severability

This is an Ordinance, pursuant to Title 30-A, Chapter 161, and other applicable law, as amended, regulating the use of public and private sewers and drains, private sewage disposal, the installation and connecting of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof; in the Town of Rangeley, County of Franklin, State of Maine.

The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Rangeley by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, or commercial, shall not result in pollution, health hazards, or other nuisance. Hereafter, any person owning any building or structure within the Town of Rangeley which is the source of sewage and/or commercial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

Article 30.1 Definitions

Section 30.1.1 Language and terminology used in this Ordinance shall have the meanings commonly used and recognized in the wastewater collection and treatment field by professionals familiar with that field.

Section 30.1.2 Specific definitions of some frequently used and referenced terms can be found in Appendix A of this Ordinance.

Section 30.1.3 "Wastewater Treatment Facility" is also known as the Sewer Department consisting of all public sewer treatment facilities including interceptor piping and connections, force main piping and connections, pump stations, treatment plant and facilities, treatment processes, and other assets along with personnel and vehicles of the Town of Rangeley utilized for the purpose of collecting, conveying, and treating sewage. The Wastewater Treatment Facilities exist as a Division of Rangeley Public Works Department operated by the Town of Rangeley.
Article 30.2 Use of Public Sewers Required

Section 30.2.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any lake, pond, stream or harbor or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste. The term "unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

Section 30.2.2 It shall be unlawful to discharge to any natural outlet within the Town of Rangeley, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of State, Federal and local laws and regulations.

Section 30.2.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, leachfield, cesspool, or other facility intended or used for the disposal of sewage except where no public sewer is available and where such private facilities are constructed or maintained in conformance with all State and municipal laws, ordinances, or regulations.

Section 30.2.4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage, situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after receipt of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line, unless prevented by topographical or other reasons. The Sewer Commission may, after receiving the recommendation of the Code Enforcement Officer, Town Engineer, and/or Superintendent, grant exceptions to residential housing units for newly installed private septic systems determined to be less than five (5) years old or where excavation of the public highway is prohibited by State law or regulation, or where unusual circumstances exist due to the presence of ledge, or financial hardship. In the event that an exception is granted under this section, a connection must be made within ten (10) years of the date such exception was granted. In cases where a building sewer stub has been provided, yet the property is not connected to the sewer system for any reason, the Town may assess a "Ready to Serve" fee as defined in Article 30.11.

Article 30.3 Private Sewage Disposal

Section 30.3.1 Where a public sewer is not available under the provisions of Article 30.2, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the State Plumbing Code Part II, Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 and/or Town Ordinances as may be amended from time to time.
Section 30.3.2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written plumbing permit signed by the Local Plumbing Inspector (LPI). The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Local Plumbing Inspector. A permit and inspection fee shall be paid at the time the application is filed. The amount of this fee shall be as set by the Town and/or by the State of Maine.

Section 30.3.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector (LPI). The LPI shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall give the Local Plumbing Inspector at least twenty-four (24) hours prior notice of when the work is ready for final inspection, and before any underground portions are covered.

Section 30.3.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 30.3.5 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 30.3.6 When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after the date of official notice and the private septic tank or cesspool shall be cleaned of sludge and filled with clean bankrun gravel or dirt or removed. Upon inspection and to the satisfaction of the Local Plumbing Inspector (LPI), the Sewer Commission may allow the continued use of a private wastewater disposal system for the duration of its useful life up to a period not exceeding ten (10) years from the date a public sewer became available and in accordance with Article 30.2 of the Ordinance.

Article 30.4 Building Sewers and Connections

Section 30.4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a sewer connection permit from the Commission. All the work related to the installation of building sewers, and the connection to the public sewers shall be performed by persons licensed by the Sewer Commission. Requirements to obtain licensure shall be as indicated on standard application for licensure as issued by Commission.

Section 30.4.2 For all connections onto the sewer system, there will be both a connection fee and an inspection fee. The connection fee shall be paid at the time that the applicant files a permit for the connection. The inspection fee shall be paid at the time that the connection to the sewer is physically made. The amount of these fees shall be set annually by the Sewer Commission.
Section 30.4.3 There shall be two (2) classes of building sewer connection permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commission.

Section 30.4.4 One copy of the permit shall be available for inspection at all times at the site of the work.

Section 30.4.5 In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the Sewer Commission. The applicant may be required to pay an initial deposit. The amount of deposit shall be estimated by the Town and upon payment by the applicant, kept in a non-interest bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the Town, a second deposit shall be made and handled in the same manner as the first.

Section 30.4.6 All costs and expenses, incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 30.4.7 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building, if approved by the Commission.

Section 30.4.8 Existing building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Commission, to meet all requirements of this Ordinance.

Section 30.4.9 Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight lines and at all bends greater than 22 ½ degrees. The cleanouts shall consist of wyes and 45 degree elbows. Cleanouts shall be installed vertically to within 6 inches of the surface. A stainless steel strap shall be installed around the top of cleanouts constructed of nonmetallic pipe to allow their detection with a metal detector.

Section 30.4.10 Where possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building
sewer. Plans and details of the proposed lifting method shall be submitted to the Sewer Commission for review.

Section 30.4.11 No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer without specific written permission from the Sewer Commission.

Section 30.4.12 The applicant for the building sewer permit shall notify the Wastewater Department at least forty-eight (48) hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Wastewater Department or its representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes thereto.

Section 30.4.13 When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled, and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent may require it to be reexcavated for inspection.

Section 30.4.14 All excavations for a building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

Section 30.4.15 Main sewer collector lines which are constructed within subdivisions, condominiums and other developments, and which eventually discharge or connect into the public sewer system shall not be accepted by the Town of Rangeley for ownership and maintenance; but remain privately owned and privately maintained unless within a public right-of-way. The engineering design for the construction of sewer lines within subdivisions, condominiums and other developments shall comply with this Ordinance and shall be submitted to the Commission for written approval. The Commission and Superintendent may require that the engineering design plans be submitted to the Town's Consulting Engineer for their evaluation and approval prior to final approval by the Commission. Cost of the Town's Consulting Engineers to review, comment, recommend and approve the engineering design plans and the cost of on-site inspection during construction, shall be borne by the applicant, subdivider, developer or builder who shall agree in writing when the sewer plans are submitted to the Commission that he/she will pay for all review, approval and inspection costs. Private individual connections into private sewer lines shall also conform to this Ordinance.

Section 30.4.16 No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.
Section 30.4.17 The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Town. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the Town.

Section 30.4.18 When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Sewer Commission, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Sewer Commission shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Sewer Commission or its representative. If required, a new manhole shall be installed in the public sewer pursuant to Appendix B, and the building sewer connection made thereto as directed by the Town or its representatives.

Section 30.4.19 All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water. Alternately, the line may be air tested as defined in Appendix B.

Section 30.4.20 The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

Section 30.4.21 Sewer design including building services, sewer collectors and interceptors shall conform to the State Plumbing Code and to the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix B. Any deviation from the prescribed procedures and materials must be approved by the Superintendent as being equivalent of, or superior to, those specified before installation.

Article 30.5 Licensing of Persons Authorized to Make Connections to the Public Sewers

Section 30.5.1 Plumbers and drain layers of established reputation and experience will be licensed by the Commission as Master Drain Layers authorized to perform work, subject to compliance with the following requirements.

.1 Applicants for licenses are required to pay a filing fee established annually by the Commission as Master Drain Layer, payable to the Town, all of which will be refunded to the applicant if his application is rejected.
.2 If required by the Commission, applicants for licenses shall file with the Commission a proper and acceptable Performance and Guarantee Bond in an amount established annually by the Commission which shall remain in full force and effect for a period of one year from the date of application.

.3 Applicants for licenses, after approval by the Commission, shall file with the Commission, a Certificate of Insurance with minimum limits of liability established annually by the Town Manager to cover Public Liability and a Certificate of Insurance covering Property Damage that meets limits established annually by the Town Manager. In addition, a Certificate of Insurance covering Workmen's Compensation at statutory limits shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Commission and the Town of Rangeley against any and all claims, liability, or action for damages, incurred in or in any way connected with, the performance of the work by a Master Drain Layer, and for or by reason of any acts or omission of said Master Drain Layer in the performance of his work.

.4 Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

.5 The application fee for licensing may be waived in the case of Master Plumbers.

Section 30.5.2 Other than licensed Master plumbers, the Commission will license Journeymen Plumbers and Drain Layers, who are personally engaged in making physical installation of sewer and drain connections upon payment of a license fee to be established annually by the Commission. If acting in the capacity of a Contractor, all provisions of Section 30.5.1 shall apply to this category.

Section 30.5.3 All licenses expire one year from the date of issuance thereof and no licenses are transferable. The fee for each renewal thereof shall be as established annually by the Commission which shall be due and payable on or before the anniversary date of issue.

Section 30.5.4 The Commission reserves the right to revoke any license if any provision of said license is violated.

Section 30.5.5 All licensees are required to give personal attention to all installations and shall employ only competent workers.

Section 30.5.6 All licensees are required to give a full written report to the Commission within twenty-four (24) hours in the event that prohibited substances are found in a sewer or house drain during the course of the work.
Section 30.5.7 Notification of the completion of the work with certification that all conditions of the Sewer Ordinance have been completed shall be filed in writing by the Superintendent with the Code Enforcement Officer and the Commission after the completion of the work covered in each permit.

**Article 30.6 Sewer Extensions**

Section 30.6.1 Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Commission, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Article 30.4. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town. The cost of such extensions may be assessed to the benefited property owners by the Town in any manner recommended by the Sewer Commission.

Section 30.6.2 If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Sewer Commission in accordance with the requirements of this Article. They must pay for the entire extension, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fee shall be paid. Design of sewers shall be as specified in this Article and the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix B. The installation of the sewer extension must be subject to periodic inspection by the Town or Town's Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Commission's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required in Appendix B before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including the costs of all building sewers.

Section 30.6.3 All extensions to the sanitary sewer system shall be designed by a Professional Engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the Sewer Commission at least forty-five (45) days before the regularly scheduled Sewer Commission meeting at which Sewer Commission approval of the plans and specifications will be evaluated. The expenses incurred by the Town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations that may be deeded to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.
Section 30.6.4 All testing of sewers shall be conducted in the presence of a designee of the Sewer Commission. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

Section 30.6.5 All sewer extensions constructed at the property owner's, builder's or developer's expense in which installation follows the specifications set forth in this Ordinance, after formal written final approval by the Sewer Commission and acceptance by the Town, may become the property of the Town, at the Town's sole discretion, and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed by the owner, builder, or developer against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 100% of the Engineer's estimate of the cost of the extension. The Town is under no obligation to accept any new sewer extension. Extensions that remain privately owned shall be maintained by their owners.

Section 30.6.6 No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of sewage disposal is proposed.

Section 30.6.7 Connection of the sewer extension to the Town's facilities shall not be permitted until, 1) the completed sewer has been tested and passed to the satisfaction of the Superintendent, 2) all fees have been paid to the Town for the approved lots to be connected, 3) the one year maintenance guarantee bond in a form acceptable to the Town has been delivered, and 4) a formal decision has been made by the Town to retain the line as private and to allow its connection to the public sewer or to allow it to be connected for later consideration for acceptance as a Town sewer.

Section 30.6.8 Should the Town, at its sole discretion, elect to accept the connected sewer as a public sewer to be owned by the Town, no such acceptance may be made until 1) reproducible record drawings of the completed sewer have been provided to the Town, 2) an offer has been made from the owner(s), builder(s) or developer(s), in a form acceptable to the Town, to transfer ownership and maintenance responsibilities and property and easement rights to the Town, and 3) the Town has formally agreed to accept the sewer line.

Article 30.7 Use of the Public Sewers

Section 30.7.1 No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer without specific permission from the Sewer Commission.

Section 30.7.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be
discharged, on approval of the Town, to a storm sewer or natural outlet if in accordance with regulations of the Maine Department of Environmental Protection.

Section 30.7.3 None of the following described waters or wastes shall be discharged or caused to be discharged to any public sewers:

.1 Pollutants which create a fire or explosive hazard, gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid, or gas, or any substance that may generate or form any flammable, combustible or explosive liquid, solid, or gas when combined with air, water or other substances present in the sewers.

.2 Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

.3 Cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

.4 Waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.

.5 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, cardboard, lime slurry, lime residues, beer or distillery slops, whey, paint, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

.6 Liquids or vapor having a temperature higher than one hundred-fifty (150) degrees Fahrenheit or 65 degrees Celsius.

.7 Water or waste containing fats, soluble fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances, which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (and 0 to 65 degrees Celsius) which, in the sole opinion of the Superintendent, may overload or inhibit or otherwise cause adverse impacts on the treatment plant and its processes or on the sewerage collection system or its pump stations.
.8 Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower or greater shall be subject to the review and approval of the Superintendent.

.9 Waters or wastes containing strong acid iron-pickling wastes, or concentrated plating solutions whether neutralized or not.

.10 Waters or wastes containing iron, chromium, copper, zinc, and similar objectionable, or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Commission for such materials.

.11 Waters or wastes containing phenols or other taste or odor-producing substances in such concentration exceeding limits, which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

.12 Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Commission in compliance with applicable State or Federal regulations.

.13 Waters or wastes having a pH in excess of 9.5.

.14 Material which exert or cause unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime, slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

.15 Material which exert or cause excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

.16 Material which exert or cause unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

.17 Material which exert or cause unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

.18 Overflowing by draining from cesspools or other receptacles storing organic wastes.

.19 Steam exhausts, boiler blow-off, sediment traps, or pipes carrying hot circulating water.
.20 Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the groundwater receiving waters of the Town's wastewater treatment system.

.21 Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

.22 Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.

.23 No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine or oxygen demand, or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the groundwater receiving waters or effluent of the Town's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals.

.24 Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment facilities, but in no case heated waters or pollutants in such quantities that the temperature at the treatment plant's influent exceeds 105 degrees Fahrenheit.

.25 Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment's plant's effluent.

.26 Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent.

.27 Any waters, wastes or substance which would cause the treatment plant's effluent to exceed whole effluent toxicity testing limits and priority pollutant limits as may be required by applicable State or Federal law.

.28 Any septage or septic process discharges without the express written approval of the Superintendent.
Section 30.7.4 Any discharge of waters or wastes having a) a five (5) day Biochemical Oxygen Demand (BOD) greater than 300 parts per million; or b) containing more than 350 parts per million of suspended solids, or c) containing more than 15 parts per million of chlorine demand, or d) containing any quantity of substances having the characteristics described in this Article or e) having an average daily flow or pollutant mass greater than two (2) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Commission. Where necessary, in the opinion of the Commission, the owner shall provide, at his expense, such pretreatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or 2) reduce the chlorine demand to 15 parts per million, or 3) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Article, or 4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Town shall constitute a violation of this Ordinance.

Section 30.7.5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewer.
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost or sewer charges for the handling and treatment of such wastes under the provisions of this Ordinance.
5. If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes, ordinances, and laws including Federal pretreatment standards.

Section 30.7.6 External grease, oil and sand interceptors shall be provided by the producer when the Ordinance limits for those substances are exceeded or when, in the opinion of the Commission, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, and, or other
harmful ingredients; except that such interceptors shall not be required for private living
quarters or dwelling units. All interceptors shall be of a type and capacity required by
Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 and shall be approved
by the Town prior to installation, and shall be located as to be readily and easily
accessible for cleaning and inspection. Although the Maine Internal Plumbing Code
Rules may permit smaller trap sizes, the provisions of the Maine Subsurface
Wastewater Rules, 10-144 CMR 241, shall prevail. External grease and oil receptors
shall be constructed of impervious materials capable of withstanding abrupt and
extreme changes in temperatures. They shall be of substantial construction, watertight,
and equipped with easily removable covers which, when bolted in place, shall be
gastight and watertight. Where installed, all grease, oil and sand interceptors shall be
maintained and paid for by the owner in continuously efficient operation at all times and
shall be readily accessible and open to inspection by the Town at any time. A
maintenance record shall be maintained by the owner for the Town’s periodic review.

Section 30.7.7 Where preliminary treatment or flow-equalizing facilities are
provided for any waters or wastes, they shall be maintained continuously in satisfactory
and effective operation by the owner at his expense.

Section 30.7.8 When required by the Commission, the owner of any property
serviced by a building sewer carrying industrial or unusual wastes shall install a suitable
control manhole together with such necessary meters and other appurtenances in the
building sewer to facilitate observation, sampling, and measurement of the wastes.
Such manhole, when required, shall be accessible and safely located, and shall be
constructed in accordance with plans approved by the Commission. The manhole shall
be installed by the owner at his expense and shall be maintained by him so as to be
safe and accessible at all times.

Section 30.7.9 All measurements, tests, and analyses of the characteristics of
waters and wastes to which reference is made in this Ordinance shall be determined in
accordance with the latest edition of "Standard Methods for the Examination of Water
and Wastewater", published by the American Public Health Association, and shall be
determined at the control manhole provided or upon suitable samples taken at said
control manhole. In the event that no special manhole has been required, the control
manhole shall be considered to be the nearest downstream manhole in the public sewer
to the point at which the building sewer is connected. Sampling shall be carried out by
customarily accepted methods to reflect the effect of constituents upon the sewage
works and to determine the existence of hazards to life, limb, and property.

Section 30.7.10 No statement contained in this Article shall be construed as
preventing any special agreement or arrangements between the Town and any
discharger whereby a waste of unusual strength or character may be accepted by the
Town for treatment, subject to payment therefore, by the discharger of concern.
Article 30.8 Pretreatment and Permitting of Industrial or Unusual Wastes

Section 30.8.1 The Town, at its discretion, may elect to allow an industrial or commercial or unusual waste producer to utilize the sewage works provided that it can be demonstrated that acceptance of the waste will result in:

a. No violation of applicable Federal or State regulations, including DEP/EPA pretreatment requirements.

b. No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license non-compliance.

c. No pass through of any waste material not treatable in the Town's treatment plant.

d. No contamination of the Town's sewage sludge with toxic or undesirable waste constituents and no impairment of the Town's ability to dispose of the treatment plant's sludge residuals.

e. No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the Town's staff.

f. Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Section 30.8.2 Prior to accepting the waste, the Town may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the Town's sewer system.

Section 30.8.3 When required by the Commission, the owner of any property served by a building sewer carrying industrial or unusual wastes shall install a suitable control manhole or other acceptable sampling location in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, or sample location, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commission. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 30.8.4 No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this Ordinance shall
not be processed or stored in a manner that would allow them to be discharged to the treatment plant.

Section 30.8.5 The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and as from time to time amended are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the Town's Publicly Owned Treatment Works.

Section 30.8.6 Local limits for certain pollutants may be established by the Town to protect against pass through, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this Ordinance or on the user's wastewater discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agencies.

Section 30.8.7 When requested by the Commission or Superintendent, users must complete a wastewater survey form, on a form supplied by the Commission, which contains information on the nature and characteristics of their wastes. This form must be submitted to the Commission prior to the discharge of the user's wastewater into the Town's sewage works. The Commission is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers or any other commercial establishment shall file wastewater survey forms within thirty (30) days after being notified by the Town, and proposed new dischargers shall file such forms at least ninety (90) days prior to connecting to the sewage works. The form shall include, but not be limited to, the following information:

a. The name, address, and location of the user and the number of employees.

b. The Standard Industrial Classification (SIC) Code of the user if applicable.

c. The known, or suspected to be present, wastewater constituents and characteristics, including, but not limited to, those listed in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.

d. The time and duration of discharges.

e. The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the Town.
f. The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user's premises.

g. The activities, facilities, and plant processes on the premises, including all materials which are, or may be, discharged to the sewage works.

h. The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being, or will be, achieved with this Ordinance on a consistent basis and if not, whether additional operations and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance.

i. The identification of each product produced by the user by type, amount, process or processes, and rate of production.

j. The type and amount of raw materials utilized, average and maximum per day, by the user.

