Evolve Warrant Ordinance for the Town of St Agatha, Maine

St Agatha, (Me.)
DISBURSEMENT WARRANT ORDINANCE

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: June 19, 2012
Date

EFFECTIVE: June 19, 2012
Date

CERTIFIED BY: Amy Ouellette
Amy Ouellette
Town Clerk

Affix Seal
Section 1. Purpose

The purpose of this ordinance is to provide an alternative to the statutory procedure for approval of warrants authorizing the treasurer to disburse money.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. §§ 3001 (municipal home rule) and 5603(2) (A).

Section 3. Procedure for Approval

The treasurer may disburse money only on the authority of a warrant drawn for the purpose, either (a) affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting, (b) seen and signed by a majority of them acting individually and separately, or (c) signed as otherwise provided by law for the disbursement of employees’ wages and benefits and payment of municipal costs.
DOG LEASH ORDINANCE
FOR THE
TOWN OF ST. AGATHA, MAINE

ENACTED: 3-23-1983
Date
EFFECTIVE: 4-23-1983
Date
CERTIFIED BY: Joan M. Ouellette
Name
TOWN CLERK
Title
Affix Seal
DOG LEASH ORDINANCE

Section 1. Definitions of terms, as used in this ordinance, unless the context indicates otherwise.

(a) "DOG" shall be intended to mean both male and female canines.
(b) "OWNER" shall be intended to mean any person, persons, firm, association or corporation keeping, owning, or harboring a dog.
(c) "AT LARGE" shall be intended to mean off the premises of the owner and not under the immediate control of the owner or other person representing the owner, either by a leash, cord, or other positive means of restraint.

Section 2. RUNNING AT LARGE PROHIBITED. No owner or keeper of any dog shall permit or allow such dog to run at large at any time. This section shall not be construed, however, to prevent the use of dogs for legal hunting purposes, field trials or shows, or for the use of dogs on farms or residences for any lawful purpose not inconsistent with the intent and purpose of the ordinance.

Section 3. BARKING OR HOWLING DOGS. No person shall keep any dog which by loud, frequent or habitual barking, howling or yelping shall disturb the peace and tranquility of any person or persons.

Section 4. LICENSE REQUIRED. All dogs kept or maintained by their respective owners in the the Town of St. Agatha shall be licensed in accordance with the appropriate laws of the State of Maine.

Section 5. TAG AND COLLAR. The owners of all dogs shall have attached securely to said dogs, when off the premises of the owner, a suitable collar to which the license and rabies immunization tag shall be attached as required by applicable State Law.

Section 6. ENFORCEMENT. In the case of a dog at large, a municipal constable shall either impound the dog pursuant to State Law or attempt to learn the identity and ownership of such a dog; in either case, the constable shall site the owner to appear in District Court. The owner may be charged with both violation of this ordinance and violation of State Law where appropriate.
In the case of a barking or howling dog, upon written complaint, signed and sworn to, a municipal constable shall investigate and shall give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The written warning shall be made part of the complaint. Thereafter, upon continuance of such annoyance or disturbance, the constable shall cite the owner to appear in District Court.

In the case of a violation of an unlicensed dog, the municipal constables shall proceed against the owner as provided in 7 MRSA SS3701 to 3705.

In the case of a violation of Section 5, a municipal constable shall serve a written warning on the owner of the dog. Any subsequent violations by the same owner shall result in a citation to appear in District Court.

Section 7. **PENALTIES.** Any owner found violating any of the provisions of this ordinance shall be guilty of a civil violation, and, upon conviction thereof, shall be punished by a fine of $25.00 to $100.00 for each such offense. All fines so assessed shall be recovered for the use of the Town of St. Agatha through the District Court.

Section 8. **SEVERABILITY.** If any section or provision or part of this ordinance shall be judged invalid or unconstitutional it shall not affect the validity of the ordinance as a whole or of any other section or provision or part hereof.

Section 9. **EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days after its passage. A copy will be posted at: Babins Store, Morin's Store, Post Office, Town Office, and Wisdom Hall.
TOWN OF ST. AGATHA

E-911 ADDRESSING ORDINANCE

***************

ENACTED: 3-31-98
Date

CERTIFIED BY: DAVID DANGLE
Name

TOWN CLERK
Title

Affix Seal

dpd: 3-31-98
Section 1. Purpose.

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

Section 2. Authority.

This Ordinance is adopted pursuant to and consistent with 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 MRSA Section 3001.

Section 3. Administration.

This Ordinance shall be administered by the Board of Selectmen's appointed representative authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Board of Selectmen shall also be responsible for maintaining the following official records of this Ordinance:

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

Section 4. Naming System.

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

The following criteria shall govern the naming system:

a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
b. No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).
c. Each road shall have the same name throughout its entire length.
Section 5. Numbering System.

Numbers shall be assigned every 50 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, ascending from the number origin. (If the numbering interval is, for example, 50 feet in most of the community but varies on certain roads, this section might also state the general interval and then state what the other interval is and on which roads or section of roads the other interval applies.)

The following criteria shall govern the numbering system:

a. All number origins shall begin from ___ (i.e. the center of Town, a particular Town border, etc.). For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

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

c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.

d. Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt 2.

Section 6. Compliance.

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

a. Number on the Structure. Where the 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 structure in the vicinity of the front door or entry.

b. Number at the Street Line. Where the 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 adjacent to the walk or access drive to the numbered structure.

c. Size and Color of Number. Numbers shall be a minimum 4 inches high and be of a contrasting color to its background.
d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

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

Section 7. New Developments and Subdivisions.

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

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the appointed representative (the designated addressing authority stated above or another designated individual). This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective subdivider 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 appointed representative (the designated addressing authority stated above or another delegated individual or board), 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 feet so as to aid in the assignment of numbers to structures subsequently constructed.

Section 8. Effective Date.

This Ordinance shall become effective as of March 31, 1998. It shall be the duty of the appointed representative (the designated addressing authority stated above or another designated individual) to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this Ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement.

The Board of Selectmen will appoint a representative to ensure compliance.
MUNICIPAL OFFICERS CERTIFICATION

We, the undersigned Municipal Officers of the Town of St. Agatha hereby certify that the attached ordinance entitled "Town of St. Agatha E-911 Addressing Ordinance" is a true copy of the original being considered for enactment at the March 31, 1998 Annual Town Meeting:

Dated: March 18, 1998

Municipal Officers, Town of St. Agatha

Chairman Daniel Labrie

David Dubois

Diane Castonguay

ATTEST

I, David P. Daigle, Town Clerk of the Town of St. Agatha certify that the attached is a true copy of a ordinance entitled "Town of St. Agatha E-911 Addressing Ordinance", as certified to me by the Municipal Officers of the Town of St. Agatha on the 18th day of March, 1998

Signature:

David P. Daigle, Town Clerk
Town of St. Agatha

EXHIBIT A
# FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (b) Rev. 4/05
ARTICLE I - PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of St. Agatha, 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 St. Agatha, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

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

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

The areas of special flood hazard, are identified by the Federal Emergency Management Agency in a map entitled Flood Insurance Rate Map - Town of St. Agatha, Maine, Aroostook County, dated June 18, 1985, which is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the 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 St. Agatha, Maine.

ARTICLE III - 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, of the:

1. base flood at the proposed site of all new or substantially improved structures, which in Zone A is determined:
   a. from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.J. and VIII.D.;
   b. from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
   c. 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.

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

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

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

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

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

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

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25.00 for all minor development and $50.00 for all new construction or substantial improvements shall be paid to the Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The 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 VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:
   1. the base flood data contained in the "Flood Insurance Rate Map - Town of St. Agatha, Maine," as described in Article I;
   2. in special flood hazard areas where base flood elevation and floodway 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 technical sources, including information obtained pursuant to Article III.H.1.; Article VI.J.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
   3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

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

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

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

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

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

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.,2., and 3. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

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

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

3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

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

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

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

1. be floodproofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

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

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

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

1. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.;

2. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

3. 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:
a. 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,

b. 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).

c. all components of the anchoring system described in Article VI.H.3.a.& b. shall be capable of carrying a force of 4800 pounds.

I. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zone A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

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

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

3. have hydraulic openings, as specified in Article VI.K.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.

J. **Floodways** - Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas, is 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, 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:

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

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

K. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zone A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspace may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIII;

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

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

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

L. **Bridges** - New construction or substantial improvement of any bridge in Zone A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.; and

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

M. **Containment Walls** - New construction or substantial improvement of any containment wall located within Zone A shall:

1. have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B.; or Article VIII.D.

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
3. be certified by a registered professional engineer or architect that the design and methods of
construction are in accordance with accepted standards of practice for meeting the provisions of
this section. Such certification shall be provided with the application for a Flood Hazard
Development Permit, as required by Article III.K.

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

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

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

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

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

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

C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant’s written notification; and,

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

C. Adequate drainage is provided so as to reduce exposure to flood hazards.
D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

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

ARTICLE IX - APPEALS AND VARIANCES

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

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

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

B. Variances shall be granted only upon:

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

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

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

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

   c. that the granting of a variance will not alter the essential character of the locality; and,

   d. that the hardship is not the result of action taken by the applicant or a prior owner.
C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
   
   1. other criteria of Article IX and Article VI.J. are met; and,
   
   2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
   
   1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
   
   2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
   
   1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
   
   2. such construction below the base flood level increases risks to life and property; and,
   
   3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals
   
   1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
   
   2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
   
   3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
   
   4. The person filing the appeal shall have the burden of proof.
   
   5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

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

   1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

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

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

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

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

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

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

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

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

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

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

Building - see Structure.

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

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

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

Elevated Building - means a non-basement building

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

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

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

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

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

b. is required for purchasing flood insurance.
**Flood or Flooding** - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

**Floodway** - see Regulatory Floodway.

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

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

**Historic Structure** - means any structure that is:
a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) 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 VI.K. of this ordinance.

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

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

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

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

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.
New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100-year flood - see Base Flood.

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. in Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

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

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.
Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

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

ARTICLE XIV - ABROGATION

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

60.3 (b)
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: June 21, 2011

EFFECTIVE: June 21, 2011

CERTIFIED BY:

Amy Ouellette

Town Clerk

Affix Seal
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Version 2 – Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

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

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

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

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

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

§ XX-2 Enabling Legislation

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

§ XX-3 Title

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

§ XX-4 Definitions

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

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
   
   A. Will result in increased energy efficiency and substantially reduced energy use and:
      
      (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
      
      (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
   
   B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. **Municipality.** “Municipality” shall mean the Town of St Agatha

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

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

5. **PACE district.** “PACE district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

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

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

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

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

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

**ARTICLE III - PACE PROGRAM**

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

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

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

ARTICLE VI – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

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

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

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

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

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

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

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

   vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.
B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

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

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

2. Liability of Municipal Officials; Liability of Municipality

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

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

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: 11-2-2005
Date

EFFECTIVE: 11-2-2005

Date

CERTIFIED BY: Joan M. Ouellette
Name

TOWN CLERK
Title

Affix Seal
Town of St. Agatha

Restricting Vehicle Weight on Posted Ways Ordinance

Section 1. Purpose and Authority
The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of St. Agatha which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions
The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices
The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

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

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

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

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

Section 5. Permits
The owner or operator of any vehicle not otherwise exempt as provided herein may apply
in writing to the municipal officers for a permit to operate on a posted way or bridge
notwithstanding the restriction. The municipal officers may issue a permit only upon all
of the following findings:
(a) no other route is reasonably available to the applicant;
(b) it is a matter of economic necessity and not mere convenience that the applicant use
the way or bridge; and
(c) the applicant has tendered cash, a bond or other suitable security running to the
municipality in an amount sufficient, in their judgment, to repair any damage to the way
or bridge which may reasonably result from the applicant’s use of same.