Section 30.8.8 All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Section 30.8.9 The Commission will evaluate the completed wastewater survey forms and material safety data furnished by the user and may require the user to furnish additional information within fifteen (15) days after receiving notification from the Commission that additional information is required. After full evaluation and acceptance of all submitted data, the Superintendent shall make the determination as to whether the user is subject to pretreatment requirements based upon applicable Federal and/or State pretreatment regulations. If the Superintendent determines that the user is subject to pretreatment requirements, the Commission shall require the user to apply for a Wastewater Discharge Permit as required by this Article. The user shall make application for a Wastewater Discharge Permit, on a form provided by the Commission, within thirty (30) days after having received notification from the Commission to do so. The user shall provide with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Commission may
require to accompany the permit application. If so requested by the Commission, the user shall collect all required samples in the presence of the Superintendent.

Section 30.8.10 Every new or existing user of the Town's sewage works who is determined to be a categorical user or significant industrial user as defined in this Ordinance is required to obtain a wastewater discharge permit from the Commission.

Section 30.8.11 Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Commission to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State law, including requirements under the Town's DEP or NPDES permit and national categorical pretreatment standards for new and existing sources set forth in 40 CFR Chapter I, Subchapter N Parts 401-471.

Section 30.8.12 Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. A wastewater discharge permit may be issued for a period of less than five (5) years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

Section 30.8.13 Wastewater discharge permits shall be issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises, or a new or changed operation. To facilitate the issuance of new, separate permits, the Commission may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed ninety (90) days.

Section 30.8.14 Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the Town's sewerage works.

Section 30.8.15 Wastewater discharge permits may contain requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges to the Town's sewerage works.

Section 30.8.16 Wastewater discharge permits may contain requirements for the installation and maintenance of inspection and sampling facilities and equipment and for the reporting of all results to the Town.
Section 30.8.17 The Sewer Commission may modify, at any time, the wastewater discharge permit with good cause.

Section 30.8.18 Any user who violates any condition of its permit, or of this Ordinance, or of applicable State and Federal statutes and regulations, may have its permit revoked by the Sewer Commission.

Section 30.8.19 The Sewer Commission may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the Commission shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the Town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Ordinance; and

d. Procedures to prevent adverse sewage works impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 30.8.20 Where additional pretreatment and/or operations or maintenance activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operations and maintenance activities. The Town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the user to comply with the requirements of this Ordinance, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance. No later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Commission including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.
Section 30.8.21 All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Sewer Commission, but in no case less than once per year, submit a report to the Sewer Commission indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment permit criteria or Ordinance standards and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance. All wastewater samples collected must be representative of the user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this Ordinance or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

Section 30.8.22 Each user must notify the Sewer Commission in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. No user shall implement the planned changed condition(s) until and unless the Commission has responded in writing to the user’s notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

Section 30.8.23 If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Commission within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within thirty (30) days after becoming aware of the violation. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works, natural resources or other damage to persons or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance. A notice shall be permanently posted on the user’s bulletin board or other prominent place advising employees who to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
Article 30.9 Protection from Damage

Section 30.9.1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 30.9.2 A contractor must present a certificate of insurance showing minimum liability coverage in an amount established annually by the Town for bodily injury and a limit for property damage including collapse and underground coverage in an amount established annually by the Town before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Commission.

Article 30.10 Power and Authority of Inspectors

Section 30.10.1 The Commission, the Superintendent, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

Section 30.10.2 The Commission, the Superintendent, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 30.10.3 All installations shall be inspected before burying by a duly authorized inspector employed by the Town.

Section 30.10.4 The Commission shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.

Section 30.10.5 The Commission may require the user to install monitoring equipment as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.

Section 30.10.6 Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this Ordinance and any
additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but are not limited to, the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Commission.

Section 30.10.7 Information and data on a user obtained from reports, surveys, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information on the user under applicable State or Federal law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for users related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 30.10.8 If the Superintendent or designee has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Sewer Commission shall seek to secure an Administrative Inspection Warrant from the District Court pursuant to Rule 80E of Maine Rules of Civil Procedure. The warrant, if issued by the District Court, shall be executed pursuant to Rule 80E of Maine Rules of Civil Procedure by a uniformed Town or County police officer.

Article 30.11 Sewer Service Charges

Section 30.11.1 The Sewer Commission shall establish equitable and just sewer charges for the use of the sewerage facilities to be paid by every owner of an establishment whose building sewer connects directly or indirectly into public sewers. Such quarterly sewer charges shall be in proportion to the quantity of water supplied to every such establishment, subject to just and equitable discounts and abatements in exceptional cases, or in the case of private water supply, a fair estimate shall be used or reading from an installed water meter shall be made. The Commission may also assess capacity consumption fees and impact fees, as applicable, for new or modified sewer connections.
Section 30.11.2 The Sewer Commission reserves the right to change sewer service charges originally or previously assigned to any property owner.

Section 30.11.3 The owner of the property connected to the municipal sewer will be charged for the use of sewer service. The Commission will commit these charges each quarter to the Town Treasurer for collection. The Town shall bill sewer users each quarter per Town policy. In collecting these charges, the Town may place a lien against any property on which there are unpaid charges, fees, fines, or any other costs related to the enforcement of this Ordinance in accordance with 30-A M.R.S.A. 3406(2). Delinquent sewer use accounts shall automatically be assessed the costs incidental to filing the appropriate lien certificates in the registry of deeds, as well as any attorneys' fees, expenses, or costs associated with collection. The lien provisions of Title 30-A, Section 3406 of the Maine Revised Statutes Annotated shall be applicable. The Town's Treasurer has the same power and may use the same process set forth in 30-A M.R.S.A. Sec. 3406(3) and 38 M.R.S.A., Sec. 1208.

Section 30.11.4 An interest charge at the same rate as established by the Town for uncollected taxes will be made on all sewer bills not paid within thirty (30) days after the due date.

Section 30.11.5 A special sewer service charge shall be established for any industrial firm, commercial user, or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity of efficiency of the sewerage works or any part thereof if such waste entered the public sewer, if the cost to treat that wastewater is higher than that of typical domestic sanitary sewage, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town, after appropriate study, shall establish a Special Sewer Service Charge to the industrial firm commercial user, or organization by separate agreement with said firm. The appropriate portions of the proceeding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Section 30.11.6 The Town may assess a "Ready-to-Serve" fee to be paid by any property owner that has public sewer service available within two-hundred feet (200') of their lot but who, for any reason, has yet to connect to the sewer, provided that a building sewer stub has been installed and is ready for connection. If no building sewer stub is in-place, no Ready-to-Serve fee will be assessed. This fee is intended to offset the cost of making sewer service available to the property in the future even though there is not a current physical connection. This fee will be billed quarterly at the same time as connected sewer users receive their sewer bills and it shall be applicable to both improved lots and vacant lots for which public sewer service and a sewer stub is available within two hundred feet (200').

Section 30.11.7 Before the issuance of a connection permit for any activity requiring a connection permit under this Ordinance, the applicant shall pay to the Town a sanitary sewer capacity consumption fee in accordance with a fee schedule established by order of the Commission. The purpose of this fee is to allow the Town to recover the costs of the wastewater infrastructure capacity which will be consumed by a new sewer user or
by the modified use of an existing sewer user. The capacity consumption fee shall be calculated by multiplying the capacity consumption fee rate as established in the fee schedule by the daily design flow of the proposed activity as determined by the Commission. In determining the daily design flow, the Commission shall rely on the Maine Subsurface Wastewater Disposal Rules in effect at the time of application for a permit. In cases where the proposed activity is not listed in the Rules, the Commission shall make the determination of a reasonable daily design flow after consultation with the Maine Department of Human Services or any other appropriate authorities or references. For connection permit applications made on or after July 1, 2011 involving the expansion of an existing facility or use, an increase of sewage discharge, or the change of use of a property connected to the public sewer as of July 1, 2011 (and not involving a new building or structure), the Superintendent shall determine whether the daily design flow for the proposed activity will increase over the current flow from the property, the current flow being the highest daily design flow based on the actual use of the property in the two years immediately preceding the date of application. The Commission shall first calculate the proposed daily design flow, and then subtract therefrom the current daily design flow. If there will be an increase in the daily design flow, the resulting number shall be the daily design flow on which the capacity consumption fee shall be calculated. If there will be no increase in the daily design flow, no capacity consumption fee will be charged. All capacity consumption fees shall be deposited into a special interest-bearing reserve fund, and the monies in the fund shall be used to pay any capital costs related to: (1) enlargement or reconstruction of existing sewer lines, (2) construction of new sanitary sewers to replace existing lines, (3) construction of or modifications to pumping stations, (4) enlargement or upgrading of the sewage treatment plant, or (5) such other capital improvements to the system that the Town determines to be necessary or appropriate. The funds may not be used to finance routine maintenance and repair activities or other expenses solely related to the operation of the system. If the activity authorized by the connection permit is not commenced within one year from the date of issuance of the permit, the permit shall become null and void and the capacity consumption fee shall be retained by the Town, unless the Commission and the person enter into a written renewal agreement extending the term of the permit. Provided, however, that if Town has incurred costs or entered into obligations in reliance on the issuance of the connection permit and the payment of the capacity consumption fee, Town may retain so much of the capacity consumption fee as may be reasonably necessary and appropriate to cover those costs or obligations.

Section 30.11.8  In instances where any proposed development or use of any parcel of land in the Town results in the need to construct, replace, upgrade, reconstruct, enlarge, expand, or repair any essential infrastructure of the sanitary sewer system in order to accommodate the wastewater attributable to the proposed development or use, the Town may require the payment of an impact fee to cover the costs of the required improvements. The amount of the impact fee shall be determined by the Commission based on the portion of the improvements that will be utilized by the development or use. All impact fees shall be deposited into a special interest-bearing reserve fund, and any impact fee may only be expended for the purpose for which it was collected. If the Town does not use any impact fee within ten years from the date of payment, Town
shall refund that impact fee, with interest, to the person who paid the fee, or that person’s successor or assignee. In addition, Town shall refund any portion of the impact fee that exceeds the development’s share of the Town’s actual costs for the improvements associated with that impact fee. If the development or use for which an impact fee was paid is not commenced within two years from the date of payment of the fee, the Town shall refund the impact fee, with interest, to the person who paid the fee, or that person’s successor or assignee, unless the Commission and the person enter into a written agreement extending the time for the commencement of the development or use. Provided, however, that if Town has incurred costs or entered into obligations in reliance on the proposed development and the payment of the impact fee, Town may retain so much of the impact fee as may be reasonably necessary and appropriate to cover those costs or obligations.

Section 30.11.9 Town may elect, at its sole discretion, to construct excess capacity in a service area in conjunction with a project requiring the assessment of an impact fee. For example, a new sewer line upgrade or a pump station upgrade may be constructed with capacity beyond that needed for the current project since the sizing of such projects is not exact. Should a developer pay the full cost of a project through impact fees, the Town shall collect proportionate impact fees from future connections that benefit from the added capacity and shall refund the newly collected fees to the previous developer or their assignees. Should the Town elect to pay a portion of the initial capital costs for which impact fees are assessed, it may recover proportionate future impact fees from future connected sewer users that benefit from the added incremental capacity that was provided.

Section 30.11.10 Abatements of sewer use charges may be granted by the Sewer Commission upon application of a ratepayer where the ratepayer can demonstrate that a “loss” of water that did not enter the sewer occurred due to no fault of the ratepayer, his or her agents, or employees. Ratepayers are responsible for exercising due care in the maintenance of their water and sewer systems to prevent water losses for purposes of abatement. “Due care” shall be defined as the normal and reasonable steps which would be taken by a prudent individual in operating and maintaining their water and sewer systems. Abatements may also be granted if an applicant can demonstrate that an error in billing occurred, that a water meter reading was defective, or that significant volumes of water did not enter the sewer. Additionally, abatements may be granted due to extreme hardship with documented lack of ability to pay.

Section 30.11.11 The Commission shall be responsible for reviewing the basis for the requested abatement in light of the “due care” standard established in Section 30.11.10 above. The plant operator shall make a record of the results of the investigation which shall include an estimate of the amount of water lost. The estimate of water loss shall be based on a minimum of the previous four quarters of water consumption, if available, and consideration of seasonal water use patterns. This estimate of water loss shall be used to calculate the amount of the abatement should one be granted.

Section 30.11.12 When an abatement is granted, the amount of the abatement shall be calculated based on the total sewer use charge for the estimated amount of water
lost less the cost to convey and pump the estimated amount of water lost through the sewer system and treatment plant. The Superintendent shall be responsible for calculating, on an annual basis, the cost to convey and pump uncontaminated water through the sewer system and treatment plant. The basis for this calculation shall be the prior fiscal year’s operation and maintenance costs of the system and plant.

Section 30.11.13 When an abatement is granted, the Town Treasurer shall be responsible for taking the necessary steps to correct the appropriate billing records to reflect the abatement or to process a credit where the sewer use charge in question has been paid.

Section 30.11.14 All requests for sewer abatements shall be forwarded to the Commission for their decision. Approved abatements shall be forwarded to the Town Treasurer for processing.

Section 30.11.15 Abatements shall not be granted for water used for watering lawns, gardens, filling swimming pools, or other outside water uses, unless ratepayers, at their own cost, install a secondary water meter that will measure only water used for these water use purposes. Installation of the secondary meter must be by secondary meter permit granted by the Commission or their designee. The installation must also be permitted by appropriate Town staff to ensure that the meter meets all requirements of the plumbing and building codes and is used only to measure water actually used for these water use purposes. The installation of the meter shall be inspected by the Plant Operator and must have an outside reader. The Plant Operator will read the meter quarterly in order to allow abatements, if applicable, to quarterly sewer bills. The Superintendent reserves the right to periodically inspect such meters to ensure continued compliance with the requirements of this subsection. Where a secondary meter is installed, the ratepayer may be granted an abatement which will be calculated in the same manner as outlined in Section 30.11.13 above for lost water.

Section 30.11.16 An abatement request shall only be considered for a maximum three (3) year period including the current year and the previous two (2) years and only to the extent that the applicant can conclusively demonstrate that the conditions causing the current abatement request can be proven to have existed during the prior two years. If such conclusive proof cannot be demonstrated to the satisfaction of the Commission, the abatement may be denied for all or part of the maximum three year period.

Section 30.11.17 In order for an abatement to be considered for any previous billing quarters, the applicant must demonstrate, with receipts marked “Paid”, that full payment has been made for those sewer billing quarters. No abatement request will be reviewed for any previous billing quarter in which outstanding sewer bills, interest or penalties remain unpaid. Abatement requests for the current billing quarter will be considered even though the current bill is unpaid; however, the applicant shall remain responsible for all interest and penalties that may accrue during the current period while the abatement request is under review, providing for Sewer Commission approval to waive such fees.
Section 30.11.18 Any ratepayer who uses water in its end manufactured product which is shipped from the ratepayer's facility or in the process of manufacturing a product or providing a service and where such water does not enter into the sewer system, either in whole or in part, may apply for consideration of an adjustment to their sewer use fee determination to offset that portion of the water which does not reach the Town's sewer system. The applicant shall bear the burden of providing the necessary proof and documentation which must accompany the request for adjustment and must clearly demonstrate the quantity of water used which does not enter into the sewer system. All such requests for adjustment shall be made to the Superintendent who shall be responsible for reviewing the basis for the adjustment as well as the adequacy of the information provided. The Superintendent shall provide to the Sewer Commission his or her recommendation as to whether the adjustment should or should not be granted. The Sewer Commission shall make the final determination as to whether the sewer rate adjustment request shall or shall not be granted. The applicant should make this request at the time that they first connect their manufacturing process to the Town's sewer. During the period in which an adjustment is in effect, the Superintendent reserves the right to periodically inspect the ratepayer's premises and records to ensure that the ratepayer is in compliance with the terms and basis by which the adjustment was considered and granted. Should it be determined that the information provided by the ratepayer is invalid, that changes have occurred in the ratepayer's processes which have the effect of increasing the amount of water reaching the sewer system, or that more water is reaching the sewer system than reported by the ratepayer, the Sewer Commission may revoke the adjustment and the ratepayer shall be subject to a revised user charge equal to the full value of the adjustment for the period in which a current or prior adjustment was in effect.

Article 30.12 Intermunicipal Sewer Service

Section 30.12.1 The Commission may agree to accept wastewater flows generated by users served by sewer extensions into neighboring jurisdictions beyond the corporate boundaries of the Town of Rangeley.

Section 30.12.2 Prior to connecting to the Rangeley sewer system, the party requesting connection shall enter into a written Agreement with the Sewer Commission which must be voted on by the Town of Rangeley, and said Agreement shall be recorded in the Franklin County Registry of Deeds. Said agreement shall, as a minimum, stipulate the following:

1. That all connected sewer users shall be forever bound by the provisions of this Ordinance at the time of connection and as it may be amended in the future.

2. That all connected sewer users shall record said Agreement in the Registry of Deeds as an attachment to their property Deed.

3. That provisions of said Agreement shall be extended to all future successors, heirs, assigns, and users of the connected properties.
.4 That all sewer use charges established by the Commission shall be assessed to and paid by, sewer users that connect beyond the Rangeley corporate boundary.

.5 That the Commission shall set a different sewer user fee structure to users beyond the Town's corporate boundary that reflects the fact that Rangeley citizens pay for a portion of their sewer user costs through general taxation. Connected sewer users that do not pay property taxes in Rangeley shall be assessed a higher sewer user fee to equitably reflect the portion of any sewer charges that Rangeley residents pay through general taxation.

Section 30.12.3 The Town, upon a recommendation by the Commission, may cease to provide sewer service to any user beyond the Town's corporate boundaries, that is in violation of this Ordinance or delinquent by greater than ninety (90) days in any sewer use fees due. Such cessation of service shall occur after providing written notice to said user and may include physical disconnection of user's sewer service from Rangeley sewer system.

Section 30.12.4 In lieu of an Agreement with a connected sewer user beyond the Town's corporate boundary, the Town may alternately require that said Agreement be executed between the Town of Rangeley and the Town in which the sewer user is physically located. Provisions of such Agreement shall include the same requirements as stipulated above in Section 30.12.2.

Article 30.13 Penalty

Section 30.13.1 Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 30.13.2 Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Ordinance, other than those provisions pertaining to the payment of charges for services established herein, shall be subject to a fine not to exceed $10,000 per offense. The amount of the fine will be determined based on a consideration of the type and severity of the violation, the number of violations, the duration of noncompliance, the impact of the violation on receiving water quality, sludge quality, operations, or the environment, the threat to human health, the existence of economic benefits or savings from noncompliance, compliance history, and good faith and timely efforts to restore compliance. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day in which such violation of any provision hereof shall continue.
Section 30.13.3 The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, to correct or abate such violation, to conduct appropriate environmental clean-up, and to prevent the occupancy or use of any building structure or land where said violations of this Ordinance are found.

Section 30.13.4 Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. In addition, the Town of Rangeley shall be entitled to all relief, including its costs and legal fees as allowed by law. Notwithstanding any provision to the contrary, including the provision of 30-A M.R.S.A. Sec. 4452, as now existing or amended in the future, the Town of Rangeley shall be allowed to seek reasonable attorney fees, court costs, expert witness fees and costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

Section 30.13.5 The Town may enter into Consent Order(s), Administrative Consent Agreements approved by the Board of Selectmen, or similar documents establishing an agreement with any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Ordinance. Such document shall include specific action to be taken to correct the noncompliance within a specific time period. Such document may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including installation of pretreatment systems, additional monitoring, and management practices.

Section 30.13.6 The Town may immediately issue a Suspension Order to suspend a discharge, subsequent to actual notice or best efforts to achieve actual notice, whenever necessary to terminate an actual or threatened discharge that reasonably appears to threaten or cause an imminent or substantial endangerment to human health or welfare.

Section 30.13.7 The penalties provided by the Ordinance are non-exclusive of any and all other rights, causes, and claims that the Town may have under applicable state law.

Article 30.14 Interpretation of Requirements and Appeals

Section 30.14.1 The Sewer Commission may provide advisory interpretations of the meaning of technical terms and phrases in the Ordinance and otherwise respond to requests for clarification. An advisory interpretation or response to a request for clarification will not be subject to appeal.

Section 30.14.2 Any party aggrieved by any final determination under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said determination to the Board of Selectmen. The Board of Selectmen shall issue a final decision on appeal within thirty (30) calendar days. The Board of Selectmen's decision may be appealed by an aggrieved party to Maine Superior Court pursuant to Maine Rule of Civil Procedure 80B, provided that such
appeal is timely filed. An appeal to the Board of Selectmen or to Superior Court shall not act as a stay.

**Article 30.15  Repeal of Conflicting Ordinances**

Section 30.15.1 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Article 30.16  Severability**

Section 30.16.1 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Article 30.17  Effective Date**

This Ordinance shall be in full force and effect on Town Meeting, 2011, at which time, it was adopted by the Town of Rangeley.
Amended 9/13/2012 Special Town Meeting
CHAPTER 31. SNOW
(3/14/49)

31.1 Unlawful Act
31.2 Snow Guards
31.3 Penalties

Article 31.1 Unlawful Act

"Be it ordained by the Town of Rangeley that it shall be unlawful for persons owning buildings to allow snow or ice to slide from roofs of such buildings; thereby endangering the lives of the passing public...

Article 31.2 Snow Guards

...and that the owners of such buildings shall place adequate guards or obstructions on the roofs of such buildings at their own expense.

Article 31.1 Penalties

Furthermore, be it ordained that if such owners do not comply with this Ordinance within 30 days after being notified of such Ordinance by the Municipal Officers, they shall be liable for all injuries sustained in consequence thereof, and said Municipal Officers, shall at the expense of the Town, place the required guards or obstructions on the roofs of such buildings and recover reasonable charges thereof from said owners."
CHAPTER 32. (RESERVED)
CHAPTER 33. SUBDIVISION REVIEW

Article 33.1 Purpose

The purpose of this Chapter shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, maintain character, and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. The Chapter also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town, and developers in regulating subdivisions of the Town of Rangeley.

Article 33.2 Authority and Administration

Section 33.2.1 Authority

.1 This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001.

.2 This Chapter shall be known and cited as the “Subdivision Ordinance for the Municipality of Rangeley, Maine”.

.3 Upon adoption of this Chapter, all previous subdivision regulations or ordinances shall be repealed.

Section 33.2.2 Administration

.1 This Chapter shall be administered by the Planning Board for the Town of Rangeley, Maine, hereafter referred to as the “Board”.

.2 The provisions of this Chapter shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Rangeley, Maine.

.3 No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon, or convey for consideration any land in a subdivision, which has not received Board approval and recorded in the Registry of Deeds and with the Town Clerk of Rangeley. No public utility, water district, sanitary district or any utility company of any kind shall install
services to any lot in a subdivision, which has not received Board approval and recorded in the Registry of Deeds and with the Town Clerk of Rangeley. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of $100 and a maximum of $2,500 for each violation. The Municipality may institute proceedings to enjoin the violation and may collect attorney's fees and court costs if it is the prevailing party.

Article 33.3 Application Procedure

Section 33.3.1 Preliminary Plan

The applicant shall submit four (4) copies of the Preliminary Plan and four (4) copies of the application for the proposed subdivision as detailed in Section 33.3.3 Application to the Planning Board. In addition, one copy of the plan(s) which may be reduced to a size of 8½ by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member, Code Enforcement Officer, Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools no less than seven (7) days prior to the meeting. The Planning Board shall issue a dated receipt to the applicant at the Board meeting where the application is first presented. Within thirty (30) days from the date of the receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and Application are completed, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., Section 4404 and the requirements of this Chapter. Upon receipt of an application for subdivision approval, the Planning Board shall notify in writing all owners of land within 500' of the proposed subdivision.

.1 Application Fee: The following fee(s), in amounts, which shall be according to a table to be set from time to time by the Selectmen, shall be paid prior to the submission of any preliminary plan:

.1 Publishing and notice fee;

.2 Review fee; per lot (or living unit for multiplex development)

.3 Review escrow account; per lot (or living unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant and the Selectmen with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the Review Escrow Account is drawn by 75%, the Planning Board shall require that an additional $50.00 per lot of living unit be deposited by the applicant. The Planning Board
shall continue to notify the applicant and require an additional $50.00 per lot or living unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer within thirty days after the Board renders its final decision on the application.

Section 33.3.2 Final Plan

.1 The applicant shall submit the original and four copies of the Final Plan to the Board at a regularly scheduled meeting, within one (1) year from the date of approval of the Preliminary Plan. In addition, one copy of the Final Plan which may be reduced to a size of 8\(\frac{1}{2}\) by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member no less than seven (7) days before the meeting. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section 33.3.4 Subdivision Plan. There shall be no other substantial changes between the approved Preliminary Plan and the Final Plan. The Final Plan shall be drawn on a stable based transparent material and embossed with the seal of the professional who prepared the plan.

.2 Public Hearing. The Board shall hold a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section IV.

.3 Final Plan Review. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and Title 30-A, M.R.S.A., Section 4404, and to preserve the public’s health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404.

Section 33.3.3 Application

The application form shall be furnished by the Town Clerk, filled out by the applicant and shall include the following information: (items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)
X 1. Name and address of owner.

X 2. Name and address of applicant (if other than owner).

X 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of the Secretary of State's Registration.

X 4. Name of applicant's authorized representative.

X 5. Name, address, and number of the Registered Professional Engineer, Land Surveyor or Planner who prepared the plan.

X 6. Indication of the type of water supply to be used by the Subdivision.

X 7. Statements from the Sewer Department, Water District, Superintendent of Schools, Fire Department, Police Department, Solid Waste Coordinator, and Highway Department of their capacity to serve the proposed subdivision.

Section 33.3.4 Subdivision Plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Registered Land Surveyor and tied to established reference points. The plan shall not be less than 18” by 24” and shall be drawn to a scale of 1” equals not more than 100’. The Subdivision Plan shall include the following information; (items marked with an “X” shall be required in all instances; items without an “X” may be required at the discretion of the Board.)

<table>
<thead>
<tr>
<th>Pre-Plan</th>
<th>Final Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>.1</td>
<td>X X</td>
</tr>
<tr>
<td></td>
<td>Name of proposed subdivision; location of subdivision; name of subdivider; and signature and embossed seal of Registered Land Surveyor.</td>
</tr>
<tr>
<td>.2</td>
<td>X X</td>
</tr>
<tr>
<td></td>
<td>Lot Numbers.</td>
</tr>
<tr>
<td>.3</td>
<td>X X</td>
</tr>
<tr>
<td></td>
<td>Date, north point, and graphic map scale.</td>
</tr>
<tr>
<td>.4</td>
<td>X X</td>
</tr>
<tr>
<td></td>
<td>Proposed lot lines with approximate dimensions and lot areas and total area of land to be subdivided with the building lot/setbacks, including driveways, and building envelopes to be outlined with GPS coordinates.</td>
</tr>
<tr>
<td>.5</td>
<td>X X</td>
</tr>
<tr>
<td></td>
<td>Proposed lot lines with dimensions, bearing, deflection angles, radii, and central angles sufficient to reproduce any line</td>
</tr>
</tbody>
</table>
.6 X ___ on the ground and lot areas and total area of land to be subdivided. Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.

.7 X X Location of permanent markers, both natural and man-made.

.8 X X Location of all parcels to be dedicated to public use and the conditions of such dedication.

.9 X X If a condominium, the location of contemplated improvements shall be labeled, must be built and need not be built.

.10 X X Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by book and page number.

.11 X X Location of freshwater wetlands.

.12 X X That two soil analyses/test pits be obtained from separate locations to ascertain that the soil adjacent to the building envelope will support the installation of a septic system and to provide a second site in the event that the first site should fail.

.13 X X Location and size of existing buildings.

.14 ___ ___ Suggested location of buildings, subsurface sewage disposal systems and wells.

.15 X X Location of all natural features or site elements to be preserved.

.16 X X Location of any existing watercourses and other essential existing physical features.

.17 X X Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.

.18 X X Location, names, and widths of existing and proposed streets, highways, easements, and rights-of-way.

.19 X X Plan profiles and cross-sections for roadways, sidewalks, and storm drainage facilities.

.20 X X A soil erosion and sediment control plan for construction and for permanent control.

.21 X X Contour lines at 20 foot intervals (or other interval as specified by the Planning Board).
.22  X  X  Proposed uses of property.

.23  X  X  Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

.24  X  X  That a sample deed be provided to the Town with terms, covenants, and restrictions attached.

.25  X  X  That the location of sewer, water, telephone, and power be provided to the lots and any necessary infrastructure provided.

.26  X  X  Other information not indicated above as required by the Board, such as the suggested location of buildings, subsurface sewage disposal systems, and wells, and any other information that the Board deems pertinent.

.27  ____  X  If any portion of the subdivision is located in a flood-prone area, the boundaries of any flood hazard areas and the 100 year flood elevation shall be delineated on the plan. The Final Plan shall contain a condition of approval requiring that all principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100 year flood elevation.

.28  X  X  The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife.

.29  X  X  Any portion of the subdivision, which is located within the direct watershed of a Great Pond shall be identified.

.30  X  X  A phosphorus impact analysis and control plan.

.31  X  X  The location of archaeological or historic resources.

.32  ____  ____  Traffic impact analysis.
Section 33.3.5 Submission Waivers

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the Chapter, provided the applicant has demonstrated that the performance standards of this Chapter and the criteria of the Subdivision Statute have been or will be met, and the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this Chapter.

Article 33.4 Public Hearing

Should the Planning Board determine to hold a public hearing, it should hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time, and place of such hearing to be given to the subdivider, all property owners within five hundred (500) feet of the boundaries of the subdivision and published in a newspaper of general circulation in Rangeley at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings will be conducted in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691, Subsection 3A, B, C, D and E.
Article 33.5 Approval Conditions

Section 33.5.1 Filing of Approved Final Plan:

Upon approval of the Final Plan by a majority of the Board and the posting of a $200 Bond, the Board shall sign the mylar original of the Final Plan. Upon the approval, the mylar and five (5) copies with attached conditions shall be filed by the subdivider with the Franklin County Registry of Deeds. Four (4) copies and attached conditions shall be stamped and dated by the Registry of Deeds and returned by the subdivider to the Town Clerk for recording within 30 days of approval. Upon receipt of recording with the Registry of Deeds and the Town Clerk and with the approval of the Planning Board, the $200 bond shall be refunded by the Town Clerk. One (1) copy shall be retained by the subdivider, one (1) copy shall be filed with the Town Clerk’s office, one (1) filed with the Assessor’s office, and one (1) copy to the Planning Board. The Board shall maintain a permanent record of their action on the Final Plan.

Any plan not so filed or recorded and returned to the Town Clerk within thirty (30) days of the date of approval shall become null and void and the $200 bond forfeited, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension, which shall not exceed two additional periods of thirty (30) days. Such extension shall be requested before the thirty (30) day period expires.

Section 33.5.2 Plan Revisions After Approval:

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plan after Final Plan approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the Subdivision Plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section 33.5.3 Two-Year Limitation on Development Permits

Building lots cannot be sold until all utilities, roads, and the first 20 feet of driveways and culverts are constructed and accepted by an as-built review. There is a two-year limit on construction completion with an option for two one-year extensions with Planning Board approval for each one-year extension. Any additional review must contain independent separate field work and calculations with no interaction with the applicant or the applicant’s engineer.
Section 33.5.4 Transfer in Ownership:

If the transfer in ownership of an approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall submit a subdivision plan amendment for Board review and action.

Section 33.5.5 Off-Site Improvements:

The Board, with the input from the appropriate municipal official(s), may, when it finds that a proposed subdivision will place unreasonable demands upon public facilities, require as a condition of approval the applicant to participate in upgrading the public facilities impacted.

Section 33.5.6 Acceptance of Public Improvements:

The approval by the Board of the Final Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Rangeley or any street, easement or other open space shown on such plan.

Section 33.5.7 Evidence of Tax Paid

The approval by the Board of the final Subdivision Plan shall be given only upon receipt of evidence that all property tax payments are currently paid on the subject.

Section 33.5.8 Transfer of Subdivision Roads

The subdivider is required to maintain all improvements and provide for snow removal on all subdivision streets and sidewalks until acceptance of the improvements by the municipality or until control is duly placed with a lot owners’ association. The builder must retain responsibility for subdivision roads until they are formally transferred to lot purchasers with a copy to the Municipality.

Section 33.5.9 Subdivision Lots

Lots within approved subdivisions cannot be further divided without Planning Board review.

Article 33.6 Performance Guarantee

Section 33.6.1 Performance Guarantee Required

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of such performance guarantee may be determined by the Board with
advice from outside sources. The amount of the performance bond shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, erosion, and sediment control and utilities or other improvements specified on the plan within two years of the date of the certified check or performance bond. The applicant may be required to pay for additional comprehensive review(s) of the proposed subdivision, which may include a review of the phosphorus control plan, and any other aspects of the proposed subdivision, as determined by the Planning Board.

.1 Types of Guarantees: With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

.1 Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.

.2 A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers, or Town Manager;

.3 An irrevocable letter of credit from a bank or other lending financial institution approved by the Selectmen or Town Manager indicating that sufficient funds have been set aside for the construction of the subdivision, which funds may not be used for any other project, and from which the Town may draw if construction does not comply with the terms and conditions of approval.

.4 An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed;

.2 Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.

.3 Escrow Account.: A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the
Municipality shall be named as owner or co-owner, and the consent of the Municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

.4 Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

.5 Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

.6 Conditional Agreement: The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:

.1 It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

.2 A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

3. Notice of the agreement and any conditions shall be on the Final Plan, which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section .5.

.4 Phasing of Development. The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phase shall be given only upon
satisfactory completion of all requirements pertaining to previous phases.

.5 Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvement for which the release is requested.

.6 Default. If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall be reported in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town’s rights.

.7 Private Roads. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”

Section 33.6.2 Performance Bond Extension:

The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Municipal Officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

Section 33.6.3 Review of Improvements

Before a subdivider may be released from any obligation requiring his guarantee of performance, the Board of Selectmen will require certification from the various Municipal Officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal, and local codes, ordinances, laws, and regulations).
Article 33.7 Inspection of Required Improvements

Section 33.7.1 Notification of Construction

At least ten (10) days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

Section 33.7.2 Noncompliance with Plan

If it is found, upon inspection of the improvements performed before the expiration date of the guarantee or security arrangement or performance bond required by Section 33.6.1, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers and Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Municipality's rights under the guarantee, security or bond. No plan shall be approved by the Planning Board as along as the subdivider is in default on a previously approved plan within Rangeley.

Section 33.7.3 Modification During Construction

If, at any time, before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the appointed inspector may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The appointed inspector shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

Article 33.8 General Requirements

Section 33.8.1 Construction Prohibited

Utility installations, ditching, grading or construction of roads, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and recorded as provided for by this Ordinance.
Section 33.8.2 Comprehensive Plan

Any proposed subdivision shall be in conformity with the Town’s Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

Section 33.8.3 Impact of Community Services and Facilities

Proposed subdivisions shall be reviewed by the Board with respect to its effect upon existing community services and facilities:

Section 33.8.4 Open Space Provisions

.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.

.2 The Board may require that the subdivider reserve an area of land as an open space and/or recreational area for use by property owners in the subdivision.

.1 If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance, and taxes shall be met.

.2 Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

.1 The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.

.2 If appropriate, the individual property owner’s pro rata share of developmental costs, maintenance cost, and property taxes of the reserved land.

.3 Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the Subdivision Plan includes provision for development in discrete stages.

.4 Any area designated for common use shall be so arranged that each property owner has access to it.

Section 33.8.5 Lots

.1 The lot size, width, depth, shape, and orientation, and the minimum
building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

.2 Lot dimensions shall conform, at a minimum, to the requirements of the Town Zoning Ordinance.

.3 Whenever possible, side lot lines shall be perpendicular to the street.

.4 Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.

Section 33.8.6 Lot Access

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely in need or desire access to the property in its intended use.

Section 33.8.7 Buffer Strip

The Board may require a buffer strip, such as natural vegetation, where separation is desirable.

Section 33.8.8 Preservation of Natural and Historic Features and Wildlife Habitat

The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the placement of trees and vegetation, graded contours, streams and the preservation of scenic vistas on and off-site, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

With respect to preservation of wildlife habitat, the Board may require that the applicant submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.

Section 33.8.9 Storm Drainage

Adequate drainage shall be provided so as to reduce the danger of flooding and erosion. The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivisions, or in adjacent properties. The developer shall submit a surface drainage plan to control the ten-year storm event showing ditching, culverts, easements, and other proposed improvements.
Section 33.8.10 Easements

.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

.2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width or construction or both, as will be adequate for the purpose.

.3 Any easement required for ditches or storm sewers shall be dedicated to the Town, including any necessary easements outside the subdivision. No watercourse may be obstructed and no pond or swamp may be filled in such a manner as to alter the stormwater run-off without the approval of the Board.

Section 33.8.11 Conversion of Seasonal Cottage Complexes

.1 In addition to the information required in Sections 33.3.3 and 33.3.4, a subdivision application for the conversion of seasonal cottage complex to individual ownership shall include:

.1 A report prepared by an independent architect or engineer, describing the present condition of all structural components and mechanical and electrical installations materials to the use and enjoyment of the condominium;

.2 A report prepared by the applicants as to the nature of the existing sewage disposal system.

.3 A statement of the expected useful life of each item reported on in paragraph (a) or a statement that no representations are made in that regard; and

.4 A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations.

.2 The Board in reviewing a seasonal cottage complex shall assure that the facilities are of adequate design and condition to accommodate additional demands brought about by individual ownership.
Section 33.8.12 Construction in Flood Hazard Areas

When any part of the subdivision is located in a special flood hazard area as defined by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision, which are located in a special flood hazard area shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such restriction shall be included in the deed to any lot, which is included in the flood hazard area.

Section 33.8.13 Phosphorus

The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. Phosphorus stimulates algae growth. Large amounts of phosphorus entering a lake or pond cause degradation of water quality at unusually fast rates. No off-site credit mitigation is allowed.

Section 33.8.13.1

The following provision shall apply to new residential development within the Town of Rangeley:

- Phosphorus control obligations may be met by general restrictions on disturbance of the land, buffers, and impervious area, or the incorporation of Low Impact Development Techniques (LID). The placement and size of the building envelope(s) shall take into account the amount of phosphorus export. The CEO shall determine if the standards have been met. Please refer to Chapter 6 of the Stormwater BMP Manual, Volume II, for more detailed information. Copies are available in the Town Office.

Section 33.8.13.2

The following provisions shall apply to all lots of proposed subdivisions within the Town of Rangeley:

- In addition to the Franklin County Soil Survey to determine the predominant soil type in the portion of the parcel to be cleared for septic determination, the Planning Board will require at least one soil test per lot to determine phosphorus calculations.

- Proposed subdivisions located within the direct watershed of a lake or pond shall not exceed the phosphorus export limit shown in the Per Acre Phosphorus Allocations for Selected Maine Lakes Table in Appendix C of the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised). The technical guide can be downloaded from the DEP website: www.maine.gov/dep/blwg/docstand/stormwater/stormwaterbmps/index.htm.com.
copy of the technical guide is also available for review at the Rangeley Town Office.

- Phosphorus export calculations shall be completed using the methodology described in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised).

- Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, minimizing road lengths, and shall encourage the use of nonstructural measures prior to allowing the use of high-maintenance structural measures, such as infiltration systems and wet ponds.

- Phosphorus export calculations, methodology, and worksheets shall be provided by the developer to the Planning Board for approval.

Section 33.8.14 Access Control and Traffic Impacts

.1 Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians on existing streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and design criteria below.