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

In determining whether to issue a permit, the municipal officers shall consider the
following factors:
(a) the gross registered weight of the vehicle;
(b) the current and anticipated condition of the way or bridge;
(c) the number and frequency of vehicle trips proposed;
(d) the cost and availability of materials and equipment for repairs;
(e) the extent of use by other exempt vehicles; and
(f) such other circumstances as may, in their judgment, be relevant.

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

Section 6. Administration and Enforcement
This Ordinance shall be administered and may be enforced by the municipal officers or
their duly authorized designee which will be the Road Commissioner.

Section 7. Penalties
Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than
$250.00 nor more than $1000.00. Each violation shall be deemed a separate offense. In
addition to any fine, the municipality may seek restitution for the cost of repairs to any
damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in
the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments
This Ordinance may be amended by the municipal officers at any properly noticed
meeting.

Section 9. Severability; Effective Date
In the event any portion of this Ordinance is declared invalid by a court of competent
jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance
shall take effect immediately upon enactment by the municipal officers at any properly
noticed meeting.

Approved by the St. Agatha Board of Selectmen:  November 2, 2005

Attest: Joan Ouellette,
Joan Ouellette, Town Clerk
Department Of Transportation

RULES AND REGULATIONS RESTRICTING HEAVY LOADS ON CLOSED WAYS

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, pursuant to the Department's authority under Title 29-A M.R.S.A., Section 2395.

1. DEFINITIONS

A. The definitions contained in Title 29-A, Section 101 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment. "Special Mobile Equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which is operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Director of Bureau of Maintenance and Operations or the Division Engineer in whose Division the highway lies may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation.

3. NOTICE

Notice shall be given by erecting at each end of the closed highway a poster indicating the following: (1) the date of the posting, (2) a description of the highway closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Division Engineer and (5) statutory and regulatory references.

4. EXEMPTION - FROZEN HIGHWAYS

This regulation shall not apply to any closed highway which is solidly frozen. The highway is considered "solidly frozen" only when the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Both conditions must be met.

5. EXEMPT VEHICLES

The following vehicles are exempt from this regulation:

A. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.

B. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment.
It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.

C. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.

D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair. See: Amendment, Posted Road Rules

E. Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate (included). These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included. Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products. A permit issued by the Department of Transportation shall accompany any load of perishable products. (See STATE OF MAINE Trip Ticket for Perishable Products).

G. Division Engineers, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

6. PROCEDURES FOR OBTAINING AND USING TRIP TICKETS FOR HAULING PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

A. It is now possible for a shipper to haul perishable products over seasonally closed ways by securing a permit from the Maine Department of Transportation at any one of MDOT's seven Division Offices.

B. The permit issued will be in the form of individual pre-numbered trip tickets for hauling of perishable products by 5-axle-or-more combination vehicles and will be limited to a combined weight of 80,000 lbs. and may, on occasion, be further limited by time, route, and temperature.

C. These trip tickets for hauling perishable products over seasonally closed ways will cost $5.00 each. (Checks payable to Treasurer, State of Maine). These trip tickets will consist of three copies each with the following distribution: (1) original copy (white) - for driver, (2) second copy (green) - to be returned immediately to the Maine Department of Transportation, and (3) third copy (pink) - to be retained by the shipper.
D. The shipper or shipper's agent will call the appropriate Division Office and complete his/her form simultaneously with, and under guidance of the Permit Clerk. The customer is to have all the information that is required on the trip ticket before he/she makes the call. Trip tickets are to be made out in ink.

E. After routing check and verification, the customer will be given a permit number which must be entered on the form in order to make it valid for law enforcement purposes. When the required information is entered and the call is completed, the Permit is issued and the move may be made. The original trip ticket must accompany the load.

F. Each time a trip ticket is filled out, the green copy must be mailed immediately to the Maine Department of Transportation.

G. MDOT clerks will be available to take information for these trip tickets between the hours of 8 A.M. and 4 P.M., Monday through Friday at the appropriate Division Office.

H. Additional trip tickets will not be issued to shippers in continual violation of any of the required procedures.

I. The Department will retain the right to close any posted road to the hauling of perishable products in extreme circumstances.

EFFECTIVE DATE: ______________, 1996

JOHN G. MELROSE, COMMISSIONER
MAINE DEPARTMENT OF TRANSPORTATION

Amendment, Posted Road Rules. The Commissioner concurred in the action taken by Marc H. Guimont, Director, Bureau of Maintenance and Operations when on March 3, 1998, he amended the Posted Roads Rules to specifically exempt tow trucks from hauling otherwise legal vehicles over a posted road. Such a combination of vehicles will not be considered a loaded vehicle for purposes of subsection D of the exemptions. Subsection D is amended to read: "Passenger cars, pickup trucks, emergency vehicles, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance and repair."

3/04/98

ITEM FOR COMMISSION RECORD

2/20/91


The Commissioner has enacted a new rule pursuant to M.R.S.A. Title 29, Sections 902 and 903 entitled "Rules and Regulations Restricting Heavy Loads On Closed Ways." This new rule replaces the old rule and is not being adopted
under the Administrative Procedures Act rulemaking process because the new rule is now exempt from that process as
provided by M.R.S.A. Title 29, Section 903. The old rule is rescinded and the new rule is effective as of February 20,

Approved by Commissioner of Transportation 2/20/91

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING - CAPITOL STREET
AUGUSTA, MAINE 04333

APPLICATION FOR EXEMPTION CERTIFICATE

TO: MAINE DEPARTMENT OF TRANSPORTATION

requests consideration for an EXEMPTION Certificate, for the vehicle listed below to operate on State and State-Aid Highways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5, E:

Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate. These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included.

Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.

2. The vehicles will be subject to weighing by the Maine State Police.

3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the certificate will be in violation of any EXEMPTION CERTIFICATE ISSUED.

4. A violation of the requirements on the CERTIFICATE may lead to revocation.

5. The CERTIFICATE granted as a result of this application will be valid for the vehicle described below unless the registration number or ownership changes. In such cases a new application must be submitted.

This application is for the following vehicle.

REGISTRATION _______ MAKE AND YEAR _______ 

VEHICLE I.D. NO. _______ REGISTERED G.V.W. _______ 

EMPTY WEIGHT _______ COMMODITY TRANSPORTED _______ 

VEHICLE CONFIGURATION (CIRCLE ONE) 

TIRE SIZE: _______ (Use the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Departmental Rules and Regulations and of the EXEMPTION CERTIFICATE.

COMPANY _______ SIGNED BY _________ DATE _______ 

ADDRESS _____________________ TITLE _____________________ 

PHONE NO. _____________________ 

STATE OF MAINE 
DEPARTMENT OF TRANSPORTATION 
BUREAU OF MAINTENANCE & OPERATIONS 
HIGHWAY MAINTENANCE DIVISION 
STATE HOUSE STATION 16 
AUGUSTA, ME 04333 
TELEPHONE (207) 287-2661 

EXEMPTION CERTIFICATE

In accordance with the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5E., the vehicle described below is authorized to be operated loaded as indicated below on all sections of State or State-aid Highways which have been posted with "HEAVY LOADS LIMITED" signs.

OWNER _____________________ REGISTRATION _____________________ 

MAKE & YEAR _________________ VEHICLE I.D. NO. _________________ 

REGISTERED GVW _________________ EMPTY WEIGHT _________________ 

COMMODITY TRANSPORTED: ________________________________

VEHICLE CONFIGURATION: (check one)

TIRE SIZE: ________________ (The most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.)

MAXIMUM PERMITTED PAY LOAD ____________________________

MAXIMUM PERMITTED GROSS WEIGHT _______________________

This certificate is subject to the following conditions:

1. The gross weight (vehicle with load) shall not exceed that indicated above.

2. The loads shall be limited to the commodity indicated above.

3. The driver of the vehicle shall have available a copy of this certificate and delivery slips or bills of lading covering the entire amount of the commodity being transported and must present them to any investigating officer on request.

4. A violation of the requirements of this certificate may lead to revocation.

5. This certificate is valid for the above described vehicle unless the registration number or ownership changes or the tire size is not as indicated above. In such cases, a new certificate must be obtained.

Certificate is issued on: ________________, 20__.

By: __________________________
Brian W. Pickard, Highway Maintenance Eng.

Gross Vehicle Weight Allowances For Exemption Certificate

(Weights are in Lbs.)

## Notes:

1. All axles must have four tires except for the steering axle which normally has two tires.

2. The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

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**STATE OF MAINE TRIP TICKET for Perishable Products**

**GIVE PERMIT OFFICE THIS NO.**

No- 801

**ENTER PERMIT NO. YOU RECEIVE HERE**

**DATE**

**APPLICANT**

**ADDRESS**

**VIA ROUTES**
MOVING ____________________ OWNED BY ____________________

REGISTRATION NO. ____________ REGISTERED WGT. _______ NO. OF AXLES _______

Limited to 80,000 lbs. on a 5 axle or more Combination Vehicle.

Other limitations ____________________________________________


DATE OF MOVE _________________ Signed by ________________________
Town of St. Agatha
Application To Operate On a Posted Town Way

Name of Applicant: 

Name of Property Owner: 

Map & Lot # of Property
To be accessed:

Date(s) needed to operate
On posted/closed way:

Gross Vehicle Weight
Of vehicle or vehicles:

Number and Frequency
Of vehicle trips proposed:

TO: ___________________________ Date: ___________________________

Your application for a permit to operate on the above named posted way has been:

APPROVED   REJECTED

________________________________________

________________________________________

________________________________________

A majority of the municipal officers of St. Agatha, ME
PROPERTY TAX ASSISTANCE ORDINANCE

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: 3-27-07
Date

EFFECTIVE: 3-27-07
Date

CERTIFIED BY: John M. Ouellette
Name

Title Town Clerk

Affix Seal
Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 65 years of age and over who reside in the Town of St. Agatha. Under this program, the Town of St. Agatha will provide supplemental cash refund payments to those individuals who qualify as St. Agatha resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person’s dependents as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Town Manager, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

a. The applicant shall be 65 years of age or more at the time of application.

b. The applicant shall have a homestead in the Town of St. Agatha at the time of the application and for the entire year prior to the date of application.

c. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A.

d. The applicant has been a resident of the Town of St. Agatha for at least ten years immediately proceeding the date of application for participation in the Program.
Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Town Manager no later than July 1st. Applications are required every year to participate in this program. The Town Manager shall provide an application form for the program, which shall include, at a minimum, the applicant’s name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The Town Manager shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Town Manager shall notify an applicant if an application is determined to be incomplete. The Town Manager’s decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

If the Town Manager determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

a. 15% of the amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or;

b. Available monies in the Town Circuit Breaker fund or;

c. $300.00.

The Town Manager shall report to the Board of Selectmen at their first meeting after August 31st each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Section 6. Program Fund - Limitations upon payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, payments shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.
Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Board of Selectmen shall request from the annual town meeting to appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall be deposited into the town’s undesignated fund balance on January 31st of each year.

Section 8. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than October 31st for the year in which participation is sought.

Section 9. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant’s death, but the right may be exercised on behalf of an applicant by the applicant’s legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Assessor or the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Filed with the Office of the Town Clerk: __3-27-07__
TOWN OF ST. AGATHA PROPERTY TAX
ASSISTANCE APPLICATION

Date: __________________________

Applicant's Name: __________________________

Address: __________________________

______________________________

Physical Location of Homestead (if different than address):

______________________________

Telephone Number: __________________________

Applicant's Date of Birth: __________________________

How long have you lived at the homestead location listed above?