.1 The vehicle access to the subdivision shall be arranged to avoid traffic use of existing local residential streets.

.2 The street giving access to the subdivision and neighboring streets, which can be expected to carry traffic to and from the subdivision shall have traffic carrying sufficient capacity and, if traffic studies indicate improvements are necessary, the applicant shall pay a proportional share to accommodate the amount and types of traffic to be generated by the proposed subdivision.

.3 Any subdivision that expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with an existing public or private street or streets on an approved subdivision plan. A minimum of 125 feet shall be maintained between centerlines of such street and to any other street.

Article 33.9 Required Improvements

Section 33.9.1 Monuments
Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Board. The monuments shall be of such material, size, and length as may be approved by the Board.

Section 33.9.2 Storm Water Damage:

The subdivider shall construct storm water drainage facilities. All such facilities are to be of adequate design to hydraulically accommodate the ten year storm event using techniques as stated in the Soil Conservation Service Engineering Field Manual. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drainage systems shall be constructed in accordance with the plans and standard specifications approved by the Planning Board.

Section 33.9.3 Public Sanitary Sewerage:

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision unless it has been agreed with the Planning Board that such lots will be served with private disposal systems. The size, type, and installation of all sanitary sewers shall be in accordance with plans and standard specifications approved by the appropriate municipal official.

Section 33.9.4 Public Water Supply Facilities:

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision unless it has been agreed with the Planning Board that such lots will be served by privately owned supply systems. The size, type, and installation of all public water mains shall be in accordance with plans and standard specifications as approved and shall include fire hydrants.

Section 33.9.5 Other Utilities:

The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.

Article 33.10 Waiver and Modification

Section 33.10.1 Where the Planning Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this Ordinance.
Section 33.10.2 In granting waivers to any provision of this Ordinance in accordance with Section 33.11.1, the Planning Board shall require such conditions as will assure that the purposes of this Ordinance are met.

Section 33.10.3 When the Planning Board grants a waiver to any of the provisions required by this Ordinance, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

Article 33.11 Validity, Effective Date and Conflict of Ordinances

Section 33.11.1 Validity

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, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 33.11.2 Effective Date

This ordinance shall take effect and be in force from and after the date of its official adoption.

Section 33.11.3 Conflict of Ordinances

This Chapter shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a high standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

Article 33.12 Enforcement

When the violation of any provision of this Chapter shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute in the name of the Town any and all actions and proceedings that may be appropriate or necessary for the enforcement of the provisions of this Chapter.

Article 33.13 Amendment

This Chapter may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.
Article 33.14 Appeals

An appeal may be filed within thirty (30) days from the Board’s final decision on the Preliminary or Final Plan by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Article 33.15 Definitions

Section 33.15.1 Subdivision

.1 A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A, M.R.S.A., Section 4401 and as hereafter amended.

.2 The term subdivision shall also include developments where there are three or more units involved, such as mobile home parks, multiple family dwelling(s), condominium conversions, shopping centers, and industrial parks.

.3 This Ordinance does not apply to an airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and Federal Aviation Administration.

Section 33.15.2 Direct Watershed

That portion of the watershed which does not first drain through an upstream lake.

Section 33.15.3 Fresh Water Wetland

Means fresh water swamps, marshes, bogs, and similar areas which are:

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

.2 Not considered part of great pond, river, stream, or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Section 33.15.4 100-Year Flood

The flood having a one percent chance of being equaled or exceeded in any given year.
Section 33.15.5 Industrial Park or Development

A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Section 33.15.6 Mobile Home Park

A parcel of land under unified ownership approved by the Town of Rangeley Planning Board for the placement of three (3) or more mobile homes.

Section 33.15.7 Privately-Owned Street:

A street, which is not intended to be dedicated as a public way.

Section 33.15.8 Stream, River, or Brook

River, stream, or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material, or bedrock.

Section 33.15.9 Street:

Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way for vehicular access other than driveways or logging roads.

Section 33.15.10 Substantially Started

Completion of at least thirty (30) percent of the public improvements measured as a percent of the total estimated cost of such improvements.

Section 33.15.11 Tract or Parcel of Land

All contiguous land in the same ownership, whether or not the tract is separated by any point by an intermittent or non-navigable stream, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of a road.

Last amended: 8/14/97
Last amended: 7/12/03
Last amended: 9/08/05
Last amended: 9/17/2009 at Special Town Meeting
CHAPTER 34. (RESERVED)
CHAPTER 35. TRAFFIC ORDINANCE

35.1 General
35.3 Limited Parking
35.5 Specialty Parking
35.7 Waiver of Court Action, Fee Schedule

35.2 No Parking, Stopping or Standing
35.4 Handicapped Parking
35.6 Operation

Article 35.1 General

The Town of Rangeley Traffic Ordinance, dated September 1, 1999, supersedes any previous Town of Rangeley Traffic Ordinances and amendments approved by the Board of Selectmen prior to September 1, 1999.

Section 35.1.1 Signs

The parking signs, traffic signs, traffic signals, and markings provided for by this ordinance and appearing in any Town way or Town owned or maintained parking lot shall be prima facie evidence that such signs and markings were erected and marked in accordance with the provisions of this ordinance and by the Town Manager.

Section 35.1.2 Penalties

Any person, who removes, destroys damages or defaces any sign or signal erected by or under the direction of the Town of Rangeley shall be deemed guilty of a Town of Rangeley ordinance violation and shall be punished by a fine of not more than $100.00 cost. This section does not preclude the Town of Rangeley from pursuing criminal charges under Title 17A, section 806, M.R.S.A. in which there may be fines and jail penalties imposed under guidelines set out in Title 17A M.R.S.A.

Section 35.1.3 “Parked”

The word “parked” as used in this code shall mean allowing a motor vehicle to remain stationary in a way, parking lot, or in the street, whether attended or unattended.

Section 35.1.4 Evidence

A vehicle, which is unlawfully parked in violation of this ordinance, shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 35.1.5 Parking Tickets

Any person or vehicle owner, who is issued any parking ticket in violation of this ordinance, may choose to contest the violation by coming to the Police Department and attempting to resolve the matter with the issuing officer or police supervisor. If the person or vehicle owner is not satisfied with the explanation, then that person can
be issued a civil citation for a District Court Judge to hear. The person or vehicle owner may be adjudicated a fine of up to $100.00, plus the cost of the original parking ticket.

Section 35.1.6 Removal of Violating Vehicles.

Any vehicle of any kind or description parked upon a public street within the Town of Rangeley, at a place, in a manner, or for a length of time prohibited by an ordinance of the Town or impedes the Town’s snow removal operation or traffic in the public street, is hereby declared to be an obstruction in such street and a menace to the safe and proper regulation of traffic. Any vehicle parked in such a manner as described in this section may be removed by and under the direction of, or at the request of the senior police officer in charge of any shift, the Town Manager or highway foreman to a garage or storage place within the town and impounded therein. Additionally, the Fire Chief or senior fire officer at any fire scene may cause the removal of any vehicle parked in such a manner that interferes with the fire fighting efforts. Any of the above persons named may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved and may employ any reputable person, engaged in the business of towing and storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of the vehicle pursuant to this section, and the payment of charges specified in this division, shall in no way relieve or prevent the prosecution for the violation of any provisions of the Town ordinance of the Town of Rangeley.

Section 35.1.7 Notification

Notification of the removal or impoundment of a vehicle will be made as promptly as is practical. The Police Department will make every effort to notify the owner of any removal from the town streets, as soon as possible. In no case will such notification exceed a 24-hour time period. A written notice that such a vehicle has been impounded shall be sent to the owner at their last known address as shown by the record of the Secretary of State. If the owner is unknown, the Town Manager shall cause to be published in the local newspapers printed in the Town notice of such impounding, giving the registration number, the vehicle identification number and the make, model and year of such vehicle.

Section 35.1.8 Recovery Procedure.

Before the owner of an impounded vehicle may remove it from the possession of the person towing it, the owner shall:

1. Furnish satisfactory evidence of identity and ownership of such vehicle to the officer at the Police Department and pay the established fees for impoundment, advertising, and the fine to the Police Department.

2. Be furnished a two- (2) part receipt upon payment of such charges, part one (1): a receipt for such payment and part two (2): a release to be presented to the person having towed and stored such vehicle. The owner
shall pay to the person having towed and stored such vehicle all towing and storage fees.

Article 35.2. No Parking, Stopping or Standing

Section 35.2.1 Penalty

The municipal officers are authorized to ticket any vehicle found in violation of this article, which shall subject the owner of said vehicle to pay a penalty of $25.00 to the Town of Rangeley for each violation. Any vehicle owner, who has not paid the parking tickets, shall after 30 days receive a notice of nonpayment. This warning shall include a notice of possible court action with a fine of up to $100.00 plus costs, plus the original parking ticket fine. The municipality shall use all such fines recovered from parking violations.

Section 35.2.2 Parking Near Intersection

No person shall park a vehicle within twenty-five (25) feet of any intersection. Provided, however that the foregoing provisions of this Section shall not apply to United States Mail, emergency and public utility vehicles while on duty.

Section 35.2.3 Parking Direction / Designated Parking Lines

No person, when parking a vehicle shall park it with the driver's left to the curb or road shoulder, except on designated one-way streets. All vehicles shall park within designated parking lines, (where the Town has designated & painted such lines) which are visible in existing weather conditions.

Section 35.2.4 Public Ways

No person shall park a vehicle at any time on a public way so as to obstruct the free passage of other vehicles on said public way, or to and from any other public or private way. This includes public sidewalks and pedestrian cross walks. Such vehicles may be removed in accordance with the provisions of Section 35.1.6.

Section 35.2.5 Sidewalks

No person shall park a vehicle at any time on any sidewalk now existing or hereafter to be created

Section 35.2.6 Entrances

No person shall park a vehicle within ten (10) feet of any entrance to an alley, fire lane or drive in the business district of the Town of Rangeley.
Section 35.2.7 Fire Hydrants

No person shall park a vehicle within fifteen (15) feet of either side of any fire hydrant in the Town of Rangeley. Provided, however, that the foregoing provisions of this section shall not apply to United States Mail, emergency and public utility vehicles while on duty.

Section 35.2.8 Stops

No vehicle shall stop in such a way as to obstruct any street, driveway, gated way or crossing except for the purpose of taking on or letting off a passenger. Or, for the loading or unloading of freight for a period of up to one (1) minute, except in the case of an accident, or when directed to do so by a police officer. No person shall fail to stop or place his or her vehicle as directed by a police officer on duty. Such vehicles may be removed in accordance with the provisions of section 35.1.6.

Article 35.3 Limited Parking

Section 35.3.1 Penalty

The municipal police officers are authorized to ticket any vehicle found in violation of this article, which shall subject the owner of said vehicle to pay a penalty of $20.00 to the Town of Rangeley for each such violation of the 4 hour parking ban. All other fines for limited parking will be $20.00. Any vehicle owner who has not paid the parking tickets shall after thirty (30) days receive a notice of possible court action with a fine of up to $100.00 plus cost, plus the original parking ticket fines. The municipality shall use all such fines recovered from parking violations.

Section 35.3.2 Winter Parking

No person may park a vehicle on any street, public way, or Town owned parking lot from the fifteenth (15th) day of November, to the fifteenth (15th) day of April of each year between the hours of twelve (12) midnight and seven (7:00 am). If such parking hinders snow plowing or snow removal operations by the Town of Rangeley or Maine DOT.

Section 35.3.3 Overnight Parking

No person may park a vehicle overnight at or on the below mentioned areas. The owner or operator of said vehicle shall be subject to penalty of $20.00 and/or is subject to have the said vehicle towed at the owner’s expense.

.1 The Rangeley Town Parks: No overnight parking in the town parks at any time.

Section 35.3.4 Parking in Excess of 72 Hours, Notice to Move & Removal

It shall be unlawful to leave a motor vehicle in a designated parking space or lot for a period in excess of seventy-two hours. If the vehicle is parked in violation, a notice shall
be placed on the windshield of such vehicle ordering its removal within twenty-four hours. If after the expiration of such notice the vehicle is still in violation, such vehicle may be removed in accordance with this ordinance 35.1.6.

Section 35.3.5 Fire Scene

No person shall park a vehicle, with or without occupants, other than a fire department or police department vehicle or ambulance, on a public highway within one-hundred yards of a fire scene in which fire department personnel are engaged. If a fire vehicle parks more than one hundred (100) yards from the fire and within one-quarter mile thereof, it shall park on the right-hand side of the highway and parallel with twelve (12) inches of the curb or edge of the highway.

Section 35.3.6 Main Street

No person shall park a vehicle for a period longer than four (4) hours on both sides of Main Street from the Rangeley Inn to Pleasant Street from May 15th to September 15th.

Section 35.3.7 Unregistered or Uninspected

No person shall allow an unregistered and/or uninspected motor vehicle or motorcycle or any part thereof of said vehicle or cycle to be parked upon public property for a period of longer than seventy-two hours. Exceptions may be made upon securing a written permit from the Town Manager. Said permit shall grant, on a one-time basis only, an extension of the seventy-two hour period for an additional seventy-two hours. A separate permit must be obtained for each vehicle, cycle, or part of same and shall cost $5.00.

Article 35.4 Handicapped Parking

Section 35.4.1 Required

Handicapped parking spaces are required for those individuals who are mobility impaired or who may have a serious health impairment that limits the distance that they can comfortably walk from a vehicle to a building. This definition is subscribed to by the Americans with Disabilities Act (ADA) and the Town of Rangeley also subscribed to the guidelines outlined in the ADA with respect to handicapped parking.

Section 35.4.2 Penalty

The penalty for violation of the Town of Rangeley handicapped parking ordinance shall not be less than $165.00 per MRSA 29A 521 9A $100.00 per M.R.S.A. 30-a section 3009. Any vehicle owner who has not paid the parking ticket after thirty (30) days receive a notice of possible court action with a fine of up to $100.00 plus costs, plus the original parking ticket fines. All such fines recovered from parking violations shall be used by the municipality.
Section 35.4.3 Restriction

No person shall park a vehicle, or motorcycle in any parking space designated for handicapped persons on any public way or the Town of Rangeley public parking lot, unless said vehicle or motorcycle is registered by a handicapped person. Any vehicle or motorcycle parked in a “clearly marked” space and or aisle designated as handicapped parking space that does not bear a special registration plate or a placard issued under Title 28-A, M.R.S.A., Section 521, or a similar plate issued by another state shall be considered in violation of this ordinance. “Clearly marked” includes painted signs on pavement and vertical standing signs, with the international handicapped symbol, which are visible in existing weather conditions.

Section 35.4.4 Private Property Handicapped Parking

The following provisions apply to the establishment and policing of parking spaces for handicapped parking spaces on private property to which the public has access:

.1 Owners of private off-street parking shall arrange for private enforcement or shall enter into an agreement with local or county law enforcement agencies to enforce handicapped parking restrictions. Under the agreements, unauthorized vehicles will be ticketed. An owner of off street parking who fails to arrange for private enforcement or to enter into an agreement with a law enforcement agency commits a civil violation for which forfeiture for not less than $50.00 may be adjudged, per Title 30-A, M.R.S.A., Section 3009.

.2 Under these agreements, public law enforcement officials may ensure that the handicapped person, on private lots open to the public uses parking spaces designated for the handicapped appropriately. County or municipal volunteer parking enforcement specialists may also enforce these handicapped parking restrictions in private lots.

.3 Any vehicle or motorcycle parked in a “clearly marked” space designated as a handicapped parking space that does not bear a special registration plate or placard issued under M.R.S.A., title 29A, section 521, or a similar plate issued by another state be considered in violation of this ordinance. “Clearly marked” includes painted sign on the pavement and vertical standing sign, with international handicapped sign, which are visible in existing weather conditions.

Article 35.5 Specialty Parking

Section 35.5.1 Penalty

The municipal police officers and/or civilian parking ticket personnel are authorized to ticket any vehicle found in violation of this article, which shall subject the owner of said vehicle to pay a penalty of $20.00 to the Town of Rangeley for each such violation. Any
vehicle owner who has not paid the parking ticket after thirty (30) days receives a notice of nonpayment. This warning shall include a notice of possible court action with a fine of up to $100.00 plus costs, plus original parking ticket fines. The municipality shall use all such fines recovered from parking violations.

Section 35.5.2 Private Parking Lot Lease Agreement

The Town Manager of the Town of Rangeley may enter into a lease agreement with the owner of a private parking lot for parking ticket enforcement and/or maintenance with the mutual consent of both parties. These agreements shall have the same force and effects as similar sections on public ways. The fines and penalties will parallel covering public ways on the same issues.

Section 35.5.3 Municipal Airport Parking

No person shall park or cause to be parked any vehicle in the parking area of the airport designated as and marked for long-term parking for a period of time that exceeds twenty-four (24) hours unless said person has a valid long-term parking permit. Said permit shall be secured from the airport manager for a fee to be determined by him/her and shall be displayed on the vehicle in a manner prescribed by the Airport Manager.

Article 35.6 Operation

Section 35.6.1 Penalty

Any violation of this ordinance by any person shall be a civil violation.

Section 35.6.2 Fine

Any person whose act or failure to act is described as unlawful under this Chapter or whose conduct otherwise constitutes a violation of this Chapter shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each violation paid to the Town of Rangeley. When not paid in thirty (30) days the person will receive a notice of possible court action with a fine of $100.00 plus cost, plus original fines. The municipality shall use all such fines recovered.

Section 35.6.3 Operation of a Motor Vehicle on Town Property Other than a Public Way

It shall be unlawful for any person or persons to operate any motor vehicle as herein after defined upon any property owned or leased by the Town of Rangeley except upon public ways or upon designated roads, trails and parking areas or upon special use areas designated by the selectmen.
Section 35.6.4 Motor Vehicle Defined

Motor vehicle shall mean and include any vehicle operated on wheels, tracks or other form and driven powered by other than muscular power, and shall include but be limited to car, truck, all terrain vehicles, snowmobiles, and the like.

Section 35.6.5 Unlawful to Operate

On trails, parking areas and special use areas it shall be unlawful to operate a motor vehicle:

Section 35.6.6 Unsafe Rate of Speed

Speed more than 20 mph shall be prima facie unsafe.

Section 35.6.7 Hours of Darkness

In the hours of darkness without headlamps capable of illuminating objects and terrain 500 feet ahead of the vehicle.

Section 35.6.8 Posted Regulations

In violation of any posted regulations governing the area.

Section 35.6.9 Instructions

In violation of the instructions of any Town Official in charge of said area.

Section 35.6.10 Snowmobile Access Trails

In violation of the snowmobile local access trails.

Section 35.6.11 Airport

It shall be unlawful to park or operate any motor vehicle, as defined in section 35.6.4, on any runway, taxiway or apron area of the Rangeley Municipal Airport. This section does not preclude the Town of Rangeley from pursuing criminal charges of FAA administrative action for which there may be additional fines, jail penalties or sanctions. It shall not, however, be unlawful to operate a motor vehicle onto the apron area for the sole purpose of unloading or servicing an aircraft. Nor shall it be unlawful for the Town of Rangeley vehicles to be on the runway, taxiway or apron area for the purposes of maintenance, snow removal or other lawful and required activities. When it is required that Town vehicles are operated onto the taxiways and runways, all applicable FAA regulations will be adhered to.
Section 35.6.12 Left Turn from Main Street

It shall be unlawful to make a left hand turn from Main Street into the designated and marked diagonal parking spaces on Main Street.

Section 35.6.13 Backing on Main Street

It shall be unlawful to back from the marked diagonal parking spaces on Main Street and proceed southbound (towards Farmington) on Main Street/Route 4.

Section 35.6.14 Traffic Control

It shall be unlawful for the operator of any vehicle to fail to obey the instructions of any police officer, fire police, or Town employee engaged in authorized traffic control operations at any parade, fire scene, accident scene, construction site or other designated activity.