______________________________

How long have you been a resident of the Town of St. Agatha?

______________________________

Have you received a property tax refund under the State's Property Tax & Rent Refund Program (a.k.a. circuit breaker program)?

YES or NO  If yes, indicate dollar amount here; $____________

Please attach a copy of the check or letter from the state indicating refund amount. The letter can be obtained by calling the Maine Revenue Service Taxpayer Service Center.

Signature of Applicant: __________________________ Date: _________

Name (please print): __________________________
<table>
<thead>
<tr>
<th>Amount of Eligibility Calculation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>State's Refund Amount: ____________</td>
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</tbody>
</table>

Options:

a. 15% of the amount of the refund award by the state noted above

b. Available monies in the Town Circuit Breaker Program

c. $300

The lessor of the 3 options is the amount of Town's refund to the resident(s).
ROAD DESIGN ORDINANCE

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: 3-25-2008

EFFECTIVE: 3-25-2008

CERTIFIED BY: [Signature]

Name

Town Clerk

Title

Affix Seal
1 Statement of Purpose.

The purpose of these standards is to promote the health, safety, and public welfare of the residents of St. Agatha through the establishment of minimum design, construction, and acceptance standards for roads.

2 Applicability.

A. New Construction: These standards shall apply to the construction of all new roads within the town, whether public or private. No road shall be accepted as a town way unless they meet the provisions of these standards.

B. Alterations: Alterations, widening and lengthening improvements shall be consistent with the standards of this Ordinance. The Town shall be exempt from the provisions of these standards when the Town undertakes alterations, widening, and improvements.

C. Higher Design and Construction Standard: Nothing in these standards shall be construed to prevent the design and construction of roads which meet higher standards, use improved methods, or higher quality materials.

3 Application Procedures.

Prior to any new construction, renovations or lengthening of an existing road, an application shall be submitted to the Planning Board with the following information in the application.

A. Submission Requirements:

1. The name(s) of the applicant(s);

2. The name(s) of the owner(s) on record of the land upon which the proposed road is to be located;

3. A copy of the deed for the property proposed for road construction;

4. A statement of any legal encumbrances on the land upon which the proposed road is to be located; and

5. The anticipated starting and completion dates of each major phase of road construction.

B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Maine Registered Land Surveyor or Professional Engineer to include the following information:
1. The scale of the plan. (All road and roadway plan and profile drawings shall be drawn to a scale 1" = 50' horizontal and 1" = 10' vertical);

2. The direction of magnetic north;

3. A plan profile and typical cross section views of all proposed roads;

4. The starting and ending point with relation to established roads, roads, or ways and any planned or anticipated future extensions of the roads. (All terminal points and the center line alignment shall be identified by survey stationing.);

5. The roadway and roadway limits with relation to existing buildings and established landmarks;

6. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines;

7. The lots, if any, as laid out and numbered on said road, showing the names of all owners of abutting property;

8. All natural waterways and watercourses in or on land contiguous to the said roads or ways;

9. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;

10. A soil erosion and sedimentation control plan showing interim and final control provisions;

11. Curve data for all horizontal and vertical curves shall be the centerline radius, arc length, beginning of curve and end of curve points;

12. All centerline gradients shall be shown and expressed as a percent;

13. All curve and property line radii of intersections;

14. The limits and location of any proposed sidewalks and curbing;

15. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)

a. storm drains;

b. telephone line poles or underground vaults;
c. electrical power line poles or underground vaults; and

d. street lights.

16. The name(s) of each proposed new road.

C. Upon receipt of plans for a proposed public road, the Planning Board shall forward one copy to the Board of Selectmen and the Town Manager for review and comment. The Planning Board shall presume the plans acceptable should the Board of Selectmen and the Town Manager not submit written comments within thirty (30) days of the receipt of the proposed public way.

D. Roads Within Proposed Subdivision: Roads, proposed as part of a subdivision shall be submitted to the Planning Board as an integral part of the subdivision application. Plans shall conform to the provisions of this Ordinance as well as that required by the State’s Subdivision Laws.

E. Application Fee: An application fee of $50 shall be paid to the "Town of St. Agatha" upon submission of an application. The application fee shall be waived if the road is being reviewed as an element of a subdivision application.

F. Application Review:

1. Complete Application: Within thirty (30) days from the date of receipt, the Planning Board shall notify the applicant in writing that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the requirements of this Ordinance.

2. Application Approval: The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.

3. Public Hearing: The Planning Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all owners' property abutting the proposed road or any other impacted party as may be determined by the Planning Board, and posted at three (3) prominent locations throughout the Town at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures within this Ordinance.
4 Acceptance of a Town Way.

A road or easement constructed on private property by the owner(s) shall be laid out and accepted as a Town right-of-way or public easement by the Town only upon the following conditions:

A. Roads which the owner(s) proposes to be dedicated as Town rights-of-way shall be designed and constructed in accordance with the Road Design and Construction standards contained within this Ordinance.

B. The owner(s) shall give the Town of St. Agatha a warranty deed to the property within the boundaries of the right-of-way or public easement at the time of its acceptance.

C. A plan of the right-of-way or public easement shall be recorded in the Aroostook County Registry of Deeds, Northern Office at the time of its acceptance.

D. A petition for acceptance of the Town right-of-way or public easement shall be submitted to the Town of St. Agatha upon a form to be presented to the Planning Board for their review and comment. Said petition shall comply with all applicable requirements contained within this Ordinance.

E. Acceptance of a Town right-of-way or public easement shall take place at the Annual Town Meeting.

5 General Road Design Standards.

A. These design standards shall be met by all roads and shall control the roadway, shoulders, curbs, ditches, sidewalks, drainage systems, culverts, and other appurtenances.

B. Roads shall be designed to discourage through traffic within a residential subdivision.

C. Wherever existing or other proposed roads, topography, and public safety permits, roads shall run in east/west directions to maximize access for solar energy utilization. The character, extent, width, and grade of all roads shall be considered in their relation to existing or planned roads.

D. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements.
E. Driveways shall be located not less than forty (40) feet from the tangent point of the curb radius at an intersection. Driveways to comer lots shall gain access from the road of lower classification when a comer lot is bounded by roads of two different classifications. Driveways, whenever possible, should be located no closer than five (5) feet from adjacent property lines and fifty (50) feet to an adjacent driveway.

F. The maximum number of driveways onto a single road is controlled by the available site frontage as noted in E above. In addition, no low volume traffic generator shall have more than one two-way access onto a single roadway and no medium volume traffic generator shall have more than two two-way accesses in total onto a single roadway.

G. Any road serving 15 dwelling units or more shall have at least two road connections with existing public roads on an approved subdivision plan for which performance guarantees have been filed and accepted.

H. Existing roads shall be extended at the same or greater width.

I. Road names require the approval of the legislative body at the Annual, or specially called, Town Meeting. Roads that are in alignment with roads already existing or named, shall be given the name of the existing road. Names of new roads shall not duplicate, nor bear phonetic resemblance to those of existing roads in St. Agatha. The developer shall reimburse St. Agatha for the costs of installing road name, traffic safety, and control signs.

J. Intersections of roads shall be at angles as close to ninety (90) degrees as possible. In no instances shall road intersections be at an angle of less than seventy-five (75) degrees.

K. The curb line radius at road intersections shall be no less than twenty-five (25) feet. Where the angle of the road intersects is less than ninety (90) degrees, a longer radius may be required.

L. Any road intersection shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the intersecting road or road with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of the shoulder with the height of the eye three and one-half (3.5) feet to the top of an object four and one-quarter (4.25) feet above the road surface. Adjustments may be requested by the Planning Board to adjust for downgrades and upgrades.

<table>
<thead>
<tr>
<th>Allowable Speed</th>
<th>Minimum Required Sight Distance (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 MPH</td>
<td>250</td>
</tr>
<tr>
<td>30 MPH</td>
<td>300</td>
</tr>
<tr>
<td>35 MPH</td>
<td>350</td>
</tr>
</tbody>
</table>
Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

M. Where, in the opinion of the Planning Board, it is desirable to provide for road access to adjoining property, proposed roads shall be extended by dedication, to the boundary of such property.

N. Utilities shall be located in all roads as indicated within this Ordinance.

O. Street lighting shall be installed as required by the Planning Board.

P. The centerline of the roadway shall be the centerline of the right-of-way.

Q. Dead end roads shall either be constructed to provide a cul-de-sac turn around or a hammerhead or "T" turn around. Cul-de-sac turn arounds designed with a center island shall meet the following dimensions:

1. Property line: seventy (70) feet;
2. Outer edge of pavement or travel surface: sixty (60) feet; and
3. Maximum length of dead end road: 1,500' (measured from the center line of the feeder road to the center of the turn around radius).

If a center island will not exist, a radius to the property line could be sixty (60) feet. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a sixty (60) foot easement in line with the road to provide continuation of the road where future subdivision is possible. Hammerhead or "T" turn arounds are an equally viable option. These turn arounds shall allow a minimum extension of sixty (60) feet perpendicular from the road centerline on each side of the proposed road.

R. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Refer to: Erosion Control, herein, for a description of minimum erosion control methods.

S. Following road construction, the developer or contractor shall conduct a very thorough clean up of stumps and other debris from the entire road right-of-way. If on-site disposal of stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
T. Adequate provision shall be made for disposal of all surface water and underwater through ditches, culverts, under drains, and/or storm water drainage systems. Drainage design shall be based upon a ten-year storm event and shall be reviewed by the local Soil Conservation Service Office before construction. Refer to: Culverts, herein, for a description of minimum culvert standards.

U. Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses, with necessary headers. Refer to: Culverts, herein, for a description of minimum culvert standards.

V. Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least four (4) horizontal feet to one (1) foot vertical and never steeper than two (2) to one (1). In cases where this is not possible or practical, as where the roadway cuts through the side of a hill, all cuts shall be made to that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps, and boulders for an adequate distance so as to prevent such material from sliding into the ditches. Banks will be loomed, seeded, and mulched.

W. The Planning Board shall have the authority to designate whether sidewalks shall be required. Sidewalk specifications shall comply with MDOT General Specifications which include a minimum sidewalk width of 5' with 2" of bituminous hot mix (Grade D) over a 12" gravel subbase after compaction.

X. 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 road or way without obstructions by poles or appurtenances.

Y. All roads proposed for acceptance as Town ways, and constructed without adherence to this Ordinance shall require the following:

1. Completed application form for road and acceptance standards along with all required material accompanying application.

2. Written statement by the St. Agatha Sewer Department stating that all underground systems are properly constructed.

3. Following the evaluation, obtain a written statement signed by a registered professional engineer attesting that the proposed road meets or exceeds the standards set forth by this Ordinance.

4. Developer shall be required to comply with the standards as they are set forth in this Ordinance.

5. The Town may require the developer to excavate the proposed road to determine soil quality and depth.
Z. A land use permit shall not be issued unless the roadway from which the lot receives access is a Town right-of-way.

6 Road Classification.

Road classification are based on the road's ultimate purpose, use, and/or volume stated in terms of Average Daily Traffic (ADT) as determined by the Planning Board. The number of dwelling units to be served by a residential road shall be used as an indication of the number of trips. Whenever a subdivision road continues, an existing road that formerly terminated outside the subdivision or it is expected that a subdivision road will be continued beyond the subdivision at some future date, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

A. Collector Road: The primary purpose of a collector road is to serve as feeders to arterial roads and collectors of traffic from minor roads. A collector has a potential to sustain minor commercial businesses along its route.