Section 35.6.15 Accident Reporting

Each person operating a motor vehicle on property owned or leased by the Town of Rangeley who is involved in an accident shall immediately or by the quickest means of communication, file with the Town of Rangeley Police Department a report thereof in such details as the department shall prescribe.

Section 35.6.16 Fine

Any person found guilty of violating the provisions of this ordinance shall be punished by a fine as provided by the penalty section.

Article 35.7 Waiver of Court Action, Fee Schedule

Section 35.7.1 Fee Schedule

Any person charged with a violation of any such parking ordinance may waive all court action by payment of the following fees for the following parking violations to the Rangeley Police Department within seven (7) days of the offense.

1. First Offense: $10.00
2. Second Offense: $20.00
3. Third Offense and subsequent violation within one (1) year or the first offense: $50.00

1. Parking for a period of time exceeding the time limit set by an ordinance or order (3.4, 3.5, 5.3)
2. Parking in an area prohibited by an ordinance, such as on hydrant, corner, crosswalk, obstructing driveway or gated drive. Sidewalk,
parking improperly in a bus stop, taxi stand, or loading zone (2.2, 2.5, 2.6, 2.7, 2.8)

3. Parking in street obstructing traffic (2.4)

4. Parking on the wrong side of the street facing traffic (2.3)

5. Parking in a street between the hours of 12:00 midnight and 7:00 am between November 15th to April 15th.

PRESENTED TO ORDINANCE COMMITTEE ON 10/20/99

PUBLIC HEARING AT RLRS ON 12/13/99

ENACTED BY THE BOARD OF SELECTMENT ON 1/04/00
CHAPTER 36. TOWN PARKS

Section 1 The Board of Selectmen, in consultation with the Parks and Recreation Commission, shall establish rules governing the use of Town Parks.
CHAPTER 37. (RESERVED)
# CHAPTER 38. ZONING

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Article 38.1  Purpose, Authority, Scope, Amendments, and Severability

Section 38.1.1  Purpose

The purpose of this Chapter, pursuant to the Rangeley, Maine, Comprehensive Plan, is to promote the health, safety, and general welfare of the residents of the Town; to encourage the most appropriate use of the land throughout the Town; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to provide allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; to provide for adequate public services; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to protect buildings from flooding and accelerated erosion; to protect freshwater wetlands; to conserve the shore cover and to enhance visual and physical points of access to inland waters; and retain natural beauty.

Section 38.1.2  Authority

This Chapter is adopted pursuant to Article VIII-A of the Maine Constitution, Title 30-A, M.R.S.A., Section 3001, Title 30-A, M.R.S.A., Section 4352 and Title 38, M.R.S.A., Section 435 et. seq., and shall be known and may be cited as the "Zoning Ordinance of the Town of Rangeley, Maine". Should the Board of Environmental Protection reduce the setback requirement for new principle and accessory structures and substantial expansions from 100 feet to 75 feet, this Chapter shall be so amended.

Section 38.1.3  Scope

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Rangeley shall be in conformity with the provisions of this Chapter. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water area is located.

Section 38.1.4  Amendments

.1 Initiation of Amendments: An amendment to this Chapter may be initiated by:
   .1 The Planning Board, provided a majority of the Board has so voted;
   .2 Request of the municipal officers; or
   .3 Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

.2 The Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the Town Office at least 14 days prior to the public hearing. Notice of the hearing shall be published at least two times in a
newspaper in general circulation in the area. The date of the first notice shall be at least 14 days before the hearing, and the date of the second notice shall be at least 7 days before the hearing. In addition, when applicable, the provisions of Title 30-A, M.R.S.A., Section 4352.10 shall be compiled with.

.3 Adoption of Amendment: An amendment to this Chapter may be adopted by a majority vote of the Town Meeting.

.4 Copies of amendments attested and signed by the Municipal Clerk that impact the area within 250 feet, horizontal distance, of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet horizontal distance from a stream shall be submitted to the Commission of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within 45 days of the Commissioner’s receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Municipality within the 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 38.1.5 Validity and Severability

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

Section 38.1.6 Conflict with Other Chapters

This Chapter shall not be construed to repeal any existing bylaws, Code or ordinances, other than the Zoning Ordinance, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Chapter imposes greater restrictions, its provisions shall control.

Section 38.1.7 Effective Date and Repeal of Municipal Timber Harvesting Regulation

.1 This Chapter and amendments thereto shall become effective upon a majority vote of a Town Meeting, accept as provided in Section 38.1.2.4 above.

.2 The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. 438-A(5), the following provisions of this Ordinance are repealed:

- Section 38.4.6 Table of District Uses, Column 3 (Timber harvesting); and
- Section 38.5.17.4 in its entirety.
Section 38.1.8 Applicability

Upon adoption, this Chapter shall be applicable to all pending proceedings and applications for permits commenced after April 3, 1989.

Article 38.2 Administration & Enforcement

Section 38.2.1 General

.1 This Chapter shall be administrated and enforced by a Code Enforcement Officer appointed or reappointed annually by July 1st by the Selectmen except as otherwise provided.

.2 Applications for Conditional Use Permits shall be referred by the Code Enforcement Officer to the Planning Board, except as set forth in Section 38.4.5.8.4. The Planning Board shall hear and decide upon such applications in accordance with the provisions of this Chapter.

Section 38.2.2 Use Permits

.1 Application

.1 No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer.

.2 A permit for a building, structure, or use on any lot as prescribed in 38.4.6. Shall be issued only to the owner of record thereof, or his authorized agent.

.3 Any person required and entitled by any provision of this Chapter to obtain a Use Permit for any building, structure, or use, shall file a written application with the Code Enforcement Officer on forms to be provided for that purposes, accompanied by a fee established annually by the Board of Selectmen. The Code Enforcement Officer may require the submission of whatever information is necessary to determine conformance with the provisions of this Chapter.

.4 Applications for permits, along with their accompanying plans and permits issued or other decisions, shall be maintained as a permanent record by the Code Enforcement Officer.

.5 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one permitted by this Chapter without a Conditional Use Permit, or is one prohibited by this Chapter, he shall grant or deny the permit within the ten (10) working days after receipt of the application.
.6 If the Code Enforcement Officer determines that the building, structure, or use for which a permit is sought is one permitted by this Chapter as a conditional use, he shall refer the application to the Planning Board except as provided in Section 38.4.5.4.

.7 No use permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid Plumbing Permit has been issued to the applicant or his authorized agent by the Local Plumbing Inspector.

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

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

Section 38.2.3 Enforcement

.1 Nuisances: Any violation of this Chapter 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 Chapter. If the Code Enforcement Officer shall find that any provision of this Chapter 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 action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Chapter in the name of the municipality.
.4 Fines: Any person who violates any of the provisions of this Chapter after receiving notice of such violation shall be guilty of a misdemeanor, and, on conviction, shall be subject to a minimum fine of $100.00 up to a maximum fine of $2,500.00 per violation for each day that the violation continues as provided by State law.

Article 38.3 Nonconformance

Section 38.3.1 Purpose

It is the intent of this Chapter to promote land use conformities, except that nonconforming conditions that legally existed before the effective date, or amendments thereto, of this Chapter shall be allowed to continue, subject to the requirements set forth in this Section.

Section 38.3.2 General

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

.2 Repair and Maintenance: This Chapter allows the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

Section 38.3.3 Nonconforming Structures

.1 Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion meets all height and setback requirements.

Further Limitations:

.1 After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 38.3.3.5, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
Rangeley Town Code

.2 A structure or any portion, thereof, which is less than the required setback from the normal high water line of a water body or tributary stream or upland edge of a wetland shall not be expanded laterally unless the Planning Board determines, after an on-site inspection, that no practical alternatives exist to lateral expansions and the lateral expansion will conserve vegetation, minimize soil erosion, and minimize runoff created by roofed areas and driveways.

In determining whether practical alternatives exist, the Planning Board shall consider the size of the lot, the shape of land, the location of other structures on the property and on adjacent properties, the location of the septic system, and the existing architectural plan.

The provisions in Section 38.3.3.1.2 shall not apply to structures or portions thereof which are greater than seventy-five feet from the normal high water line of a water body or upland edge of a wetland.

.3 A structure or any portion, thereof, which is less than the required setback from a lot line shall not be expanded along that lot line unless the Planning Board determines after on-site inspection that no practical alternatives exist and Maximum Lot Coverage standards as set forth in Section 38.4.7 are not exceeded. In determining whether practical alternatives exist, the Planning Board shall consider the aforementioned conditions and give consideration to abutters.

.2 When ever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the same permitting authority as that for a new structure, basing its decision on the criteria specified in Subsection 4: Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the first floor to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

.4 Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the same permitting authority as that for
a new structure and provided that the applicant demonstrates that the present subsurface sewage disposal system, if not connected to public sewer, meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the threes that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

5. Reconstruction or Replacement:

1. Any nonconforming structure which is removed, damaged, or destroyed by fire, lightning, wind or other natural disaster by more than 50% of market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage or destruction.
from the same permitting authority as that for a new structure in accordance with the purposes of this Chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

.2 Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure if less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 38.3.3.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 38.3.3.4 above. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit if obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

Section 38.3.4 Nonconforming Uses

.1 Expansion: Expansion of nonconforming uses may be allowed provided the Planning Board, after reviewing the written application, determines that no greater adverse impact would occur as the result of the expansion as defined in Section 38.3.3.4 and the following:

.1 Expansions of a non-conforming uses are prohibited, except that non-conforming residential uses as permitted by Section 38.3.3.1.1 are prohibited in the shoreland area.
.2 The expansion of the nonconforming use will not encroach further on the required water setback.

.3 Nothing in this Section shall prevent an expansion that brings a nonconforming use into conformance with this Chapter. The expansion must meet all requirements of this Chapter in every way. When all nonconformity is to be eliminated, the CEO may issue a permit.

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

.3 Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 38.3.4.4.

.4 Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another nonconforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and the impact on adjacent properties, water bodies and/or wetlands will have no greater adverse impacts than the existing use.

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

The change of use shall comply with any applicable Performance Standards set forth in Section 38.5 of this Chapter.
Section 38.3.5 Nonconforming Lots

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

.2 Contiguous Built Lots: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

.2 Any lots that do not meet the frontage and lot size requirements of Section 38.3.5.3.1 are reconfigured or combined so that each new lot
contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 38.3.6 Restoration of Unsafe Property

Nothing is this Chapter shall prevent the strengthening or restoring to a safe condition any part of any building declared unsafe by the Code Enforcement Officer.

Section 38.3.7 Vested Rights

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it commenced, and the owner is in compliance with all validly issued permits, both State and local.

Article 38.4 Zoning Districts and Overlay Zones

Section 38.4.1 Establishment of Districts

To implement the provisions of this Chapter, the Town of Rangeley, Maine, is hereby divided into the following Districts:

.1 Resource Protection
.2 Shoreland
.3 Woodland
.4 Residential
.5 Village
.6 Commercial
.7 Industrial

Section 38.4.2 Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Rangeley, Maine", dated and on file in the office of the Town. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Chapter certifying the date of such adoption or amendment. Additional copies of this map may be seen at the Town Office.

Section 38.4.3 Interpretation of Districts

.1 Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Chapter of streets, alleys, parkways, waterways, or rights-of-way of utilities and railroads or such lines extended.
.2 Other district boundary lines, which are not listed in the proceeding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Map on file in the Municipal Office. In the absence of a written dimension, the graphic scale of the Official Zoning Map shall be used.

.3 The Planning Board shall make interpretations, where needed, as to the exact location of District boundaries.

Section 38.4.4 Division of Lots by District Boundaries

.1 Where a district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Chapter, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, except where such extension protrudes into the Shoreland Area, as defined.

Section 38.4.5 District Purposes and Criteria

.1 Resource Protection: The Resource Protection District includes land areas least suited for and least able to sustain development due to physical site conditions involving topography, soil types, drainage, or proximity to surface waters. Development in these areas could adversely affect water quality, productive wildlife habitat, biological systems or scenic and natural values. Such areas include, but are not limited to: areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" and "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on the Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river; floodplains along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils; areas of two or more contiguous acres with sustained slopes of 20% or greater; areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water; land areas along rivers subject to severe bank erosion,
undercutting, or river bed movement, and 75 feet, horizontal distance, from stream as defined.

.2 Shoreland: The Shoreland District covers land areas adjacent to the lakes and ponds of Rangeley and provides for limited seasonal and year-round residential land uses. Development along shorelands requires closer scrutiny than development situated farther away due to potential water quality and visual impacts.

.3 Woodland: The Woodland District includes land areas presently undeveloped or containing low density development. A variety of land uses may be allowed.

.4 Residential: The Residential District includes areas currently developed primarily as residential and extends to areas suited for such development due to physical site characteristics. The District provides for a variety of housing types.
   .1 Tax Map 8, lots 22, 23, 24, 25a, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 42a, 43, 33 shall be changed from “Commercial” to “Residential”.
   .2 Tax Map 8, lots 19, 20, 21 & Map 7, lot 53 shall be changed from “Commercial” to “Residential”.

.5 Village: The Village District includes the most highly developed areas in the Town. Development is more dense than in other areas and covers a broad mixture of land uses, including commercial, recreational, public, and residential. The village area is a vital and active area, and this district seeks to maintain the existing character and land use mix.

.6 Commercial: The Commercial District establishes an area in Rangeley intended for commercial enterprises, which may not be compatible with other land uses. It is located so as to provide an area suited to such development due to various conditions and to discourage the proliferation of strip development.

.7 Industrial: The Industrial District provides for areas suitable for manufacturing, processing, treatment, research, warehousing, distribution, mining of land, and other industrial activities.

NOTE: The Industrial Zone includes the following as shown on the Town of Rangeley’s tax maps:
   .1 Tax Map 12, lots 40, 41, 53, 48, 45, 42, 44, 27A, and 54.
   .2 Tax Map 16, lots 3 and 4A.

.8 Downtown Commercial District:
.1 Purpose

The purpose of this district is to provide for greater flexibility in dimensional requirements, development review, and encourage business development and expansions in the Villages of Rangeley and Oquossoc while protecting the public health, safety, and welfare.

.2 Boundaries and Definitions

The Downtown Commercial District shall include the following areas exclusive of those lots or portions thereof located in the Resource Protection and Shoreland Districts:

.1 One lot deep or 500 feet measured from the center line, whichever is less, adjacent to Route 4 from its intersection with Hatchery Brook to the Hotel Road.

.2 One lot deep or 500 feet deep measured from the center line, whichever is less, adjacent to Route 4 form the Bald Mountain Skiway Road and the easterly edge of Lot 4G on Map 5, as depicted on the Town of Rangeley Property Parcel Maps, to the Rangeley River and Route 17 south to an extension of Cupsuptic Avenue across Route 17 to the southerly boundary of Oquossoc Marine, Map 30, Lot 6.

.3 Dimensional Requirements

.1 Dimensional requirements shall be as provided in Section 38.4.7.

.4 Review of Uses Requiring a Conditional Use Permit

.1 In the Downtown Commercial District, the Code Enforcement Officer may issue a CEO Conditional Use Permit if, after an application is submitted pursuant to Section 38.6, the CEO finds the following:

.1 The proposed use will occupy an existing structure.

.2 The structure and/or property has been utilized for a similar use as determined by the CEO within the past 24 months from the date of application.

.3 There are no external alterations to the property, which would increase the size of the structure by 25 percent or 750 square feet whichever is less.
.4 The hours of operation will be similar to the previous use.

.5 Parking standards contained in Section 38.5.3 are met.

.6 The CEO finds that all the criteria contained in Section 38.6.3 will be met.

.7 If the CEO finds that the above criteria will not be met, a Conditional Use Permit must be approved by the Planning Board.

Section 38.4.6 District Uses

Land uses permitted in each district in conformance with the Performance Standards of Section 5, are shown in the following table. Note: All uses involving building construction require a Building Permit from the Code Enforcement Officer prior to beginning construction.

<table>
<thead>
<tr>
<th>KEY</th>
<th>YES</th>
<th>NO</th>
<th>CEO</th>
<th>CU</th>
<th>LPI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permitted (no permit necessary)</td>
<td>Prohibited</td>
<td>Permit from Code Enforcement Officer Required</td>
<td>Requires Conditional Use Permit from Planning Board</td>
<td>Local Plumbing Inspector</td>
</tr>
<tr>
<td>Land Use</td>
<td>Resource Protection</td>
<td>Shoreland</td>
<td>Woodland</td>
<td>Residential</td>
<td>Village</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---------------------</td>
<td>-----------</td>
<td>----------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Open Space Uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Agriculture</td>
<td>CU</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Timber Harvesting</td>
<td>CEO(^1)</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>CEO</td>
</tr>
<tr>
<td>Filling or other earth moving activity:</td>
<td>CEO(^1)</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Less than 10 cu. yds; More than 10 cu. yds.</td>
<td>CU</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>CEO</td>
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<tr>
<td>Sand and Gravel Excavation</td>
<td>no</td>
<td>CU</td>
<td>yes</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>Public &amp; Private Parks &amp; Recreational</td>
<td>CU</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>CU</td>
</tr>
<tr>
<td>Areas Involving Structural Development</td>
<td></td>
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<td></td>
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<tr>
<td>Campgrounds</td>
<td>no</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
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<tr>
<td>Individual Private Campsites</td>
<td>no</td>
<td>no</td>
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<tr>
<td>Single-Family Dwelling</td>
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<tr>
<td>Two-Family Dwelling</td>
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<td>CEO</td>
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<tr>
<td>Multi-Family Dwelling</td>
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<td>CU</td>
<td>CU</td>
<td>CU</td>
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<tr>
<td>Mobile Home</td>
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<td>CEO</td>
<td>no</td>
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<tr>
<td>Manufactured Housing</td>
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<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>Conversion of Seasonal Residence to Year-</td>
<td>no</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<tr>
<td>Round Residence</td>
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<td></td>
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<tr>
<td>Land Use</td>
<td>Resource Protection</td>
<td>Shoreland</td>
<td>Woodland</td>
<td>Residential</td>
<td>Village</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
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<td>----------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
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<td>CU</td>
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<td>no</td>
</tr>
<tr>
<td>Structure Accessory to Permitted Uses</td>
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<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>Garages, Storage Buildings and Similar Structures NOT intended for Human Habitation on lots without principal dwellings</td>
<td>no</td>
<td>no</td>
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<tr>
<td>Home Occupations</td>
<td>yes</td>
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<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Commercial Facilities except Facilities Requiring Shoreland Location</td>
<td>no</td>
<td>no</td>
<td>CU</td>
<td>no</td>
<td>CU²</td>
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<tr>
<td>Commercial Facilities Requiring Shoreland Location</td>
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<td>CU</td>
<td>no</td>
<td>no</td>
<td>CU²</td>
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<tr>
<td>Industrial Light Heavy</td>
<td>no</td>
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<td>CU</td>
<td>no</td>
<td>no</td>
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<tr>
<td>Automobile Graveyards or Junkyards</td>
<td>no</td>
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<td>CU</td>
<td>no</td>
<td>no</td>
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<tr>
<td>Motels and Hotels</td>
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<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Inns</td>
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<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>no</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
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<tr>
<td>Public Buildings such as Schools, Libraries, Churches, Museums</td>
<td>no</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Institutional</td>
<td>no</td>
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<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Land Use</td>
<td>Resource Protection</td>
<td>Shoreland</td>
<td>Woodland</td>
<td>Residential</td>
<td>Village</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>---------------------</td>
<td>-----------</td>
<td>----------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Nonprofit Clubs, Lodges, and other Community Buildings</td>
<td>no</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
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<tr>
<td>Waste Processing or Disposal Facility</td>
<td>no</td>
<td>no</td>
<td>CU</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>Piers/Docks - Temporary</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td>no</td>
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</tr>
<tr>
<td>Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Utilities or essential services</td>
<td>CU</td>
<td>CU</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>a. Roadside distribution line 934.5kV and lower</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>b. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland area.</td>
<td>CU²</td>
<td>CU²</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>c. Non-roadside or cross-country distribution lines involving eleven or more in the shoreland area.</td>
<td>CU³</td>
<td>CU³</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Mineral Exploration</td>
<td>CU</td>
<td>CU</td>
<td>CEO</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>Mining of Land</td>
<td>no</td>
<td>no</td>
<td>CU</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>Road Construction</td>
<td>CU</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Small Nonresidential Facilities for Educational, Scientific or Nature Interpretation Purposes</td>
<td>CU</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Clearing for Approved Construction</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Facilities of Essential Services Accessory to Permitted Uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>
### Land Use Regulations

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Resource Protection</th>
<th>Shoreland</th>
<th>Woodland</th>
<th>Residential</th>
<th>Village</th>
<th>Downtown Commercial</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses Similar to Permitted Uses Requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Uses Similar to Uses Requiring a CUP</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Road Construction</td>
<td>no&lt;sup&gt;4&lt;/sup&gt;</td>
<td>CU</td>
<td>yes</td>
<td>yes</td>
<td>Yes&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;5&lt;/sup&gt;</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>No&lt;sup&gt;6&lt;/sup&gt;</td>
<td>CU</td>
<td>yes</td>
<td>yes</td>
<td>Yes&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;5&lt;/sup&gt;</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

---

1. Not permitted within seventy-five (75) feet of normal high water line of great ponds, rivers, or streams or upland land edge of a wetland, except to remove safety hazards.
2. The Planning Board may issue a permit for a single-family dwelling in a Resource Protection District in accordance with Section 5.U.
3. See further restrictions in Section 38.5.17.12.
4. Except as provided for in Section 38.5.27.8.3.
5. If located in the Shoreland Area a Conditional Use Permit is required.
6. Except when area is zoned for resource protection due to floodplain criteria in which case a Conditional Use Permit is required.