B. Residential Collector: The primary purpose of a residential collector road is to conduct traffic gathered from local or minor roads to collector roads. Residential collectors shall be designed to exclude all external through traffic which has neither origin or destination on its tributary local access roads.

C. Local or Minor Road: The primary purpose of a local or minor road is to conduct traffic to and from dwelling units to other roads. Usually, such a road is not designed for through traffic.

Road Classification Based on Traffic Volume (ADT) and Dwelling Units Served

<table>
<thead>
<tr>
<th>Class</th>
<th>ADT Range</th>
<th>Dwelling Units Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector</td>
<td>500-3,000</td>
<td>15+</td>
</tr>
<tr>
<td>Residential Collector</td>
<td>200-500</td>
<td>15</td>
</tr>
<tr>
<td>Local or Minor</td>
<td>0-200</td>
<td>Less than 15</td>
</tr>
</tbody>
</table>

The Planning Board may at their discretion, require the road surface be paved or unpaved. For all roads to be left unpaved, the aggregate base material shall meet MDOT Standard Specification #703.10, as may be amended, and shall be placed a minimum of four (4) compacted inches in depth. All aggregate base material shall be free of rocks and rock particles which exceed one and three-quarter (1.75) inches in diameter.

7 Road Design and Construction Standards Chart.
<table>
<thead>
<tr>
<th>a. Minimum Width of Right-of-Way</th>
<th>60'</th>
<th>50'</th>
<th>50'</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Minimum Paved Width</td>
<td>24'</td>
<td>24'</td>
<td>20'</td>
</tr>
<tr>
<td>c. Minimum Shoulder Width (each)</td>
<td>4'</td>
<td>3'</td>
<td>2'</td>
</tr>
<tr>
<td>d. Curbing (if desired)</td>
<td>vertical</td>
<td>vertical(no ditches allowed)</td>
<td>(if desired)</td>
</tr>
<tr>
<td>e. Curb Reveal</td>
<td>7''</td>
<td>7''</td>
<td></td>
</tr>
<tr>
<td>f. Minimum Grade</td>
<td>1.0%</td>
<td>1.0%</td>
<td>0.5%</td>
</tr>
<tr>
<td>g. Maximum Grade</td>
<td>6.0%</td>
<td>8.0%</td>
<td>10.0%</td>
</tr>
<tr>
<td>h. Drainage Ditch Angle Ratio:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoulder to ditch bottom</td>
<td>4:1</td>
<td>4:1</td>
<td></td>
</tr>
<tr>
<td>Ditch bottom to right-of-way</td>
<td>2:1</td>
<td>2:1</td>
<td></td>
</tr>
<tr>
<td>i. Minimum Distance Ditch Bottom to Sub-Base Bottom</td>
<td>12''</td>
<td>12''</td>
<td></td>
</tr>
<tr>
<td>j. Maximum Grade at Intersections</td>
<td>3% within 50' of intersection</td>
<td>3% within 50' of intersection</td>
<td>3% within 50' of intersection</td>
</tr>
<tr>
<td>k. Minimum Angle of Intersections</td>
<td>90 degrees</td>
<td>90 degrees</td>
<td>90 degrees</td>
</tr>
<tr>
<td>l. Minimum Centerline Radii on Curves</td>
<td>230'</td>
<td>200'</td>
<td>150'</td>
</tr>
<tr>
<td>m. Minimum Tangent Length Between Reverse Curves</td>
<td>200'</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>n. Minimum Sidewalk:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bituminous surface</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Gravel sub-base course</td>
<td>2''</td>
<td>2''</td>
<td>2''</td>
</tr>
<tr>
<td>Portland cement concrete reinforced with #10 wire mesh</td>
<td>12''</td>
<td>12''</td>
<td>12''</td>
</tr>
<tr>
<td>Sand base if cement used</td>
<td>4''</td>
<td>4''</td>
<td>4''</td>
</tr>
<tr>
<td>6''</td>
<td>6''</td>
<td>6''</td>
<td></td>
</tr>
<tr>
<td>o. Minimum Road Base:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(after compaction) aggregate sub-base</td>
<td>24''</td>
<td>24''</td>
<td>24''</td>
</tr>
<tr>
<td>(maximum size stone 2'') crushed aggregate base (if necessary)</td>
<td>3''</td>
<td>3''</td>
<td>3''</td>
</tr>
<tr>
<td>p. Hot Bituminous Pavement:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface course</td>
<td>1.25''</td>
<td>1.25''</td>
<td>1.25''</td>
</tr>
<tr>
<td>Base course</td>
<td>1.75''</td>
<td>1.75''</td>
<td>1.75''</td>
</tr>
<tr>
<td>q. Minimum Road Crown:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gravel</td>
<td>0.50&quot;:1'</td>
<td>0.50&quot;:1'</td>
<td>0.50&quot;:1'</td>
</tr>
<tr>
<td>Paved</td>
<td>0.25&quot;:1'</td>
<td>0.25&quot;:1'</td>
<td>0.25&quot;:1'</td>
</tr>
<tr>
<td>r. Property Line Radii (intersections)</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
</tbody>
</table>
8 General Construction Standards.

A. Preparation: Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.

B. Grading: All roads and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks can be constructed on parallel profiles. Deviation from the above will be allowed only with the approval of the Planning Board.

1. Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and/or other objectionable material and all trees not intended for preservation.

2. Tree stumps and other organic material shall be removed to a depth of two (2) feet below the subgrade. Rocks and boulders, when encountered, shall be scarified to subgrade.

3. On soils which have been identified as not suitable for roadways, the sub-soil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base. In lieu of removal of all organic material, engineering fabric (geotextile) may be used to stabilize the road base.

4. All the material used in the construction of embankments shall be of the quality to meet standards for embankment of the latest edition of the MDOT Standard Specifications for Highways and Bridges. Excess materials, including organic materials, soft clays, wet and non-compactable materials, etc., shall be removed from the road site. The fill shall be spread in layers not to exceed 12" loose and compacted: 80% of optimum for sub-base, 95% optimum for base. If applicable, the filling of utility trenches and other places shall be mechanically tamped.

5. All side slopes shall be at a slope of four (4) horizontal to one (1) vertical except for rural design local roads which may have maximum side slopes of three (3) horizontal to one (1) vertical. Side slopes in ditches shall not exceed two (2) horizontal to one (1) vertical. Where cut and fill slopes necessary to meet this and other standards would exceed the right-of-way width, the width shall be increased to cover all such cut and fill land and to provide adequate space for maintenance access. Slopes and shoulders shall be appropriately vegetated in accordance with an erosion and sedimentation control plan approved by the Planning Board.

6. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewer and water service connections shall be installed to the edge of the right-of-way prior to paving.
C. **Bases:** The appropriate sections of the MDOT Standard Specifications for Highways and Bridges currently in effect at the date of submission of the preliminary plan, shall be applicable to this Ordinance, except as follows:

1. Aggregate Base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>% of Weight Passing Square Mesh Sieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2 inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>1/4 inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>5%</td>
</tr>
</tbody>
</table>

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in diameter.

2. Aggregate Sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>% of Weight Passing Square Mesh Sieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4 inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>7%</td>
</tr>
</tbody>
</table>

Aggregate for the sub-base shall contain no particles of rock exceeding six (6) inches in diameter.

D. **Pavement Joints:** Where pavement placed joins an existing pavement, the existing pavement shall be saw cut along a smooth line and to a neat, even, vertical joint. No broken or raveled edges and no deviation from grade will be permitted.

E. **Curbs and Gutters:** Road curbs and gutters shall be installed as required by the Planning Board. Curbs shall be vertical, except when slopes curbs are specifically allowed by the Planning Board.

F. **Pavements:** Minimum standards for the base layer of pavement shall be the MDOT specifications for Plant Mix Grade B with an aggregate size of no more than 3/4" maximum. This base course may be placed between April 15 to November 15, provided
the air temperature in the shade at the paving location is 35 degrees F or higher and the area to be paved is not frozen or unreasonably wet.

Minimum standards for the surface layer of pavement shall meet the MDOT specifications for Plant Mix Grade C with an aggregate size of no more than 1/2" maximum. This surface course shall be placed between April 15 and October 15 provided the air temperature is 50 degrees F or higher.

G. Construction Monitoring: It shall be the responsibility of the developer to contract with the Public Works Foreman or the Code Enforcement Officer to continuously inspect aspects of road construction for conformance with standards as outlined in this Ordinance. The inspector shall report in writing to the Town Manager or designated representative detailing and reporting construction activities at each of the following stages:

1. After grading and before placing of sub-base gravel;
2. After placement of sub-base gravel and base gravel, if required;
3. Prior to placement of base course and pavement;
4. Prior to placement of surface course and pavement; and
5. Completion of construction, yet prior to final acceptance.

9 Erosion Control.

A. All slopes and ditches shall be protected to prevent erosion. All ditches having grades less than 2% shall be protected with hay or wood mulch or any of the various temporary erosion control products such as excelsior mat, jute mesh, etc. This includes sod and direct seeding.

B. For grades of 2% or steeper, waterways shall be lined with stone with diameters ranging from 4" to 12". Proper bedding of the stone should be provided by at least 6" of bank-run gravel or an Erosion Control Geotextile meeting MDOT Specifications.

C. Construction operations should be scheduled to allow immediate seeding within channels during optimum grass-growing periods (mid-April to late June or August through September). All seeding should be completed within 24 hours after excavation of a ditch.

D. For a more detailed presentation on erosion control, refer to SCS Best Management Practices.
E. Dust control shall be approved by the Code Enforcement Officer prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the driveway.

10 Culverts.

A. Minimum diameter of all driveway pipes is 15 inches and road-crossing pipes is 18 inches. These minimums may be altered by the Planning Board, the Public Works Department, or by the recommendation of the Soil Conservation Service Office.

B. Plastic Pipes are the only type of culvert to be used.

11 Modifications.

A. Where the Planning Board finds extraordinary and unnecessary hardships may result from strict compliance with these standards, or where there are special circumstances of a particular application, it may vary these standards so that substantial justice may be done and the public interest is secured.

B. In granting modifications, the Planning Board may require conditions that in its judgment, will secure the objectives of the requirements.

12 Appeals.

An appeal may be taken within thirty (30) days from the Planning Board's decision on an application, by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
SHORELAND ZONING ORDINANCE

FOR THE

TOWN OF ST. AGATHA, MAINE

ENACTED: March 27, 2007
Date

EFFECTIVE: April 17, 2007
Date

CERTIFIED BY: Joan M. Ouellette
Joan M. Ouellette
Town Clerk Affix Seal
SHORELAND ZONING ORDINANCE FOR THE TOWN OF ST. AGATHA

1. PURPOSES

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

2. AUTHORITY

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

3. APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, or the upland edge of a freshwater wetland, and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

4. EFFECTIVE DATE

A. Effective Date of Ordinance and Ordinance Amendments.

This Ordinance, which was adopted by the municipal legislative body on March 27, 2007 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance, or Ordinance Amendment within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on December 31, 1991 is hereby repealed.

Any application for a permit submitted to the Town of St. Agatha within the forty-five (45) day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Commissioner.
B. Repeal of Municipal Timber Harvesting Regulation

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 section 438-A(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of “forest management activities” and “residual basal area”.

5. AVAILABILITY

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

6. SEVERABILITY

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

7. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or state statute the more restrictive provision shall control. Whenever a provision of this Ordinance conflicts with or is inconsistent with any other ordinance administered by the municipality the ordinance that is more restrictive shall control.

8. AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **DISTRICTS AND ZONING MAP**

**A. Official Shoreland Zoning Map.**
The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

(1) Resource Protection  
(2) Limited Residential  
(3) Limited Commercial  
(4) General Development I  
(5) Stream Protection

(Appendix A – Official Shoreland Zoning Map)

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

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

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

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

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

A. Purpose.
It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.

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

(2) Repair and Maintenance
This Ordinance allows, with a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-Conforming Structures.

(1) Expansions
A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.

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

i. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the waterbody, tributary stream or wetland setback requirement.

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

iii. For structures located less than 75 feet horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within the 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal-high water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii.).

For the purposed of Section 12(C)(1)(a), a basement is not counted toward floor area.

(b). Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and the new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

(1-A). Special Expansion Allowance
Existing principal and accessory structures that exceed the floor area or height limits set in Section 12(C)(1)(a)(iii) and Section 12(C)(1)(a)(iv) above, may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met.
(a) The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

(b) A well-distributed stand of trees and other vegetation meeting the requirements of Section 15(P)(2)(b), extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other natural vegetation as defined in Section 15(P)(2)(b) is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

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

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

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

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

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

(1-C). Filing and reporting requirements.
Written plans required pursuant to Section 12(C)(1-A)(d) must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the department within 14 days of the issuance of the permit.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer 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 within the water or wetland setback area in order to relocate a structure. The Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The
vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement.
Any non-conforming structure which is located less than the required setback from a waterbody, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer 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 is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. 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 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

(4) Change of Use of Non-Conforming Structure.
The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.
In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. NON-CONFORMING USES

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

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Code Enforcement Officer 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 proceeding five (5) year period.

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

E. NON-CONFORMING LOTs

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

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4897-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record on December 18, 1991 or thereafter, if any of these lots do not individually meet the dimensional requirements of this Ordinance, or subsequent amendments, and if one or more of the lots are vacant and 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 December 18, 1991 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. ESTABLISHMENT OF DISTRICTS

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development I Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric
soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

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

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

B. Limited Residential District

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

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District

The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;
(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, agricultural cultivation, or other commercial activities; and

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds and boating facilities.

(2) Areas otherwise discernible as having patterns of intensive commercial, agricultural, industrial or recreational uses.

E. Stream Protection District

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

14. TABLE OF LAND USES

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

Key to Table 1:

YES – Allowed (No permit required but the use must comply with all applicable land use standards).

NO – Prohibited

PB – Allowed with permit issued by the Planning Board

CEO – Allowed with permit issued by the Code Enforcement Officer

LPI – Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

GD – General Development I

LR – Limited Residential

LC – Limited Commercial
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and biking</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land management roads</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>4. Timber Harvesting</td>
<td>YES</td>
<td>CEO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>6. Fire Prevention Activities</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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<td>8. Soil and Water Conservation Practices</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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<td>9. Mineral Exploration</td>
<td>N0</td>
<td>N0</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>10. Mineral Extraction including sand and gravel extraction</td>
<td>N0</td>
<td>N0</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>12. Emergency Operations</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>NO</td>
<td>PB</td>
<td>YES</td>
<td>YES</td>
</tr>
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<td>15. Principal Structures and Uses</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB1</td>
<td>PB2</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>NO</td>
<td>NO</td>
<td>N03</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>E. Governmental and Institutional</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB1</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB1</td>
<td>PB</td>
<td>CEO</td>
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<tr>
<td>17. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<td>18. Home Occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>19. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<td>20. Essential Services</td>
<td>PB4</td>
<td>PB4</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO4</td>
<td>CEO4</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td>PB4</td>
<td>PB4</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td>PB4</td>
<td>PB4</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>D. Other Essential Services</td>
<td>PB4</td>
<td>PB4</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>21. Service drops, as defined, to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>22. Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>23. Individual Private Campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<td>24. Campgrounds</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
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<td>25. Road Construction</td>
<td>PB</td>
<td>NO5</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>26. Land Management Roads</td>
<td>CEO</td>
<td>PB</td>
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<td>CEO</td>
</tr>
<tr>
<td>27. Parking Facilities</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>28. Marinas</td>
<td>PB</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<tr>
<td>29. Filling and Earth Moving</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>30. Signs</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>31. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
</tbody>
</table>
32. Uses similar to uses requiring CEO permit

| CEO | CEO | CEO | CEO | CEO | CEO |

33. Uses similar to uses requiring a PB permit

| PB | PB | PB | PB | PB | PB |

1 Provided that a variance from the setback requirement is obtained from the Board of Appeals.

2 Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

3 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

4 See further restrictions in Section 15(L)(2).

5 Except as provided in Section 15(H)(4).

6 In the resource protection district not allowed within 75 feet, horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

15. LAND USE STANDARDS

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>a. Within Non-Tidal Shoreland Areas served by public sewer</td>
<td>20,000</td>
</tr>
<tr>
<td>b. Within the Shoreland Zone Not served by public sewer</td>
<td>40,000</td>
</tr>
<tr>
<td>Governmental, Institutional, or Commercial per principal structure</td>
<td></td>
</tr>
<tr>
<td>a. Within Non-Tidal Shoreland Areas served by public sewer</td>
<td>30,000</td>
</tr>
<tr>
<td>b. Within the Shoreland Zone Not served by public sewer</td>
<td>60,000</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
</tr>
</tbody>
</table>
2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, 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 dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the areas of the Limited Residential District and Limited Commercial District served by Public Sewer the setback from the normal high-water line shall be at least seventy-five (75) feet, horizontal distance and in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance. In the Resource Protection District the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar
equipment. Such accessory structure shall not exceed (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.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed (70) percent.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetative plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
D. **Campgrounds**

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

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

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, except where otherwise allowed if served by public sewer, 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.

E. **Individual Private Campsites**

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, except where otherwise allowed if served by public sewer, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector if public sewer is not available. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

F. Commercial and Industrial Uses

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

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to public sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas
(1) Parking areas shall meet the shoreline and tributary setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds no other reasonable alternative exists further from the shoreline or tributary stream.

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

(3) In determining the appropriate size of the proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

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

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river that flows to a great pond classified GPA, 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, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of setting 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 greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15(H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding
temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section (H)(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 their setback from a water body, tributary stream or wetland.

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

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

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

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

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

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

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>
(b) Drainage dips may be used in place of ditch relief culverts only where the grade is (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

I. Signs

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

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods and services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

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

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

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.
(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

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

(a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and;

(b) effective July 1, 2008 a holding tank will not be allowed for a first time residential use in the shoreland zone.

L. Essential Services

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

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

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(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 classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

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

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

   (b) The final graded slope shall be two and one-half to one (2 ½ : 1) slope or flatter.

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

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

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

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

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

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single 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.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear
showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

(c) No accumulation of slash shall be left within fifty (50) feet, 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 ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

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

(i) Surface waters are frozen; and

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

(e) All crossings 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.

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

(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, 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.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting
(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

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

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt; 8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 - &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area..

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36\] points
Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “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 1/2) 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 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

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

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

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

(a) Mulching and revegetation of disturbed soil.

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

(c) Permanent stabilization structures such as retaining walls or rip-rap.

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

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

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

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

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

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

R. Soils.

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

S. Water Quality.

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

T. Archaeological Site.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. ADMINISTRATION

A. Administering Bodies and Agents.
(1) **Code Enforcement Officer.**
A code enforcement officer shall be appointed or reappointed annually by the Town Manager or by the Board of Selectmen in the absence of the Town Manager by July 1 of each year.

(2) **Board of Appeals.**
A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) **Planning Board.**
A Planning Board shall be created in accordance with the provisions of State law.

**B. Permits Required.**

After the effective date of this Ordinance, no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

**C. Permit Application**

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits.

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board’s agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;
(2) Will not result in water pollution, erosion, or sedimentation to surface waters;
(3) Will adequately provide for the disposal of all wastewater;
(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions.

In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.
If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit.

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service.

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or
determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

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

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

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the
dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials 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.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-
related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

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

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

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

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

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement.

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

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

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

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

17. DEFINITIONS.

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

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.
Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

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

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

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

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

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

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

DBH - the diameter of a standing tree measured 4.5 feet from ground level.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

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

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

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

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

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

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

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses;
and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

Institutional - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

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

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

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.
Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

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

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.
Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

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

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

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

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

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

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

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

- Fryeburg
- Lovewell
- Alluvial
- Podunk
- Suncook
- Hadley
- Medomak
- Cornish
- Rumney
- Sunday
- Limerick
- Ondawa
- Charles
- Saco
- Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.
Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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

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

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

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

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

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.
Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a wetland.

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

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guy and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of
accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.
April 20, 2007

Ryan Pelletier  
Town Manager  
Town of St. Agatha  
P.O. Box 110  
St. Agatha, Maine 04772

Subject: CONDITIONAL APPROVAL,  
Shoreland Zoning Ordinance

Dear Ryan:

Please find enclosed a copy of Department Order # 04-07  
conditionally approving the Shoreland Zoning Ordinance for  
the Town of St. Agatha, Maine, as adopted on March 27, 2007.  
The condition of approval is binding on the Town and must be  
administered as part of the Ordinance. Should the ordinance  
be amended in the future to address the issue identified in  
the Conditional Approval, the Department can then fully  
approve the ordinance and repeal the condition of approval.

Should you have any questions, please contact me at 287-7730  
or by e-mail at rich.p.baker@maine.gov

Sincerely,

Richard P. Baker  
Shoreland Zoning Coordinator  
Bureau of Land and Water Quality

enclosed: Department Order #04-07

cc: Selectmen  
Code Enforcement Officer  
Planning Board  
Nick Archer, DEP-Presque Isle
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER
IN THE MATTER OF

TOWN OF ST. AGATHA ) MANDATORY SHORELAND ZONING ACT
AROOSTOOK COUNTY ) 38 M.R.S.A., SECTION 438-A (3)
SHORELAND ZONING ORDINANCE ) ORDINANCE APPROVAL WITH
FILE #04-07 ) CONDITIONS

Pursuant to the provisions of 38 M.R.S.A., Section 435-449, and 06-096 CMR, Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, effective March 24, 1990, and amended through May 1, 2006, the Department of Environmental Protection has considered the Shoreland Zoning Ordinance for the Municipality of St. Agatha, as adopted by the municipal legislative body on March 27, 2007, and FINDS THE FOLLOWING FACTS:

1. The Mandatory Shoreland Zoning Act (Act) requires the Town of St. Agatha to establish zoning controls in areas within 250 feet of the normal high water-line of great ponds and rivers; within 250 feet of the upland edge of freshwater wetlands; and within 75 feet of the normal high water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, (Guidelines), as adopted by the Board of Environmental Protection (Board).

2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove a locally adopted ordinance. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality.

3. The Department's review of the St. Agatha ordinance has revealed the following significant deficiency:

   A. Section 12(E) pertaining to Non-conforming Lots is incomplete. The first paragraph of Section 12(E)(3), Contiguous Lots – Vacant or Partially Built has not been included within the text of the Ordinance, causing the remaining portion of that section to be unadministerable and confusing. The complete Section 12(E)(3) should read as follows:

   “(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record on December 18, 1991 or thereafter, if any of these lots do not individually meet the dimensional
2. MANDATORY SHORELAND ZONING ACT
   38 M.R.S.A., SECTION 438-A (3)
   ORDINANCE APPROVAL WITH
   CONDITIONS

requirements of this Ordinance, or subsequent amendments, and if one or
more of the lots are vacant and 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
December 18, 1991 and recorded in the registry of deeds if the lot is served
by public sewer or can accommodate a subsurface sewage disposal system
in conformance with the State of Maine Subsurface Wastewater Disposal
Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of
    Section 12(E)(3)(a) are reconfigured or combined so that each new lot
    contains at least 100 feet of shore frontage and 20,000 square feet of lot
    area.”