**NOTE:** A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38, M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater great pond, river, stream, or brook and operates in such a manner that material or soil may be washed into them:

1. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
2. Draining or otherwise dewatering;
3. Filling;
4. Any construction or alteration of any permanent structure.

.1 Home occupations shall comply with the standards contained in Section 38.5.19 of this Chapter.

.2 Commercial facilities permitted in the Village District with a Conditional Use Permit shall be limited to the following:
.1 Professional Offices
.2 Real Estate Offices
.3 Gift Shops
.4 Similar Uses.

Section 38.4.7 Dimensional Requirements

Lots in all districts shall meet or exceed the following minimum requirements:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Size</th>
<th>Minimum Frontage</th>
<th>Road</th>
<th>Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With Sewer</td>
<td>Without Sewer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource Protection</td>
<td>20,000</td>
<td>40,000</td>
<td>150</td>
<td>200</td>
</tr>
<tr>
<td>Shoreland</td>
<td>20,000</td>
<td>40,000</td>
<td>150</td>
<td>200</td>
</tr>
<tr>
<td>Woodland</td>
<td>40,000</td>
<td>40,000</td>
<td>150</td>
<td>200</td>
</tr>
<tr>
<td>Residential</td>
<td>20,000</td>
<td>40,000</td>
<td>150</td>
<td>200</td>
</tr>
<tr>
<td>Village</td>
<td>10,000</td>
<td>20,000</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Commercial</td>
<td>10,000</td>
<td>20,000</td>
<td>100</td>
<td>200</td>
</tr>
<tr>
<td>Industrial</td>
<td>20,000</td>
<td>20,000</td>
<td>100</td>
<td>200</td>
</tr>
</tbody>
</table>

1 Setbacks from public or private-owned roads or streets shall be measured from the edge of the right-of-way.
2 No front setback need be any deeper than the average depth of front setbacks on the lots next to thereto on either side.
3 Setbacks from the normal high water mark shall not be less than 75' from streams and the upland edge of wetlands and 100' from great ponds and rivers.
4 Maximum lot coverage established by setbacks.
5 Driveways, sidewalks, parking lots, signs, and docks shall be set back at a minimum of 10 feet from side yard lines unless no practical alternative existed as determined by the Code Enforcement Officer utilizing the criteria set forth in Section 3.C.1.B.
Section 38.4.8 General Requirements

The following requirements shall apply to all districts:

.1 Principal Dwelling: If more than one residential dwelling is constructed on a single lot, all dimensional requirements shall be met separately for each such principal dwelling. In addition in the Shoreland Area if more than one principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional principal structure, or use.

.2 No residential structure shall be constructed, converted or placed, which contains less than 600 sq. ft. of living space on one level.

.3 Accessory Buildings: No garage or other accessory building shall be located in a required front yard.

.4 Required yard spaces shall serve only one lot: No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

.5 Height Restrictions: No building shall exceed two-and-one-half \((21/2)\) stories or thirty-five (35) feet in height. The height shall be measured from the average elevation of the original ground surface at the footprint of the building. This restriction shall not apply to farm buildings and industrial structures not used for human habitation, windmills, antennas, transmission towers, church steeples, flagpoles, and chimneys.

.6 No lot abutting a shoreline may be created by any division of land unless the lot has a depth of at least 150 feet from the shoreline.

.7 Notwithstanding any other provision of this Chapter, the minimum shoreline frontage requirements for lots upon which no structure is closer than 600 feet to the normal high water mark of any shoreline, shall not be greater than 300 feet.

.8 Notwithstanding other provisions of this Chapter, land uses having a substantial impact on wildlife habitat areas shall require approval of the Planning Board. The Planning Board may require that the Owner, or his agent, submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.

.9 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
.10 The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

Article 38.5 Performance Standards

Section 38.5.1 General

Section 38.5.1 to 38.5.15 shall apply to all Districts:

.1 Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following “best management practices”:

.1 Stripping of vegetation, soil removal, and regarding or other development shall be minimized as far as its practical, and shall be done in a way as to minimize erosion.

.2 The duration of exposure of the disturbed area shall be kept to a practical minimum.

.3 Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

.4 Until a disturbed area is stabilized; sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Code Enforcement Officer.

.5 Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.

Section 38.5.2 Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

Section 38.5.3 Off-Street Parking and Loading Requirements

The following standards shall apply to all new or expanded uses and structures:

.1 Basic Requirement: Required off-street parking for all uses shall be located on the same lot as the principle building or use of premises or within three hundred (300) feet measured along lines of access. However, establishments occupying or intending to occupy existing structures on
Main Street, from the intersection of Main Street and Depot Road to the intersection of Maine and Center Streets, may be exempted from the requirements of this paragraph when the lot on which the establishment is located does not contain sufficient area or is not within 300 feet of sufficient area to accommodate the required parking. An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as an off-street parking space.

.1 Two (2) spaces per dwelling unit.

.2 One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel plus one (1) space per 400 sq. ft. of public meeting rooms and restaurants.

.3 One (1) space for each recreational vehicle, tent or shelter site in a campground.

.4 One (1) space for each four (4) beds for institutions devoted to the board, care or treatment of persons.

.5 One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building.

.6 One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.

.7 One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.

.8 Adequate spaces shall be provided to accommodate customers, patrons, and employees at other permitted uses not specifically enumerated.

.2 Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. This setback may be reduced if the Planning Board finds that no other reasonable alternative exists.

.3 Off-Street Loading: In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading or storage upon any public way.
Section 38.5.4 Sanitary Provisions

The installation of all water supply systems and private sewage disposal systems in all districts shall conform to the provisions of the State of Maine Subsurface Wastewater Disposal Rules and any local regulations or ordinances.

Section 38.5.5 Signs

All signs shall comply with the Maine Traveler Information Act, Title 23 M.R.S.A., Section 1901-1925, as amended, and any applicable rules and regulations promulgated thereunder. The following additional requirements shall apply to all on-premise signs.

Section 38.5.5.1 Purpose

The Town of Rangeley, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town and its rural areas and waterways, and that a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this section of the Town Code to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

Section 38.5.5.2 Definitions

.1 Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges. National, state, and municipal flags should not be considered banners.

.2 Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision of a government.

.3 Message Flag: A piece of fabric not exceeding fifteen (15) square feet, displayed on a pole attached to a structure, generally used to convey a message such as, but not limited to: “Open”, “Restaurant”, etc...

.4 Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

.5 Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Brand names and logos that are integral parts of a good to be sold are not considered signs under this section of the Town Code.
.6 **Sign Area**: The area, when viewed from any direction, of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc..., encompassing all lettering, wording, design, or symbols, together with any background that is distinguishable from the building or support. For the purpose of calculating the area of a sign, a support that contains no information is not part of the sign.

.7 **Sign, Canopy**: A sign, which is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

.8 **Sign, Consolidated**: A single on-premise sign that serves two or more businesses or entities, all of which are located on the same lot of record, which is on a single device, fixture, placard, or structure.

.9 **Sign, Freestanding**: A sign supported by one or more upright poles, columns, braces, or structures anchored in the ground and not attached to any building or other structure.

.10 **Sign, Illuminated**: A sign in any manner illuminated by an artificial source of light.

.11 **Sign, Externally Illuminated**: A sign that is lighted entirely from an external source, such as flood or spotlights.

.12 **Sign, Internally Illuminated**: A sign whose lighting is integral to the design and shines through a plastic or other translucent covering.

.13 **Sign, Ladder**: A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section of the Town Code.

.14 **Sign, Obsolete**: A sign that no longer advertises a bona fide business, product sold, or activity or campaign being conducted.

.15 **Sign, Off-Premise**: A sign that is not located on the same lot of record as the business, facility, or point of interest referenced.

.16 **Sign, On-Building**: A sign that is attached to a building wall and extends not more than six inches from the face of such wall.

.17 **Sign, On-Premise**: A sign that is located on the same lot of record as the business, facility, or point of interest referenced.

.18 **Sign, Portable**: A sign that is not permanently attached to the ground or a permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and
visible from the public right-of-way, unless said vehicle is used in the normal day-
to-day operations of the business.

.19 **Sign, Projecting:** A sign that is attached to a building wall and extends more than
six inches from the face of such wall.

.20 **Sign, Temporary:** A sign of a temporary nature, erected less than ninety (90)
days within any twelve-month period, exemplified by the following: commercial
advertising, political signs, charitable signs, fundraising signs, carnival signs,
garage sale signs, rummage sale signs, flags, message flags, pennants, or
banners, all signs advertising sales of personal property, and “for rent” signs. An
exterior on-premise sign displayed by an ongoing business, on which the
information changes while the structure remains unchanged, shall not be
considered a temporary sign.

Section 38.5.5.3 Permit Required

Except as otherwise specified herein, no person, corporation, or other entity shall
hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit
issued by the Code Enforcement Officer and payment of a Sign Permit Fee not to
exceed the cost of the label and processing. A Sign Permit label shall be issued with
the Sign Permit and shall be affixed to the sign. Every application for a Sign Permit
shall be accompanied by plans drawn to scale showing the area of the sign, the position
of the building, structure or lot to which or upon which the sign is to be attached or
erected, the method of illumination, if any, and such other information as the Code
Enforcement Officer shall require to show full compliance with this and other chapters of
the Town Code. The Sign Permit shall be issued if the proposed sign is in compliance
with all such chapters of the Town Code.

Section 38.5.5.4 Violations

Per Section 38.2.3, Enforcement, Chapter 38, Zoning, of the Rangeley Town Code.

Section 38.5.5.5 Exempted Signs

.1 Any sign (except an Obsolete Sign or a sign otherwise prohibited by this section
of the Town Code) that was in place prior to the date of adoption of this section is
exempted from the requirements provided; however, that any subsequent change
in the lettering, size, construction, wording, or location of said sign shall be
deemed to constitute a new sign, and such new sign shall be governed by the
terms of this section.

.2 House address signs, family name signs, and residential property name signs not
to exceed six (6) square feet; and “No Trespassing” signs, “Private Drive” signs,
and “Private Property” signs not to exceed three (3) square feet per sign are
exempted from the requirements of this section of the Town Code.
.3 Traffic control signs, safety signs, and handicapped access signs are exempted from the requirements of this section of the Town Code.

.4 Signs painted on the window of a business, provided such signs do not exceed fifty percent (50%) of the area of the window, are exempted from the requirements of this section of the Town Code.

.5 Informational and directional signs concerning hospital emergency services and emergency care facilities are exempted from the requirements of this section of the Town Code.

.6 Temporary Signs are exempted from the requirements of this section of the Town Code.

.7 Message Flags are exempted from the requirements of this section of the Town Code, except that no more than two Message Flags may be displayed on a single lot of record in all zones.

.8 Window decals and temporary advertisements printed on paper or cardboard, of a type generally used to advertise daily specials, sales, or similar activities, are excepted from the terms of this section of the Town Code so long as they measure less than one (1) square foot.

.9 Flags, decorative banners, pennants, and message flags that are used for personal, not business use, are exempted.

Section 38.5.5.6 General Provisions

.1 Community, Municipal, and Quasi-Municipal Facilities: Signs of such facilities shall meet the requirements of this Ordinance. All roadside municipal directional signs for public facilities, except those for public parking and transportation, shall be standard wordless symbol signs no larger than twelve inches by eighteen inches (12" x 18"), with an additional direction arrow where needed.

.2 Obsolete signs shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or lot upon which such sign may be found within ten (10) days of becoming obsolete.

.3 Illuminated signs shall be lighted from sources that are shielded from streets or adjoining property, with no exposed source of illumination. The intensity of light shall remain constant in color, location, and brightness.

.4 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Billboards, roof signs, animated signs, flashing
signs, internally illuminated, and signs containing visible moving parts are prohibited.

.5 No sign and its supporting structure shall exceed (20) feet in height from the natural surface of the ground.

.6 No more than one real estate sign for each broker, real estate company, or private owner not exceeding six (6) square feet on residential properties and thirty-two (32) square feet on non-residential properties. All such signs are to be removed within one week after the transaction. Two signs per broker on undeveloped parcels of ten (10) acres or more, relating to the sale, rental, or lease of the premises is allowed without a Sign Permit. One directional sign not exceeding six (6) square feet stating that a home, business, or lot is for sale is permitted without a Sign Permit at each intersection between a major thoroughfare and a property for sale. Directional signs for open houses are permitted only on the day of the open house. Directional signs must be removed by the broker, agent, or real estate company, who placed them, no later than twenty-four hours after the open house is over. Waterfront properties are permitted an additional sign on the waterfront.

.7 One sign per construction site, not exceeding thirty-two (32) square feet, identifying project contractors, architects, and engineers is allowed without a Sign Permit. Such sign must be removed by the responsible contractor or property no later than one (1) week after construction is completed.

.8 Official Business Directional Signs shall be allowed pursuant to the Maine Traveler Information Act and the rules and regulations promulgated thereunder by the Maine Department of Transportation. All Official Business Directional Signs must meet current MDOT standards regulating the installation of such signs.

.9 Banners and pennants are allowed for the promotion of an event, provided that they are displayed for no longer than fourteen (14) consecutive days. A Sign Permit is required for each such use, but no fee is required for non-profit organizations.

.10 Home Occupations: A single sign with a maximum area of six (6) square feet and not to exceed six (6) feet in height may be granted a Sign Permit. Properties with more than one Home Occupation must place all signs on the same sign not to exceed six (6) square feet in the aggregate.

.11 Business and Commercial Signs: All permanent on-premise signs advertising a business or commercial use or uses on a single lot of record may not exceed thirty-two (32) square feet in the aggregate.

.12 If the Planning Board finds, when reviewing an application for conditional use approval, that special circumstances exist on a particular lot that warrant a
departure from the square footage limitations prescribed in this section, the Planning Board may do so provided that such departure would not adversely affect public health, safety, and welfare, and further provided that the application for conditional use approval includes all information required by Section 38.5.5.

.13 The light from an externally illuminated sign should be so arranged that no direct rays of light from spotlights or floodlights are projected from the external source into adjoining properties or streets.

.14 Off-premise signs are prohibited, except Real Estate signs subject to the restrictions described in Section 38.5.5.6.6; Official Business Directional signs as defined by the State of Maine Department of Transportation; and Temporary Signs as described in Section 38.5.5.2.20, when erected by not-for-profit organizations.

.15 Portable signs are prohibited on public sidewalks or any public property without a permit.

.16 Temporary signs may not be illuminated and may not exceed six (6) square feet.

.17 Not more than two (2) signs of a temporary nature may be placed on one property.

.18 Temporary signs may not be illuminated.

.19 No sign shall project beyond the lot line(s) of the lot on which it is located.

.20 No sign shall obstruct a driveway or a required parking space.

.21 No sign shall be attached to utility poles, trees, or traffic control signs or devices.

.22 No freestanding sign shall be located within the street right-of-way.

.23 All signs shall be maintained in good condition.

Section 38.5.6 Storm Water Run-Off

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by this project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible.

Section 38.5.7 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature,
quantity, obnoxiousness, toxicity or temperature that run-off, seep, percolate, or wash into surface or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

Section 38.5.8 Two-Family Dwellings

.1 Lots for two-family dwellings shall meet all the dimensional requirements for a single-family dwelling units except within the Shoreland District where they shall meet all the dimensional requirements for two, single-family dwellings.

Section 38.5.9 Multi-Family Dwellings

.1 In the districts where allowed, multi-family development may be approved by the granting of a Conditional Use Permit by the Planning Board, in addition to Subdivision approval, in accordance with Section 38.6 of this Chapter, the following standards and other pertinent provisions of this Chapter.

.2 Dimensional requirements for all multi-family developments shall meet or exceed the following:

.1 Within the Shoreland District, lot area and shore frontage shall be equal to that required for the equivalent number of single-family dwelling units.

.2 In all districts, the minimum road frontage shall be 50% greater than that required for a single dwelling.

.3 In the Village and Commercial Districts, lot size shall meet or exceed the following:

.1 For lots served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. for the first structure with three units, and 7,500 sq. ft. for each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 20,000 sq. ft. for the additional structure(s) with three units, and 7,500 sq. ft. for each additional unit.

.2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 20,000 sq. ft. per dwelling unit. The lot size shall be in accordance with the State of Maine Plumbing Code.

.4 In the Residential and Woodland Districts, lot size shall meet or exceed the following:
.1 For lots served by public sewer, the minimum lot size for multi-family development shall be 40,000 sq. ft. for the first structure with three units, and 10,000 sq. ft. for each additional unit within the first structure. For each additional structure proposed for a multi-family development, there shall be 40,000 for the additional structure(s) with three units, and 10,000 sq. ft. for each additional unit.

.2 For lots not served by public sewer, the minimum lot size for multi-family development shall be 80,000 sq. ft. for the first structure with three units, and 20,000 sq. ft. for each additional unit within the first structure. For each additional structure(s) proposed for a multi-family development, there shall be 80,000 sq. ft. for the additional structure(s) with three units, and 20,000 sq. ft. for each additional unit.

.5 In all Districts, except the Shoreland District, the minimum shore frontage shall be as follows:

.1 For each multi-family dwelling of six or less dwelling units, the minimum shore frontage shall be one-half the frontage required for a single-family dwelling multiplied by the number of dwelling units therein.

.2 For each multi-family dwelling of six or more dwelling units, the minimum shore frontage shall be one-half the frontage required for a single-family dwelling multiplied by six.

Section 38.5.10 Apartment Conversions

1. Purpose: The purpose of these standards is to provide less expensive rental units to the housing stock; make housing units available to moderate income households who might otherwise have difficulty finding housing in Rangeley and to protect property values and traditional residential characteristics.

2. General Requirements: The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a Conditional Use Permit granted by the Planning Board, provided that Section 38.6 of this Chapter and the following are met:

.1 Each unit shall have a minimum of 500 sq. feet of habitable living space.

.2 The converted apartments shall be designed so that the appearance of the building remains that of a single-family dwelling with the exception of a second floor emergency egress.
.3 The design of the apartment conforms to all applicable standards in the building and other codes.

.4 Off-street parking shall be provided in accordance with the standards contained in Section 38.5.3 of this Chapter.

.5 Adequate provisions shall be made for the disposal of sewage, waste, and drainage generated by the apartments.