4. In a letter dated March 27, 2007, the Town of St. Agatha was notified by the Department
   of the above deficiency, and the proposed conditional approval of the locally adopted
   ordinance. The Town’s only comment pertained to a typographical error, which was
   subsequently corrected.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

1. The Shoreland Zoning Ordinance for the Town of St. Agatha is consistent with the
   requirements of the Mandatory Shoreland Zoning Act, with the exception of the
deficiency noted in paragraph 3(A) above. The deficiency can be addressed by the
Department conditionally approving the Ordinance.

THEREFORE, the Department APPROVES the Shoreland Zoning Ordinance for the Town of
ST. AGATHA, as adopted on March 27, 2007, SUBJECT TO THE ATTACHED CONDITION:

1. Section 12(E)(3), beginning after the second paragraph of Section 12(E)(2), shall read:
3.

MANDATORY SHORELAND ZONING ACT
38 M.R.S.A., SECTION 438-A (3)
ORDINANCE APPROVAL WITH
CONDITIONS

“(3) Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record on December 18, 1991 or thereafter, if any of these lots do not individually meet the dimensional requirements of this Ordinance, or subsequent amendments, and if one or more of the lots are vacant and 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 December 18, 1991 and recorded in the registry of deeds if the lot is served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.”


DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES
This is a true copy of the original Shoreland Zoning Ordinance Map for the Town of St. Agatha which has passed at a special town meeting dated 3/7/07 to be enforced as of 3/7/07 unless contested by the State of Maine.

Legend
- Township Boundaries
- Lot Lines
- Rivers, Lakes and Ponds
- Island Lots
- Moderate and High Value Freshwater Wetlands

Shoreland Zoning

Shoreland
- Limited Commercial - 100' Setback without Public Sewer - 75' Setback with Public Sewer
- General Development - 25' Setback
- Limited Residential - 100' Setback without Public Sewer - 75' Setback with Public Sewer
- Resource Protection - 250' Setback
- Stream Protection - 75' Setback

1 inch equals 3,500 feet
Town of St Agatha
Ordinance to Require the Issuance of Special Amusement Permits

Purpose.
The purpose of this article is to control the issuance of special amusement permits for music, dancing, or entertainment of any sort in facilities licensed by the State of Maine to sell liquor under 28-A M.R.S.A.§1054.

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

ENTERTAINMENT- Any amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises who's incidental duties include activities with an entertainment value.

LICENSEE- The holder of a license issued under the alcoholic beverages statutes of the State of Maine or any person, individual, partnership, firm, association, corporation, or other legal entity acting as agent or employees of the holder of such a license

Permit Required; Admission Charges; Live Entertainment.
No licensee for the sale of liquor to be consumed on his or her licensed premises shall permit on such licensed premises located in the Town of Saint Agatha any music, except a radio or mechanical device, and dancing or entertainment of any sort unless the licensee shall have first obtained a special amusement permit approved by the Town of St Agatha Board of Selectmen.

A. Application Form. Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Town Clerk and signed by the licensee at least 20 days in advance of the next regularly scheduled Board of Selectmen meeting. Each application shall state the name and address of the applicant; the name, address, and nature of the proposed amusement; whether admission will be charged under Subsection B and if so, the area so designated and whether the applicant has ever had a state liquor license or special amusement permit denied or revoked and if so, an explanation thereof.

B. Admission Charges. The licensee of a licensed hotel, Class A restaurant, Class A Tavern, or restaurant or malt liquor licensee, as defined in the M.R.S.A. Title 28-A, who has been issued a special amusement permit may charge admission in designated areas; provided however, that such area must be so designated in the application and approved by the Board of Selectmen.

C. Live Entertainment Regulated.
(1) No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any person when the entertainment involves:
   (a) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
(b) The actual or simulated touching, caressing, or fondling on the breasts, buttocks, anus, or genitals.
(c) The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola area thereof.
(d) The permitting by any licensee of any person to remain in or on the licensed premises who exposes to any public view any portion of his or her genitals or anus.

(2) For the purposes of this subsection, the term "displaying" or "expose" shall mean unclothed or costumed and not covered by a full opaque material.

**Permit Fee.**
The permit fee shall be the fee established set by the Board of Selectmen for special amusement permits plus the cost of advertising for a public hearing. If a permit request is made at the same time as the liquor license renewal/application only one public hearing will be needed and payable.

**Public Hearing.**
Prior to granting a new special amusement permit and after reasonable notice has been given to the applicant a public hearing will be held. The public hearing shall be advertised at the applicant’s expense in a newspaper of general circulation in the town at least seven days in advance. At the public hearing, the testimony of any interested parties shall be heard.

**Issuance of Permit.**
A. After the public hearing, the Board of Selectmen shall grant the special amusement permit requested unless the issuance of the permit would be detrimental to the public health, safety, or welfare, or would violate any applicable state law or town ordinance.
B. No permit shall be issued under this ordinance, if the premise and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, appropriate fire codes, rules and regulations of the Town of St Agatha and State law.
C. Restrictions: In approving such a permit, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement, including the location and size of the premises, the facilities that may be required for the permitted activities on those premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities will be amused.

**Notice of Decision.**
Any licensee requesting a special amusement permit shall be notified in writing of the Board of Selectmen’s decision no later than 15 days from the date of its decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall be provided in writing with the reasons for the denial or a list of the restrictions. A licensee may not reapply for the same permit within 30 days.

**Duration of Permit.**
A special amusement permit shall be valid only for the license year of the existing liquor license.
Suspension or Revocation of Permit.
The Board of Selectman may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit on the grounds that the music, dancing, or entertainment so permitted is detrimental to the public health, safety, or welfare, or violates any applicable state law or town ordinance. If the Board of Selectmen revoke or suspend a licensee's special amusement permit, he or she shall be notified in writing within 15 days of the reasons for such action.

Appeals.
A licensee whose request for a special amusement permit has been denied, approved with restrictions, or revoked or suspended may, within 30 days of such action, appeal the decision to the Board of Appeals. The Board of Appeals may grant or reinstate the permit only if it finds that the denial, imposition of restrictions or revocation, or suspension was arbitrary or capricious.

Enforcement, Violation and penalties.
This Ordinance and the terms of a Special Amusement Permit issued shall be enforced by any Town employee or Town official appointed by the Board of Selectmen to hold such authority. Whoever violates any provision of this article shall be fined not less than $100 not more than $500 to be recovered on complaint to the use of the Town of Saint Agatha. Each day that such violation continues shall constitute a separate offense.

Severability.
The invalidity of any provision of this ordinance shall not invalidate any other provisions.

Effective Date.
The effective date of this ordinance shall be when enacted by the Town of St Agatha.
Town of St. Agatha

Street Light Policy

Effective: March 22, 1994
WHEREAS,

It is deemed in the interest of the public health, safety, and welfare of the Town to locate street lights along certain roads under certain conditions where such lighting achieves public benefit to the point of justifying public expenditure; and

WHEREAS,

It is necessary to set forth a rational means for determining the overall need for each request for street lighting in the Town based on factors such as, but not limited to, traffic volume, speed limit, road conditions, accident rates, pedestrian safety, roadside parking conditions, adjacent development patterns, number of curb cuts, and degree of existing lighting; and

WHEREAS,

Street lighting, under certain conditions, can produce economic returns such as, but not limited to, increased night-time business, reductions in personal injuries, fatalities, and property damage, and other societal costs; and

WHEREAS,

The Town has limited funds available for the placement of street lights, it is necessary to fund those requests which demonstrate the most urgent need and provide the greatest public benefit.

THEREFORE,

Be it ordained, by a majority vote of the Municipal Officers, that the following regulation entitled "Town of St. Agatha Street Light Siting Policy" governing the funding and siting of street lights in the Town is hereby established.

Effective Date: 3-22-94

Municipal Officers

Attest: DAVID P. O'KEEFE
Town Clerk
Town of St. Agatha Street Light Siting Policy

Section 1. Title and Purpose

This policy shall be known as the "Town of St. Agatha Street Light Siting Policy", hereinafter referred to as "this policy." The purposes of this policy are to protect the health, safety, and welfare of the residents of St. Agatha (hereinafter referred to as the "Town"); to provide for a rational means of prioritizing and planning for the expenditure of tax dollars for street light improvements; to process requests for street lights in a fair and efficient manner; and to ensure that new street lights installed with local tax dollars will be sited for reasons of public health and safety based on the greatest demonstrated public need.

Section 2. Applicability

This policy applies to all requests for placement of street lights in the Town where the capital cost of the street light shall be borne by the Town. Exceptions to this policy are in cases where it is necessary to erect a street light(s) to alleviate an emergency situation or where a street light(s) is planned as part of a larger capital improvement project separately approved by the voters, such as, but not limited to, a downtown revitalization project.

Section 3. Effective Date

This policy shall become effective when adopted by a majority vote of the Municipal Officers at any regular or special meeting of the Municipal Officers.

Section 4. Amendments

A proposal for an amendment to this policy may be initiated by:

A. The Planning Board, by a majority vote of the Board;
B. The Municipal Officers, upon consultation with the Planning Board;
C. An individual, through a request to the Municipal Officers; or
D. A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

This policy may be amended only by the procedure required for its original enactment.

Section 5. Availability

A certified copy of this policy shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public, at a reasonable cost to the person making the request during normal Town Office business hours. Notice of the availability of this policy shall be posted.

Section 6. Severability

Should any section or part of a section or any provision of this policy be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the policy as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
Section 7. Conflict with Other Ordinances or Jurisdictions

Whenever a provision of this policy conflicts with or is inconsistent with another provision of this policy or any other ordinance, regulation, or statute, the more restrictive provision shall apply. Any application approved under this policy does not exempt the street light from other state or local laws which may be applicable.

Section 8. Administrative Procedure

In order to have proper standing to file an application, the applicant must be a legal resident of and/or own property in the town. The applicant shall include all information as required on forms provided by the Town. All requests for a street light(s) shall be reviewed for final approval by the Municipal Officers. The decision of the Municipal Officers shall be based on the results of a preliminary review conducted by the Planning Board. Application forms are available at the Town Office. The Code Enforcement Officer shall provide assistance to the applicant in filling out the application form.

A. Planning Board Review

It shall be the responsibility of the Planning Board to review and score all applications for a street light(s). The applicant shall submit a written application to the town office for consideration and scoring by the Planning Board. The Planning Board shall complete the review of the application for accuracy and completeness. It is the responsibility of the applicant to verify and provide proof, if necessary, to the accuracy of all of the submitted information. The final review and scoring shall be completed within thirty (30) days after the application is deemed complete by the Planning Board. An application determined to be incomplete shall be returned to the applicant with the deficiencies noted in writing. It is the responsibility of the applicant to obtain another date on the Planning Board agenda for corrected application consideration. When the Planning Board completes its review and assigns a score for the application, a copy of the application, along with supporting documentation, shall be forwarded to the Municipal Officers. The Board shall notify the applicant in writing of its findings by providing a copy of the scoring decision.

B. Municipal Officers Review

It shall be the responsibility of the Municipal Officers to review all applications for street lights. The review will be conducted for all applications scored by the Planning Board over the previous submittal period. Said period shall be from January 1st to December 31st each year, except that if this policy is adopted between February 1 and the annual Town Meeting, the application period for the first funding cycle only, shall be between the date of the adoption of this policy and June 1st of the same year.

In considering approval of an application, the Municipal Officers shall consider the comments of the Planning Board and Code Enforcement Officer. The materials submitted by the Planning Board shall be reviewed for accuracy. A priority list shall be compiled based on the score assigned to each application. The higher scores shall be the highest priority. Final approval shall be determined within 45 days of the December 31 deadline. The number of streetlights to be funded will be determined by the amount of funds appropriated for that purpose at the regular town meeting following the December 31 deadline. Pending applications will be considered in the next funding cycle.
C. Other Responsibilities

After final approval of the list of street light locations, other local officials may proceed with arrangements for ordering the necessary services and materials for completing the work, as soon as the appropriation has been approved at Town Meeting. That process will be carried out consistent with local procedure for other local public improvements projects. The decision on the type of street light to be sited shall consider cost, energy efficiency, and consistency with the general character of the neighborhood. The final decision on the type of street light to be sited is subject to approval of the Municipal Officers, with comments by the Town Manager and Planning Board to be considered.

Section 9. Definitions

Any word not otherwise defined shall have its ordinary meaning.

Section 10. Appeals

Aggrieved parties to the decision by the Planning Board and/or the Municipal Officers can not be appealed to the St. Agatha Board of Appeals. Appeals may be taken by aggrieved parties to a court of competent jurisdiction.
WASTEWATER ORDINANCE
FOR THE
TOWN OF ST. AGATHA, MAINE

ENACTED: November 2, 2004
Date

EFFECTIVE: November 2, 2004
Date

CERTIFIED BY: Joan M. Ouellette
Town Clerk

Affix Seal
TOWN OF ST. AGATHA

WASTEWATER ORDINANCE

Enacted: November 3, 2004

The Ordinance sets forth for the maintenance and operation of the St. Agatha Municipal Wastewater System, established by the residents of the Town of St. Agatha as necessary or desirable for the efficient operation of said St. Agatha Municipal Wastewater System and for accomplishing the purposes of an ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of St. Agatha, County of Aroostook, State of Maine.

ARTICLE I - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms in this ordinance will be as follows:

Section 101 - "A.S.C.E." shall mean the American Society of Civil Engineers.

Section 102 - "A.S.T.M." shall mean American Society for Testing and Materials.

Section 103 - "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter (Mg/L).

Section 104 - "Builder" shall mean any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

Section 105 - "Building" shall mean a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

Section 106 - "Building Drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning eight (8) feet outside the inner face of the building wall.

Section 107 - "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 108 - "Cellar Drain" shall mean a drain from a cellar which allows water, including cellar seepage water, to be admitted.

Section 109 - "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 110 - "Council" shall mean the duly elected officers of the Town of St. Agatha or their authorized deputy or representative.

Section 111 - "Contractor" shall mean any person, firm, or corporation approved by the Town to do work in the Town of St. Agatha.

Section 112 - "D.E.P." shall mean Maine Department of Environmental Protection.
Section 113 - "Degrees C" shall mean degrees Celsius.

Section 114 - "Degrees F" shall mean degrees Fahrenheit.

Section 115 - "Developer" shall mean any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

Section 116 - "Easement" shall mean an acquired legal right for specific use of land owned by others.

Section 117 - "Engineer" shall mean the Professional Engineer retained by the Town. In the event the Town has not retained an Engineer, the term "Engineer" as used herein will be construed to mean the Municipal Officers or designee.

Section 118 - "Garbage" shall mean solid wastes from the retail preparation, cooking, and dispensing of food and from the retail handling, storage, and sale of produce.

Section 119 - "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage. An industry is considered to be a major contributing industry when it: (1) has a flow of 15,000 gallons or more per average day; (2) has a flow greater than 5% of the estimated total sanitary flow carried by the public sewers; (3) discharges wastes exceeding typical domestic waste strengths of 340 mg/l BOD, or 400mg total suspended solids; (4) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; (5) has a significant impact, either singly or in combination with other contributing industries, to the public sewers, treatment plant, or on the quality of effluent or sludge from the treatment works.

Section 120 - "Infiltration" shall mean water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

Section 121 - "Inflow" shall mean water entering the sewer system from the ground through such sources as roof leaders, cellar drains, sump pumps, yard drains, foundation drains, manhole covers, cross connections from storm sewers and combined sewers, catch basins, surface runoff and other drainage.

Section 122 - "Inspector" shall mean the Town and other duly authorized representatives making inspections, observations, measurements, samplings and testings within the terms of this ordinance.

Section 123 - "Kg" shall mean kilograms.

Section 124 - "l" shall mean liters.

Section 125 - "Living unit" shall mean one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Section 126 - "Manager" shall mean the Town manager of the Town of St. Agatha or the individual designated by the Municipal Officers to perform this function, or the authorized deputy, agent or representative of this individual.

Section 127 - "mg" shall mean milligrams.

Section 128 - "Natural Outlet" shall mean any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.
Section 129 - "Owner" shall mean any individual, firm, company, association, society, person, municipal or quasi-municipal agency, state agency, federal agency, or other legal entity having title to real estate or to whom taxes are assessed.

Section 130 - "Person" shall mean any individual, firm, company, association, society, corporation, group, trust, municipality, or governmental authority.

Section 131 - "Plumbing Inspector" shall mean an individual who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

Section 132 - "pH" shall mean the logarithm of the reciprocal of the concentration of the hydrogen ions in grams-ionic weight per liter of solution, and is a term used to express the relative acidity or alkalinity of a substance or solution.

Section 133 - "Pollutant" shall include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.

Section 134 - "Polluted Water" shall mean water of quality less than the effluent criteria in effect, or water what would cause violation of receiving water quality standards and would be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 135 - "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food or produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in dimension.

Section 136 - "Property Line" shall mean the established right-of-way limits of any public or private road or street or the common ownership dividing line between two abutting properties, if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a sewer easement in those instances where the building sewer connects to the public sewer in an easement.

Section 137 - "Public Sewer" shall mean a sanitary sewer owned, operated, and maintained by the Town.

Section 138 - "Real Estate" shall be as defined in the Revised Statutes of 1964, Title 36, Section 551.

Section 139 - "Receiving Waters" shall mean any water course, river, pond, ditch, lake, aquifer or other body of water receiving discharge of wastewater.

Section 140 - "Sanitary Sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions.

Section 141 - "Seasonal Residences" shall mean residences on other than plowed public ways which are inhabited for less than three (3) months per year.

Section 142 - "Septage" shall mean waste, refuse, effluent, sludge, and any other materials from septic tanks, or any other similar facilities.
Section 143 - "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage and industrial wastes.

Section 144 - "Sewer" shall mean a pipe or conduit for carrying wastewater or drainage water.

Section 145 - "Shall" is mandatory. "May" is permissive.

Section 146 - "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operations.


Section 148 - "State Plumbing Code" shall mean the State of Maine Plumbing Code, as amended, from time to time.

Section 149 - "Storm Sewer" shall mean a sewer for conveying water, ground water, surface water, or unpolluted water from any source.

Section 150 - "Superintendent" shall mean the individual retained or designated by the Manager or Municipal Officers to supervise and oversee the operation and maintenance of the wastewater collection and treatment facilities, or his authorized deputy, agent or representative.

Section 151 - "Suspended Solids" shall mean solids that either float on the surface of, or is in suspension in, wastewater, or other liquids, and that is removable by laboratory filtering and referred to as non-filterable residue.

Section 152 - "Town" shall mean the Town of St. Agatha, Maine.

Section 153 - "Unpolluted Water" shall mean water of quality to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 154 - "User" shall mean an owner of real estate, which is connected to the Town's sewer or drain systems.

Section 155 - "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

Section 201 - It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner on public or private property, any human or animal excrement, or other objectionable waste within the territorial limits of the Town of St. Agatha.

Section 202 - It shall be unlawful to discharge to any natural outlet within the territorial limits of the Town of St. Agatha any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the requirements of the State of Maine.
Section 203 - Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of wastewater.

Section 204 - The owner(s) of all buildings, or other properties which can be used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, right-of-way, or easement, in which there is now located, or may in the future be located, a public sanitary sewer of the Town is (are) hereby required, at the expense of the owner(s), to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety 90 days after the date of official notice to do so, provided that said public sewer is within fifteen hundred (1,500) feet of buildings to be connected to the public sewer line, except as noted in Section 205.

Section 205 - The only exception to Section 204 shall be for those owners who have an existing and properly functioning private wastewater disposal system (as defined in Article III of this ordinance) at the time the public sewer is installed and that system was built legally within the last fifteen (15) years. At such time as the private wastewater disposal system fails to function properly, or the system becomes fifteen (15) years old or older, the owner(s) shall be required, at the expense of the owner(s), to connect such facilities directly to the proper public sewer in accordance with the provisions of this ordinance, within 90 days after the date of official notice to do so. However, owners who’s systems qualify for this section must have approval from the Local Plumbing Inspector and still be required to pay 1/3 of the annual sewer user fee established for their residence or business by the Board of Selectmen.

Provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulation, or where unusual hardship exists due to the presence of ledge or incompatible elevations, or where the structure to be served has public road frontage and is more than fifteen hundred (1,500) feet from the sewer, the Town may grant exceptions upon specific application of the owner(s) or lessee(s) of such properties, with such conditions as the said Town may impose. The turning of a building sewer to connect to a public sewer shall not be considered a hardship under this ordinance.

Section 206 - Nothing in this ordinance shall require the owner(s) of any building to acquire any real estate or easement therein, for the sole purpose of connecting to the sewer. If an easement is required for the owner(s) of any building to connect to the sewer said easement may be obtained by the Town, at its option.

ARTICLE III – PRIVATE WASTEWATER DISPOSAL

Section 301 - Where a public sanitary sewer is not available under the provisions of Article II, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section and the “State of Maine Subsurface Disposal Rules, Chapter 241”.

Section 302 - Before commencement of construction of a private wastewater disposal system, the Owner(s) shall first obtain a written permit signed by the plumbing inspector. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services, and shall include other information as is deemed necessary by the plumbing inspector. A permit and inspection fee, as specified in the “State of Maine Subsurface Wastewater Disposal Rules, Chapter 241”, shall be paid to the plumbing inspector at the time the application is filed.

Section 303 - The type, capacities, location, and layout of a private wastewater disposal system shall comply with the “State of Maine Subsurface Wastewater Disposal Rules, Chapter 241” and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12 Chapter 423-A).
Section 304 - At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 305 - No person shall dispose of septage on land within the territorial limits of the Town of St. Agatha or cause septage to be so disposed, except as may be permitted by State law.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

Section 401 - No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town. Any person proposing a new discharge into the system, or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Town at least forty-five (45) days prior to the proposed change or connections, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, § 361.

Section 402 - All costs and expenses incidental to the installation and connection of the building sewer, from the building to the main sewer, shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 403 - A separate and independent building sewer shall be provided for every residential building and appurtenant structure.

Section 404 - Existing building sewers may be used only when they are found, by the Town, to meet all requirements of this ordinance. When existing buildings, which are connected to the public sewer, are abandoned or destroyed, the building sewer shall be capped at the edge of the public way or easement containing the public sewer in the presence of a representative of the Town.

Section 405 - The building sewer shall be service weight cast iron pipe and fittings; PVC sewer pipe meeting the requirements of ASTM D 3034 SDR 35; or other suitable material approved by the Department head. Cast iron pipe may be required by the Town where the building sewer is exposed to damage by tree roots, or the sewer is installed in unstable or filled ground.

Section 406 - The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches, nor shall slope of the pipe be less than one-eighth (1/8) inch per foot.

Section 407 - Whenever possible the building sewer shall be brought to the building at an elevation sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment so far as possible. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

Section 408 - In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer at the expense of the owner(s).

Section 409 - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff.
or ground water to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 410 - All joints and connections shall be made gastight and watertight. Joints for cast iron NO-HUB pipe shall be made with a neoprene gasket and stainless steel clamp and shield assembly; joints for PVC pipe shall be "O-ring" type. No mortar joints will be allowed.