.6 Open, unpaved (lawn, garden, shrub or tree) area of a minimum equal to half of the combined floor space of the dwelling units, but no less than 25% of the property shall be maintained.

.7 Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

.8 Dimensional requirements shall meet or exceed the following:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lots With Sewer</th>
<th>Minimum Lots Without Sewer</th>
<th>Minimum Frontage Road</th>
<th>Minimum Frontage Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoreland</td>
<td>40,000 sq. ft.</td>
<td>80,000 sq. ft.</td>
<td>300 feet</td>
<td>400 feet</td>
</tr>
<tr>
<td>Woodland</td>
<td>20,000 sq. ft.</td>
<td>(a)</td>
<td>75 feet</td>
<td>—</td>
</tr>
<tr>
<td>Residential</td>
<td>10,000 sq. ft.</td>
<td>(a)</td>
<td>75 feet (b)</td>
<td>75 feet</td>
</tr>
<tr>
<td>Village</td>
<td>5,000 sq. ft.</td>
<td>(a)</td>
<td>75 feet (b)</td>
<td>75 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>5,000 sq. ft.</td>
<td>(a)</td>
<td>75 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

.1 In accordance with the State of Maine Subsurface Wastewater Disposal Rules.

.2 May be less than 75' if the lot was a lot of record prior to May 28, 1987.

Section 38.5.11 Mobile Homes

1. Mobile Homes shall have a pitched roof, have a horizontal dimension of at least fourteen (14) feet, and have exterior walls of traditional site built appearance.

2. All mobile homes shall be placed upon one of the following foundation systems:

   .1 Continuous, perimeter concrete wall extending at least four (4) feet below the finished grade. The wall shall be a minimum of eight (8) inches of thick, reinforced cast in place concrete.

   .2 Another system approved by the Code Enforcement Officer.
.3 Mobile Home Parks shall comply with the regulations set forth in Title 30, M.R.S.A., Section 4358. In the event that Section 4358 does not cover an applicable subject that is regulated by the Rangeley Town Code, then the Rangeley Town Code shall apply as long as it does not conflict with State law.

Section 38.5.12 Cluster Development

.1 Purpose: The purpose of these standards are to permit greater flexibility and consequently more creative and imaginative design than generally is possible under other provisions of this Chapter. It is intended to further promote more economical and efficient use of land while providing a harmonious variety of housing choices and preservation of natural qualities and open space. The purpose of this Section is for new development not for lots with existing structures.

.2 Basic Requirements: The Planning Board, in reviewing and approving development proposals containing an area of at least ten acres, may modify the minimum requirements for lot area, lot width, road frontage and yard space, which would otherwise apply pursuant to existing Town ordinances and regulations provided that the following standards are met:

.1 Overall density of the development shall not exceed the number of units on land suitable for buildings, which would otherwise be allowed if the land were subdivided in a conventional manner.

.2 Maximum reduction in size of individual lot shall be 50%.

.3 Road frontage requirements shall not apply provided that suitable access for public safety and other vehicles will be provided and properly maintained. Shore frontage shall not be reduced.

.4 Front yard setback requirements shall not apply except with respect to residential buildings located on an existing public road and/or along a water body.

.5 Side and rear setback requirements shall not apply.

.6 Residual open space created by reduction in lot sizes shall be permanently and legally preserved as open space. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. The developer of any cluster development shall make suitable provisions for the permanent maintenance of open space areas, by one of the following methods:
.1 Dedication of such open space to public use, if the Town or other public agency has indicated, it will accept such dedication;

.2 Retention of ownership and responsibility for maintenance of such open space; or

.3 Provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either a nonprofit homeowner's corporation or a community open space trust. If a homeowners corporation or open space trust is formed, it shall be governed by the following: (1) the organization shall be organized by the developer and operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development; (2) membership in the organization shall be mandatory for all purchasers of homes therein and their successors; (3) the organization shall be responsible for the maintenance of common open space and property and for insurance and taxes on such common open space and property; (4) the members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them; and (5) the organization shall administer the common facilities and maintain the common open space.

.3 Procedures for application and review of cluster development proposals.

.1 The Planning Board shall review any proposal for a cluster development as provided by the Town of Rangeley Subdivision Review of the Rangeley Town Code, Chapter 33.

.1 In addition to information required in the Town of Rangeley's Subdivision Review of the Rangeley Town Code, Chapter 33, the following will be provided in the application:

.1 A legal description of the total site proposed for development including a statement of present and proposed ownership, present zoning, property tax map reference numbers, and the names and addresses of adjacent property owners.

.2 A description of the character of the proposed development and the rationale behind the assumptions and choices made regarding the development.
.3 A development schedule indicating the approximate date when construction of the cluster development can be expected to begin and be completed.

.4 A statement of the applicant's intention with regards to the future selling or leasing of all or portions of the cluster development, such as land areas, dwelling units, etc...

.5 Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; appropriate gross and net residential densities; total amount of improved open space; and total amount of unimproved open space.

.6 Tentative proposal for the maintenance and conservation of common open space.

.7 The conditions of dedication of any parcels of land to be dedicated to public use.

.4 Common Land Maintenance: After final approval has been granted by the Planning Board, the Selectmen shall review all provisions for upkeep of common or public land or facilities within the cluster development. In cases where land or facilities are to be deeded over to the Town, said transactions shall be finalized or a date for completion of improvements on said land or facilities and the finalizing of said transactions shall be set, and approval shall be granted. In cases where common land or facilities are not to be deeded to the Town, the Selectmen shall grant final approval if the conditions of ownership and maintenance are consistent with those conditions set out and approved in the application.

Section 38.5.13 Hotels, Motels, and Inns

(For the purposes of this Section, the terms hotel, motel, and inn are used interchangeably.)

.1 The minimum lot size for any hotel shall contain not less than three acres of total area.

.2 The minimum road frontage shall be not less than 200 feet.

.3 The minimum shore frontage shall be the same as for multi-family dwellings, treated each unit of the motel as if it were a dwelling unit.

.4 No part of any building on a motel lot shall be closer than 60 feet to the front lot line, rear lot line or either side line of such lot.
.5 The minimum shoreline setback for a motel shall be 100 feet from the normal high water mark.

.6 Building on a motel lot shall not cover more than 20% of the area of the lot.

.7 If cooking and eating facilities similar to those traditionally found in residential dwelling units are provided in a hotel unit, each unit shall be considered a dwelling unit, and the hotel shall be required to meet all the standards for multi-family developments in this Chapter, including the residential density requirements of the appropriate district.

.8 Each motel rental unit shall contain not less than 200 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 by 15 feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.

.9 On each hotel lot, one apartment may be provided for a resident owner, manager, or other staff person.

.10 Hotel building construction plans shall be reviewed and approved by the State Fire Marshall’s Office.

Section 38.5.14 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the Department of Human Services rules for Tent, Recreational Vehicle and Wilderness Parks.

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

.2 The area intended for placement of the recreational vehicle, tent, or shelter and utility service buildings, shall be set back a minimum of 100 feet, horizontal distance, from the normal high water line of a great pond or river flowing to a great pond and 75 feet, horizontal distance, from the normal high water line of other water bodies, tributary streams or the upland edges of a wetland.

Section 38.5.15 Recreational Vehicles

.1 A recreational vehicle may be placed on a lot and habituated, which contains a residential dwelling unit for a period not to exceed fourteen (14) days provided that the owner of the recreational vehicle is visiting the owner of or renter of the residential dwelling unit.
.2 One recreational vehicle per lot is permitted providing that the following conditions are met:

.1 The Code Enforcement Officer has issued a permit and a fee has been paid as established by the Selectmen:

.2 The permit shall be valid for thirty (30) days or less within any twelve (12) month period.

.3 The placement of the recreational vehicle on any lot shall meet all setback requirements.

.4 The recreational vehicle shall not be temporarily or permanently connected to any type of subsurface waste disposal system unless such connection is approved by the Local Plumbing Inspector.

.5 The recreational vehicle shall not be located on any type of foundation.

.6 No structure(s) of any kind shall be attached to the recreational vehicle.

.3 A recreational vehicle permit may be issued by the CEO in conjunction with a primary dwelling permit to allow the recreational vehicle to be used as a dwelling during construction of the primary dwelling. Such permit shall not exceed twelve (12) months.

.4 Recreational vehicles located within a campground shall comply with Section 38.4.15.

.5 The provisions of this subsection shall not be construed to prohibit the owner of a residential dwelling unit to store his recreational vehicle on the lot.

Section 38.5.16 Extraction of Sand, Gravel, and Other Earth Materials

.1 Extraction operations (sand and gravel pits, etc...) shall not be permitted within 75 feet of any property line or traveled way.

.2 Upon the completion of excavating the pit, the operation shall grade the pit area compatible to the surroundings. The area shall be graded to a slope of two horizontal to one vertical or flatter. These grading operations may extend to within ten feet of the property line.

.3 Wherever ponds are left within the pit, a slope of four horizontal to one vertical or flatter, shall extend into the water at least 16 feet to insure that the pond will not be a hazard to the public.
.4 Subsections .2 and .3 shall not apply to metallic ones, non-metallic minerals or bedrock. For such operations, the Planning Board may require alternative slopes and conditions not more restrictive than those specified in Subsections .2 and .3 as the Board deems necessary for the protection of public health and the environment.

Section 38.5.17 Development in Shoreland Areas

The following requirements shall apply to the Shoreland District and those areas within 250 feet, horizontal distance, of the normal high water line of ponds, lakes, rivers and the upland edge of wetlands and 75 feet, horizontal distance, from the normal high water line streams.

1. Agriculture:

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

   .2 Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond or a river flowing to a great pond, or within 75 feet horizontal distance, of other water bodies, tributary streams or wetlands. All manure storage areas within those areas regulated by this Section must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

   .3 Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Shoreland area shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Chapter.

   .4 There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Chapter and not in conformance with this provision may be maintained.

   .5 Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal highwater line of a great pond; within 75 feet, horizontal distance of other water bodies; nor, within 25 feet, horizontal distance, of tributary streams, or wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback
provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

2. Beach Construction:

.1 Beach construction shall conform to all applicable State laws, including, but not limited to, the Natural Resource Protection Act administered by the Department of Environmental Protection.

3. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting:

.1 Within a Shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District, the cutting and removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

.1 There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forest canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks and/or shrub stems is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

.2 Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section, a “well-distributed stand of trees” adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot square (1,250 square feet) area as determined by the following rating system.
Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular square area.

The following shall govern in applying this point system:

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

For the purposes of Section 38.5.17.3.2.2 "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

.3 In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground
cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in paragraphs 38.3.2 and 38.3.2.1 above.

.4 Pruning of tree branches, on the bottom $\frac{1}{3}$ of the tree is permitted.

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

The provisions contained in paragraph 38.3.2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In the Shoreland and Resource Protection Districts, in no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, which is greater, including land previously cleared.

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

.5 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.
4. Timber Harvesting:

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

.2 Except in areas as described in paragraph a. above, timber harvesting shall conform to the following provisions:

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

.1 Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. (See subsection .3 of this Section for an exception to the 40 percent standard). In addition:

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

.2 At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

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

.1 Surface waters are frozen; and

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

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

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

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

.3 The Planning Board may issue a permit to exceed the 40 percent limitation upon a clear showing, including a Forest Management Plan signed by a Maine Licensed Professional Forester, that such timber harvesting in excess of the 40 percent is necessary for good forestry management and is carried out in accordance with the purpose of this Chapter. The Planning Board shall notify the Department of Environment Protection of any permits issued for timber harvesting in excess of the 40 percent within 14 days of approving such permits.
5. Erosion and Sedimentation Control

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

.1 Mulching and revegetation of disturbed soil.

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

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

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

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

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

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

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

.3 Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24-hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

6. Mineral Exploration:

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

Mineral extraction may be permitted under the following conditions:

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

.2 No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line or any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

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

.1 All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
.2 The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

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

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

7. Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 Feet in Length, and Uses Projecting into or Below Water Bodies or Within a Wetland:

In addition to Federal or State permits, which may be required for such structures and uses, they shall conform to the following:

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

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

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

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

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

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

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

.8 Except in the Village and Commercial Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

8. Road and Driveway Construction:

.1 Roads shall be located, constructed, and maintained in such a manner that mineral erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surfaced waters. In addition, the road construction standards contained in Section 33 of the Town Code shall be complied with.

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

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

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

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the
shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 38.5.17.8.1 except for that portion of the road or driveway necessary for direct access to the structure.

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

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

.4 Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 38.5.17.

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

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

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

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

<table>
<thead>
<tr>
<th>Road Grade (percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

.2 Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

.3 On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

.4 Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

.9 Sanitary Standards: All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, any additional locally adopted regulations, and the following:

.1 All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.
.2 Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.

.3 A holding tank is not allowed for a first-time residential use in the shoreland area.

.10 Soils:

.1 All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report, prepared by a State-certified soil scientist or geologist based on an on-site investigation. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

.11 Principal and Accessory Structures

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

.2 All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and rivers that flow to great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line other water bodies, tributary streams, or the upland edge of a wetland except in the Village, Downtown Commercial and Commercial Districts setbacks shall comply with Section 38.4.7.
In addition:

.1 The water body, tributary stream or wetland setback provision shall neither apply to structures, which require direct access to the water body or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

.2 The permitting authority may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this Chapter, instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

.3 On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

.3 The total area of all structures, parking lots, and other non-vegetated surfaces, within the Shoreland District shall not exceed twenty (20) percent of the lot or a portion thereof, located within 250 feet of the normal high water line or 250 feet of the upland edge of a wetland, including land area previously developed, except in the Village and Commercial Districts, where lot coverage shall not exceed fifty (50) percent.

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

.12 Essential Services

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

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

.13 Archaeological Sites

.1 Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Section 38.5.18 Back Lots

Back lots may be built upon although they lack the frontage on a town approved road if the lot is in accordance with the following provisions:

.1 If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single-family dwelling, if the following conditions are met:

.1 The right-of-way must be deeded to the owner of the back lot and be a minimum of 20 feet in width;

.2 A minimum legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction of a single-family dwelling on the back lot;

.3 The right-of-way easement must be recorded in the Registry of Deeds prior to issuance of the building permit;
.4 The right-of-way easement may serve only one single-family dwelling on the back lot;

.5 No more than one right-of-way for back lot development may be created out of any lot fronting on a town-approved road; and

.6 The back lot shall have a minimum of 5 acres.

.2 Lots which qualify as back lots and which were of record in the Registry of Deeds on the effective date of this Chapter, and which are accessible only by a right-of-way may be used for single-family homes even if they lack the 5 acre limit established by Section 38.5.18.1.6.

Section 38.5.19 Home Occupations

.1 Home occupations, which meet the following conditions, do not require a Code Enforcement Officer or Planning Board Permit.

.1 Do not employ any persons who do not make the residence their permanent home.

.2 Do not display exterior signs, in excess of six (6) square feet in aggregate area, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.

.3 Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property.

.4 Do not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.

.5 Are not likely to generate regular daily or seasonal traffic in greater volumes than would normally be expected in the neighborhood.

.2 Home occupations that do not meet the provisions of Section 1.1-5 above and are located in the Woodland, Residential, Village, Downtown Commercial, and Industrial Districts shall obtain a permit from the Code Enforcement Officer and comply with the following conditions:

.1 No more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
.2 The appearance of the structure or accessory structure may not be altered, except as provided under Subsection c. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, or sounds;

.3 Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;

.4 There is adequate off-street parking on the premises for customers' or clients' use.

.5 There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

.6 It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence;

.7 The home occupational shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to State laws and local ordinances.

.8 Do not display exterior signs in excess of 12 (twelve) square feet in aggregate area, exterior exhibits, anterior storage of materials or any other exterior indicators of the home occupation or variation from the residential character of the principal dwelling or accessory building.

.3 Home occupations that do not meet the provisions of Section 1.1-4 and are located in the Shoreland and Resource Protection Districts shall obtain a permit from the Planning Board and comply with the following conditions:

.1 No more than one person who does not make the residence his or her permanent home may be employed;
.2 Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;

.3 Except as provided in Subsection b, the appearance of the structure is not to be altered or the occupation within the residence is conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, and sounds;

.4 There is no objectionable increase in traffic over that normal for the traffic normal for the neighborhood.

.5 If the home occupation attracts any regular customer or client traffic, there shall be at least two, but not more than three, off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located between the house and the road as defined by a line drawn parallel to the road, which touches the point of the house nearest the road. Such parking areas shall be set back at least ten feet from side and rear lot lines.

.6 There shall be no public display of goods or ware or machinery used in the home occupation visible from any public or private way or adjacent properties.

.7 The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances, which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to State laws and local ordinances.

.8 It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence;

.9 Does not display exterior signs in excess of six (6) square feet in aggregate area;

.4 Home occupations not meeting the above standards shall be considered commercial uses.
Section 38.5.20 Individual Private Campsites

Individual private campsites not associated with campgrounds are permitted in the Woodland District provided the following conditions are met:

.1 One campsite per lot existing on the effective date of this Chapter may be permitted.

.2 Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet setback requirements for the district.

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

.4 A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization form the receiving facility or land owner is required.

.5 A recreational vehicle, tent, or similar structure shall not occupy the site for more than forty-five days in any calendar year.

Section 38.5.21 Residential in Resource Protection Zone

The Planning Board may issue a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

.2 The lot on which the structure is proposed is undeveloped and was established and recorded in the Franklin County Registry of Deeds before the adoption of the Resource Protection District.

.3 The proposed location of all buildings, sewage disposal systems, and other improvement are:

.1 Located on natural ground slopes of less than 20%; and

.2 Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, for the purposes of this Section, the floodway is deemed to be \( \frac{1}{4} \) the width of the 100-year floodplain. All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation, and the
development is otherwise in compliance with any application municipal floodplain ordinance.

.4 The total ground-floor area of all principal and accessory structures is limited to a maximum of 1500 square feet. The total floor area of all principal and accessory structures shall not be greater than 2000 square feet excluding basements.

.5 All structures, except functionally water-dependent structures, shall be set back a minimum of 100 feet from the normal high-water line of a great pond or river and a minimum of 75 feet from the upland edge of a wetland or stream.

Article 38.6 Conditional Use Permit

Section 38.6.1 Definition

A building, structure or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the Zoning District in which the use is proposed, and if a conditional use permit is approved by the Planning Board or Code Enforcement Officer as provided in Section 38.4.5.8.

Section 36.6.2 Use

.1 Application for or an amendment to a conditional use permit shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as established annually by the Board of Selectmen.

In addition, the applicant shall be responsible for the costs of advertising and mailing associated with the application. The applicant shall be responsible for the cost to the Town for professional review and advice related to the review of conditional use applications.

.1 Clearly specify the location of the proposed use, including assessor’s tax map and lot number and a location map.

.2 Describe the exact nature of the proposed use.

.3 Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas.

.4 Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant’s.
.2 Before rendering a decision on any conditional use permit; the Planning Board shall conduct a public hearing in accordance with Section 38.7.

Section 38.6.3 Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

.1 Neither the proposed use nor the proposed site upon which the use will be located is of such character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the Zoning District. In reaching a determination on this standard, the Planning Board shall consider:

.1 The size of the proposed use compared with surrounding uses and its impact upon significant scenic vistas;

.2 The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;

.3 The potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances.

.4 Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;

.5 The degree to which landscaping, fencing, and other design elements and materials have been incorporated to mitigate adverse impacts on surrounding properties.

.2 Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:

.1 the ability of traffic to safety move into and out of the site at the proposed location;

.2 the presence of facilities to assure the safety of pedestrians passing by or through the site;

.3 the capacity of the street network to accommodate the proposed use.
.4 the capacity of sewerage and water supply systems to accommodate the proposed use;

.5 the capacity of the storm drainage system to accommodate the proposed use;

.6 the ability of the fire department to provide necessary protection services to the site and development.

.3 The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section 38.6.4 Additional Standards in Shoreland Areas:

For conditional use permit applications in Shoreland areas, the Planning Board shall additionally find that the proposed use meets the following criteria:

.1 will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat.

.2 will reasonably conserve shoreland vegetation.

.3 will reasonably conserve visual points of access to waters as viewed from public facilities;

.4 will conserve actual points of public access to waters;

.5 will reasonably conserve natural beauty;

.6 will reasonably avoid problems associated with floodplain development or use;

.7 will not result in unsafe or unhealthful conditions;

.8 will not result in erosion or sedimentation;

.9 will not result in water pollution; and

.10 will protect archaeological resources as designated in the Comprehensive Plan.

Section 38.6.5 Conditions of Approval:

The Planning Board may attach conditions to its approval of a conditional use permit.
These conditions may include, but are not limited to, such requirements as:

1. street improvements;
2. access restrictions;
3. hours of use;
4. buffering and screening;
5. utility improvements; and
6. performance guarantees for required off-site improvements.

Section 38.6.6 Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Chapter, which changes the status, circumstances, or conditions of the matter, which was brought the Planning Board.

Article 38.7 Appeal and Conditional Use Permit Procedures

Section 38.7.1

In all appeals cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within 30 days after the Code Enforcement Officer makes a decision. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

In all conditional use applications, a person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for that purpose.

Section 38.7.2

Any person aggrieved by a final decision of the Planning Board or the Board of Appeals shall be entitled to judicial review thereof in accordance with Section 38.7.1 decision of the Planning Board to grant with conditions or deny a permit application or the Board of Appeals decision to grant, grant with conditions, or deny an appeal shall not be considered final for the purposes of this Section until the Planning Board or Board of Appeals, as the case may be, has taken final action on a petition to reconsider under subsection 38.7.1

1. Petition for Reconsideration. Within thirty (30) days of a receipt of notice of the decision of the Planning Board or Board of Appeals on an application, an applicant, permit holder, intervenor, or any person aggrieved by the decision may petition the Board in writing for
reconsideration of the decision. A board member who voted on the prevailing side of the decision may move to reconsider at any time within such 30-day period. The petition shall identify the findings, conclusions, or conditions objected to or believed to be in error, the basis of the objects or challenge, the nature of the relief requested, and the nature of any new or additional evidence to be offered. Filing a petition for reconsideration is a prerequisite to filing an appeal to the Board of Appeals from a decision of the Planning Board and to filing a request for judicial review pursuant to Section 38.8.3 from a decision of the Board of Appeals. Any person aggrieved must properly raise all issues in the petition for reconsideration or forfeit the right to reconsideration thereon on appeal.

The Board, as the case may be, shall, within 30 days of receipt of such a petition, commence its review of such petition and determine whether or not to hold a public hearing. Any public hearing shall be held within 45 days of receipt of the petition in accordance with the procedures specified in Sections 38.7.2.8-38.7.2.9. Within 60 days of receipt of the petition, the Board shall approve, approve with conditions, or deny the petition in full or in part. Should the Board, as the case may be, be evenly divided as to whether to approve or deny the petition, such a vote shall have the effect of denying the application. The Board, as the case may be, shall promptly provide written notice of its decision on reconsideration to the person who petitioned for reconsideration. The Board’s, as the case may be, decision on a petition for reconsideration shall constitute its final decision.

Section 38.7.3

Following the filing of an appeal or application and before taking action on any appeal or application, the Board of Appeals or Planning Board shall hold a public hearing on the appeal or application within 30 days. The time and place of the hearing shall be published at least seven days in advance in a newspaper of general circulation in the area.

Section 38.7.4

In all appeals or applications, the Board of Appeals or Planning Board shall notify by certified mail the appellant or applicant and the owners of the abutting property and shall notify by regular mail the owners of all property within 500 feet of the property involved at least ten days in advance of the hearing, of the nature of an appeal or application and of the time and place of the public hearing.

Section 38.7.5

The owners of property shall be considered to be those against who taxes are assessed. Failure of the property owners to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals or the Planning Board.
Section 38.7.6

At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

Section 38.7.7

The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals or Planning Board all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

Section 38.7.8

The appellant's or applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the chairperson.

Section 38.7.9

Within fifteen (15) days of the close of the public hearing, the Board of Appeals or Planning Board shall reach a decision on an appeal, an application or petition for reconsideration and shall inform, in writing, the appellant or applicant, the Code Enforcement Officer, the other Board, Town Manager, and Selectmen of its decision and its reasons thereof. For appeals in the Shoreland Area the Board of Appeals shall cause written notice for its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven (7) days of the Board's decision.

Section 38.7.10

Upon notification of the granting of an appeal by the Board of Appeals or the granting of a Conditional Use Permit by the Planning Board, the Code Enforcement Officer shall within ten (10) days of such decision issue a permit in accordance with the conditions of the approval.

Section 38.7.11

All variances granted shall be recorded by the applicant in the Franklin County Registry of Deeds as required by Title 30-A, M.R.S.A., Section 4353.5. If the variance is not recorded within 90 days of the date of the final written approval, the variance shall be voided.

Section 38.7.12

No conditional use permit shall be valid for a period longer than twelve (12) months from the date of issue, or such other time, up to twenty-four (24) months, as was fixed when the permit was granted, unless the conditional use has been commenced or construction has actually begun within that period and is thereafter diligently pursued to
completion. However, the issuing authority may grant one or more extensions of the
time period, each not to exceed one year, if the facts that supported the granting of the
permit have not changed. A conditional use permit shall be deemed to authorize only
the particular use for which it was granted. In addition, a conditional use permit
authorizes only the activity expressly described in the application. Any additions to
buildings or structures, construction of new buildings or structures, or other
enlargement, expansion or intensification of the use shall require the issuance of a new
conditional use permit.

Article 38.8  Board of Appeals

Section 38.8.1 Appointment and Composition

There shall be a Board of Appeals of five (5) members and not more than two (2)
associates and all of whom shall be residents of the Town of Rangeley, and serve
without compensation. The members of the Board shall be appointed by the Board of
Selectmen, in accordance with the laws of the State of Maine and the following
provisions shall apply:

.1 Terms of the members shall be for three years except that initial
appointments shall be made so that the terms of not more than two
members may expire in any given year.

.2 A municipal officer nor his spouse shall not be a member of the Board.

.3 When there is a permanent vacancy, the Board of Selectmen shall appoint
a person to fill the unexpired term within ninety (90) days.

Section 38.8.2 Powers and Duties

.1 The Board shall annually elect a chairman from its members and may
appoint a recording secretary from outside the Board, who shall be
compensated for duties performed.

.2 A quorum shall consist of three members.

.3 An appeal shall lie from the decision of the Code Enforcement Officer or
Planning Board, to the Board of Appeals, and from the Board of Appeals to
the Superior Court according to the provisions of the laws of the State of
Maine.

Section 38.8.3 Administrative Appeals

.1 To hear and decide appeals where it is alleged, there is an error in any
order, requirement, decision, or determination by the Code Enforcement
Officer or Planning Board in the administration of this Chapter.
Specifically excluded from the appeals process is any determination by the
Code Enforcement Officer or other designated official that there has been a violation of the Rangeley Zoning Ordinance.

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

Section 38.8.4

Section 38.8.4 Variance Appeals

.1 To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Chapter would not be contrary to the public interest and where a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. A variance shall be granted only if:

.1 That the land in question cannot yield a reasonable return unless a variance is granted.

.2 That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

.3 That the granting of a variance will not alter the essential character of the locality and

.4 That the hardship is not the result of action taken by the applicant of a prior owner.

.5 The Board of Appeals shall also consider the standards contained in Section 38.6.4 when reviewing a variance in the Shoreland and Resource Protection District.

.6 For appeals that involve property within 250 feet of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet of a stream a copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of
Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

.7 If the Board of Appeals grants a variance, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date started on the written approval.

.2 As used in this Chapter, a variance is authorized only for height, area and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least three members and in so doing, may prescribe conditions and safeguards as are appropriate under this Chapter.

.3 The Code Enforcement Officer may issue a permit to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access or to egress from the dwelling by the person with the disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

For the purpose of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.

.4 Setback Reduction Variance:

The Board of Appeals may grant a setback reduction variance provided that the variance requested meets the requirements below. A setback reduction variance shall not be construed as a variance to relieve undue hardship as defined in Section 38.8.4.1.1-4 above.
Upon granting a setback reduction variance, which complies with the standards I subsection .1-9 below, the Board of Appeals may attach reasonable conditions, which it finds necessary to protect the privacy of abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, and construction materials. The Board shall grant a setback reduction variance as provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

.1 The structure is a single-family dwelling that is the primary year-round residence of the petitioner.

.2 Any variance granted will not exceed 20 percent of the setback requirement unless the petitioner has obtained written consent of all affected abutting land owners;

.3 The variance will not cause the dwelling to exceed the maximum allowable lot coverage;

.4 The setback reduction shall not further encroach upon or further reduce a nonconforming setback from the normal high water line or upland edge of a fresh water wetland within a Shoreland zone as defined herein;

.5 The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;

.6 The granting of the variance will not alter the essential character of the locality;

.7 The hardship is not the result of action taken by the applicant or prior owner;

.8 The granting of the variance will not substantially reduce or impair the use of abutting property; and

.9 The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

.5 An appeal may be taken within 45 days after any Petition for Reconsideration pursuant to Section 38.7.4 decision is rendered by the Board of Appeals by any party to Superior Court in accordance with State law.

.6 Require that the applicant submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.
Article 38.9 Definitions

Section 38.9.1 Construction of Language

In this Chapter, certain terms or words shall be interpreted as follows:

.1 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the single number indicates the plural; and the plural includes the singular; the world "shall" is mandatory, the world "may" is permissive; the words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied", and the "dwelling" includes the word "residence". In the case of any difference of meaning or implication between the text of this Chapter and any map or illustration, the text shall control.

.2 Terms not defined shall have the customary dictionary meaning.

Section 38.9.2 Definitions

In this Chapter, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

.1 Accessory Use or Structure: a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure to which the premises are devoted.

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

.3 Alteration: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

.4 Back Lot: a parcel of land which does not have any frontage on a town approved road.

.5 Beds and Breakfast: A single-family dwelling in which lodging or lodging and meals are offered to the general public for compensation, offering no more than five bedrooms for lodging purposes.

.6 Boardinghouse: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two weeks,
and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in any individual room.

.7 Boathouse: a nonresidential structure designed for the purpose of protecting or storing boats for noncommercial purposes.

.8 Building: a structure for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

.9 Campgrounds: any premises established for temporary overnight accommodation with or without shelter, such as a tent and recreational vehicle, for which a fee is charged.

.10 Commercial: Provisions of services on the premises, or sale of goods to the general public on a regular basis for a charge or fee.

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

.11 Conditional Use: a use permitted only after review and approved by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Chapter, would promote the purposes of this Chapter. Such uses may be permitted if specific provision for such Conditional Use is made in this Chapter.

.12 Conditional Use Permit: a permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Chapter.

.13 Construction: includes building, erecting, moving upon or any physical operations on the premises, which are required for construction. Excavation, fill, paving, drainage, and the like shall be considered part of construction.

.14 Corner Lots: In districts where yards are required, such corner lots located at the intersection of two (2) streets shall be deemed to have a side rather than a front yard between the principal building and the side street. Such side yard shall not be less than the front yard requirements of uses located on the side street. Such “corner lots” located at the intersection of two (2) streets shall be deemed to have a side rather than a rear year between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.
15 Day-Care Center: A home or other suitable structure, which meets the State licensing requirements for a day-care center and which cares for thirteen (13) or more children.

16 Day-Care Home: A home or other suitable structure which meets the State licensing requirements for day-care homes and which cares for three (3) to twelve (12) children.

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

18 Driveway: private ways intended for internal circulation on a lot or within a parking lot.

19 Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes, but shall not include trailers or recreational vehicles.

20 Essential Services: gas, electrical, communication facilities, steam, fuel or water supply, transmission, or distribution systems.

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

22 Expansion of Use: the addition of weeks or months to a use’s operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

23 Filling: depositing or dumping any matter on or into the ground or water.

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

25 Forest Management Activities: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.
26 **Forest Wetland**: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

27 **Foundation**: the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts, or frost walls.

28 **Freshwater Wetland**: freshwater swamps, marshes, bogs, and similar areas, which are:

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

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

  .3 freshwater wetland not included in forested wetlands.

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

For the purposes of this Chapter, the upland edge (the shoreline) of a freshwater wetland is defined as the boundary line at which the hydrological and biological characteristics in item 2 above no longer occur or where the wetland becomes a forested wetland.

Although wetlands are shown on the official Shoreland zoning map, the actual boundaries shall be determined by field investigation.

29 **Frontage**: the horizontal distance between side lot lines as measured along the front lot line. Frontage shall be continuous and under one ownership. For corner lots, frontage may be the total distance along more than one street as long as it is continuous.

30 **Frontage, Shoreline**: the horizontal distance, measured in a straight line, between the intersection of the side lot lines with the shoreline at normal high water elevation.

31 **Functionally Water-Dependent Uses**: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in inland waters and that cannot be located away from these waters. The uses includes, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat
storage buildings, retail and wholesale fish marketing facilities, waterfront dock facilities, boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

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

.33 Home Occupations: an occupation or business activity, which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure and is clearly incidental to and compatible with the residential use of the property and surrounding residential uses.

.34 Hotel: a building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands and restaurants.

.35 Individual Private Campsite: an area of land, which is not associated with a campground, but which is developed for repeated camping by its owner and which involves site improvements, which may include, but not be limited to, a gravel pad, parking area, or tent platform.

.36 Industrial:

.1 Light: a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

.2 Heavy: a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials.

.37 Inland Wetland: areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands, including, but not limited to, swamps, marshes or bogs.
.38 Inn: a building which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedroom is made through a lobby or other common room. Inn includes such terms as guest house, lodging house, and tourist house.

.39 Junkyard: a yard, field or other area used as a place of storage for:

.1 Discarded, worn-out or junked plumbing, heat supplies, household appliances and furniture;

.2 Discarded scrap and junked lumber; or

.3 Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous material.

.4 Used tires, discarded tires, or worn-out tires, which may or may not be usable now or in the future.

.5 Town garbage dumps, waste dumps, and sanitary fills will not be considered junkyards for the purpose of this Chapter.

.40 Lot: a parcel of land in single ownership, described on deed, plot or similar legal document. A parcel divided by a street shall be considered as two separate lots.

.41 Lot Coverage: That percentage of the plot or lot area covered by buildings or other structures.

.42 Lot of Record: a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Registry of Deeds.

.43 Manufactured Housing: a structure constructed after June 15, 1976, designed as a dwelling unit of more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A manufactured home shall contain not less than 720 square feet of gross floor area. Additions not part of the basic structure shall not be included in the measurement of width.
.44 Marina: a shore front commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

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

.46 Mining of Land: the removal of geologic materials such as metallic ores, non-metallic minerals, or bedrock to be crushed or used as building stone or other industrial uses.

.47 Mobile Home: a structure constructed after June 15, 1976, designed as a dwelling unit of not more than 18 feet in width when assembled; designed to be transported after fabrication; and whether or not designed for location on a permanent foundation. Transportation design is not limited to movement upon stationary or permanent wheels or tracks. A mobile home shall contain not less than 600 square feet of gross floor area. Additions not part of the transportable basic structure shall not be included in the measurement of width.

.48 Motel: a building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. Any transient accommodations which do not meet the definitions of Beds and Breakfast, Hotel or Inn shall be deemed to be a motel for the purpose of this Chapter.

.49 Multi-Family Dwelling: a residential structure containing three or more dwelling units.

.50 Multi-Unit Residential: a residential structure containing three (3) or more dwelling units.

.51 Nonconforming Lot: a single lot of record which, at the effective date of adoption or amendment of this Chapter, does not meet the area, frontage, or width requirements of the district in which it is located.

.52 Nonconforming Structure: a structure, which does not meet any one or more of the following dimensional requirements: setback, height, lot coverage or square footage, but which is allowed solely because it was in lawful existence at the time of this Chapter or subsequent amendments took effect. A structure which becomes nonconforming only because it is located less than 100 feet from the normal high-water line of a great pond or river shall not be deemed a nonconforming structure for the purpose of this Chapter except that the provisions of Section 38.3.3.1 and 38.3.3.4 shall apply.
.53 **Nonconforming Use**: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Chapter or subsequent amendments took effect.

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

.55 **Open Space Use**: a use not involving a structure, earthmoving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, birds, and other wildlife habitat.

.56 **Parking Space**: a minimum area of two hundred (200) square feet exclusive of driveways, aisles or entrances, fully accessible for the storage or parking of vehicles.

.57 **Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and uses projecting into water bodies**:

- **Temporary**: Structures, which remain in the water for less than 7 months in any period of 12 consecutive months.

- **Permanent**: Structures, which remain in the water for 7 months or more in any period of 12 consecutive months.

.58 **Principal Building**: the building in which the primary use of the lot is conducted.

.59 **Principal Use**: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

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

.61 **Recent floodplain soils include the following soils as described and identified by the National Cooperative Soil Survey**:

- Alluvial land
- Hadley silt loam
Limerick silt loam
Pondunk fine sandy loam
Rumney fine sandy loam
Ondawa fine sandy loam
Saco silt load
Suncook loamy sand
Winooski silt loam

.62 Recreational Facilities: the following types of recreational facilities are recognized for the purpose of this Chapter:

.1 Public Recreational Facility: an area or structure set aside for recreational use by the general public or for the townspeople of Rangeley, not including any facility for which a user fee is charged.

.2 Private Recreational Facility: an area or structure set aside for recreational use for which a fee is charged or the enjoyment of which is not open to the general public or all the townspeople of Rangeley.

.63 Recreational Vehicle: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home. To be considered as a recreational vehicle and not as a structure, it must have its tires on the ground and be legally registered pursuant to the Department of Motor Vehicle Laws.

.64 Residential Structure: a building providing living accommodations.

.65 River: any free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

.66 Road: a street or a right-of-way for public or private travel that is connected to a street and constructed in accordance with the Rangeley Road Construction Standards Ordinance.

.67 Road Frontage: that portion of the lot abutting a major road or street from which the lot is served for ingress and/or egress.

.68 Sand and Gravel Extraction: any operation within a twelve (12) month period, which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay or other like material from its natural location and to transport the product removed, away from the extraction site.

.69 Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.
.70 **Setback, Shoreline:** the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

.71 **Shoreland Zone:** the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

.72 **Sign:** a name, identification, description, display or illustration for advertising or information purposes painted or represented upon any surface.

.73 **Solid Waste:** discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse.

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

.75 **Street:** a right-of-way owned or accepted by the town, county, or state for public travel. Also a right-of-way dedicated for public travel and shown on a subdivision plan.

.76 **Structure:** anything constructed, erected, or placed, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to, buildings, mobile homes, recreational vehicles, piers, floats, driveways, parking lots, streets, and satellite dishes.

.77 **Subdivision:** a subdivision is defined as per Title 30, M.R.S.A., Section 4956, and any future amendments thereof.

.78 **Substantial Start:** completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

.79 **Timber Harvesting:** the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 38.5.17.3, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.
.80 **Trailer, Utility:** a vehicle without motive power, designed to be towed by another vehicle, but not designed for human occupancy, and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

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

.82 **Use:** the purpose for which land or structure is arranged, designed or intended; or for which land or a structure is or may be occupied.

.83 **Utilities of Essential Services:** gas, electrical, communication facilities, stream, fuel, or water transmission, collection, supply or distribution systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories, and the buildings, which are necessary for the furnishing of such services.

.84 **Variances:** a relaxation of the terms of this Chapter where such variance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. As used in this Chapter, variance is authorized only for height, area, and size of structures or size of yards, and open spaces. Establishment of a use prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Land Use District, or uses in adjoining Land Use Districts.

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

.86 **Water Body:** any great pond, river or stream.

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

.89 **Wetlands Associated with Great Ponds and Rivers:** wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands, which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.