Section 411 - The connection of the building sewer into an existing public sewer shall be made by the Owner(s) at the Owner(s)’s expense. The cost of maintenance of the building sewer from the building drain to the main sewer will be by the building Owner(s).

Section 412 - The connection of the building sewer into the public sewer shall conform to the requirements of Article 6 of this ordinance, and the procedures set forth in W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Deviation from prescribed procedures and materials must be approved by the Town before installation.

Section 413 - The Residential or Commercial Building Sewer Application is found in Appendix I and the Industrial Sewer Connection Application in Appendix II of this ordinance. The applicant for the building sewer approval shall notify the Town at least twenty-four (24) 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 Town or it’s representative. New sewer connections shall be subject to the following fees:

<table>
<thead>
<tr>
<th>Type</th>
<th>Inspection Fee</th>
<th>Connection Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$50.00</td>
<td>$300.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>Commercial</td>
<td>50.00</td>
<td>350.00</td>
<td>400.00</td>
</tr>
<tr>
<td>Industrial</td>
<td>50.00</td>
<td>400.00</td>
<td>450.00</td>
</tr>
</tbody>
</table>

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Town before the trenches are filled; and the person performing such work shall notify the Town when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the owner(s) to whom the approval is issued to a penalty of $50.00 per day for each offense, and the person performing the work shall open the trench for inspection by the Town at no cost to the Town.

Section 414 - All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and the Maine Department of Transportation.

Section 415 - The Town will consider any special situation. The Owner shall request a review of any special situations with support material as may be requested by the Town, in writing, to the Town. The Town’s approval or disapproval shall be in writing.

ARTICLE V - USE OF PUBLIC SEWERS

Section 501 - No person shall discharge or cause to be discharged any unpolluted waters, such as storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water, to any sanitary sewer.

Section 502 - Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse
approved by the Town and applicable Federal or State agencies, to a storm sewer or natural outlet, and the discharge shall comply with MRSA, Title 38, Chapter 3, § 41

Section 503 – No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

A. Any gasoline, benzene, naphtha, fuel oil, lubricating oils, or other flammable or explosive liquids, solids or gas which will cause a fire or explosive hazard in the wastewater facilities.

B. Any 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. Toxic pollutants shall include, but not be limited to, pollutants identified pursuant to Section 307 (a) of the Clean Water Act.

C. Any waters or wastes having a pH lower than 6.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solids 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, ashes, bones, cinders, sand, mud straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, except home garbage disposal units are acceptable.

Section 504 – No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers or sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150°F (65°C), or which in combination with other wastes entering the plant will result in an influent temperature exceeding 104°F (40°C).

B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/I, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C).

C. Any garbage that has not been properly shredded. The installation of and operation of any garbage grinder except home garbage disposal systems, shall require review and approval of the Town.

D. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations
that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town for such materials.

F. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations as to exceed limits which may be established by the Town so that after treatment of the composite sewage, the discharge meets the requirements of State, Federal, or other public agencies of jurisdiction.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State, or Federal regulations.

H. Any waters or wastes having a pH lower than 6.0 or higher than 8.5.

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids such as, but not limited to, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

2. Excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.

3. Unusual BOD, chemical oxygen demand, or other requirements in such quantities to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or amenable to treatment only to such degree that the sewage treatment plant effluent, residue, or sludges, cannot meet the requirements of other agencies.

K. Overflow by draining from cesspools or other receptacles storing organic wastes.

Section 505 – 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 Sections 503 and 504, and which, in the judgement of the Town, 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 Town may:

A. Reject the wastes.

B. Require pretreatment to an acceptable condition for discharge to the public sewers.

C. Require control over the quantities and rates of discharge, and/or,

D. Require payment to cover the added costs of handling and treating the wastes, provided that the discharge of such wastes does not exceed any requirements of Federal and/or State laws.

If the Town 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 Town and subject to the requirements of all applicable codes, ordinances, laws, and discharge permits.
Section 506 - Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be of a type and capacity as outlined in the “State of Maine Internal Plumbing Rules, Chapter 238” and approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be installed in the waste lines leading from sinks, drains and other fixtures of equipment in the following establishments; restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars and clubs, or other establishments where grease may be introduced into the sewer system in quantities that can effect line stoppage or hinder sewage treatment. Sand interceptors shall be installed in the waste lines of car washes or other establishments where sand and grit may be introduced into the sewer system. In the maintenance of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town. Any removal and hauling of the collected materials not performed by the Owner(s)'s personnel must be performed by licensed waste disposal firms.

Section 507 - Where preliminary treatment facilities or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at their expense.

Section 508 - When required by the Town, the owner(s) of any property served by a building sewer carrying industrial 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 wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The structure and all necessary measuring and sampling equipment shall be installed by the owner at his expense, and controlled and maintained by the owner(s), but shall be open to inspection by the Town at all times.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

Section 509 - The Town may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

A. A. Average and peak rate of wastewater discharge and volume over a specified time period.

B. B. Chemical analyses of wastewater.

C. C. Information on raw materials, processes, and products affecting wastewater volume and quality.

D. D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

E. E. A plot plan of the user's property showing sewer and pretreatment facility locations.

F. F. Details of wastewater pretreatment facilities.
G. G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 510 – 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.

(The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH’s are determined from periodic grab samples. Sampling and testing shall be undertaken by the Owner(s) at their expense, as directed by the Town.

Section 511 – No statement contained in the Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, as detailed in Article 10, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder.

Section 512 – Any person, firm or corporation violating any of the above provisions shall, upon conviction, forfeit and pay a fine as defined in Article 9.

Section 513 – The imposition of a penalty for a violation of this ordinance shall not excuse the violation or permit it to continue. Such a violation shall be remedied within a reasonable time and each ten days that such violation is permitted to exist shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

ARTICLE VI - SEWER EXTENSIONS

Section 601 – All extensions to the sanitary sewer system shall be properly designed in accordance with ASCE Manuals and Report on Engineering Practice No. 37 (W.P.C.F. Manual of Practice No. 9). Sewer extensions must be approved by the Maine DEP prior to construction. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Town’s consulting engineer before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

Section 602 – Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public consent if, in the opinion of the Board, the number of properties to be served by such extensions warrants its cost. Under this arrangement the property owner(s) shall pay for and install the building sewer from the main line to their residence or place of business. Property owners may propose sewer extensions within the Town by drafting a written petition signed by a majority of the benefiting property owners and filing it with the Town. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Town.
Section 603 - If the Town does not elect to construct a sewer extension under public contact, the Property Owner, Building Contractor, or Developer may construct the necessary sewer extensions, if such extension is approved by the Town and designed and constructed in accordance with ASCE Manuals and Report on Engineering Practice – No. 37 (W.P.C.F. manual of practice No. 9). The Owner, Contractor, or Developer, must pay for the entire installation, including all expenses incidental thereto. The installation of the sewer extension shall be subject to periodic inspection by the superintendent or Engineer engaged by the Town, and the expenses for this inspection shall be paid for by the Owner, Building Contractor, or Developer. The Engineer’s decisions shall be final in matters of quality and methods of construction. New sewer extensions must pass the leakage test required in Section 607 before use.

Section 604 - After completion of sewer construction, and before final acceptance, record drawings shall be furnished to the Town consisting of a set of reproducibles.

Section 605 - All work shall comply with all Federal, State, and local laws, ordinances and regulations.

Section 606 - All sewer extensions constructed at the Property Owner’s, Building Contractor’s or Developer’s expense, after final approval and acceptance by the Engineer, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers shall be guaranteed by the Owner, Contractor, or Developer, against defects in materials or workmanship for twelve (12) months from the date of their acceptance by the Town. The guarantee shall be in a form provided for by the Town. At the sole discretion of the Town, a maintenance bond or certified check may be required as part of the guarantee.

Section 607 - All sewers shall satisfy requirements of a final leakage test before they will be approved and sewage flow accepted from them by the Town. Prior to testing the Owner, Contractor, or Developer shall submit the test procedure to the Town for approval.

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

ARTICLE VII - PROTECTION FROM DAMAGE

Section 701 - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in MRSA, Title 17-A, Chapter 33, Section 806.

Section 702 - A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers or sewer extensions.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

Section 801 - The Town and other duly authorized representatives bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, and measurement sampling and testing in accordance with the provisions of this ordinance. The Town or its representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having
a direct bearing on the kind and source of discharge to the sewer or waterways or facilities for waste treatment.

Section 802 - While performing the necessary work on private properties, the Town or duly authorized representatives shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by the Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 508.

Section 803 - The Town and other duly authorized representatives bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer 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 804 - All installations will be inspected before burying by a duly authorized inspector employed by the Town.

ARTICLE IX - PENALTIES

Section 901 - 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 said notice, permanently cease all violations and notify the Town of corrective measures taken and when completed.

Section 902 - Any person 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, upon conviction, be subject to a fine of not less than one hundred ($100.00) and not exceeding one thousand dollars ($1,000.00) for each offense. 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 the first day and each subsequent ten-day period such violation of any provision hereof shall continue. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance.

Section 903 - 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.

Section 904 - Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof.

ARTICLE X - SEWER SERVICE CHARGE

Section 1000 - The following terms used in this article have the following meaning:
"Annual Debt Cost" - the fee established each year by the Selectmen to pay the Debt Retirement for the year. This cost shall be calculated by dividing the yearly debt by the anticipated number of Equivalent Users for the year. The Annual Debt Cost will be prorated for new users for the portion of the year when sewer service was provided.

"Equivalent Use" – the number of single-family living units at a location or the number of single-family living unit equivalents that would develop the expected wastewater flow and/or load at the specific property. The Selectmen will establish the property’s Equivalent User number at the time of connection to the sewer system. Equivalent User numbers shall be based on the Schedule of Equivalent Users on file at the St. Agatha Town Office. The Selectmen reserve the right to change the Equivalent Use for a property when a significant change in use occurs at that property.

"Operation & Maintenance Cost" – the fee established each year by the Selectmen to pay for the Operation & Maintenance of the collection and transport system, reserve accounts and the treatment facilities in St. Agatha. This cost will be established by dividing the anticipated yearly Operations & Maintenance cost by the anticipated total yearly demand within the service area, based on Equivalent Users. Each property owner’s yearly cost will be determined by actual or estimated use of the system by the property.

Section 1001 – Residents or businesses outside the Sewer Service Area may, at their own expense, extend sewer service to their properties provided that the extension is designed and constructed in accordance with Article VI- Sewer Extensions, of the Wastewater Ordinance.

Section 1002 – The source of the revenues for retiring debt costs of the wastewater collection, transport and treatment facilities shall be recovered by assessing the Annual Debt Cost to the users of the facilities on an Equivalent User basis. The Operations and Maintenance (O&M) costs will be recovered from sewer use charges assigned to the residences and places of business connected to the public sewer system based on their assigned Equivalent User number. User charges for seasonal customers will not be prorated based on part-time occupation for either the Annual Debt Cost or the Operations & Maintenance Cost.

Section 1003 – Sewer Use Charge rates shall be established by the Selectmen on an annual basis. The Sewer Use Charge will be computed and billed at regular intervals throughout each calendar year, as established by the Selectmen. A minimum Sewer Use Charge shall be established by the Selectmen to allow equitable allocation of debt costs to all system users. Property owners that are deemed accessible per Article II-Use of Public Sewers Required, of the Wastewater Ordinance but whose property is not currently connected to the sewer system shall be billed a minimum “readiness to serve” charge as allowed for by this Ordinance equal to 1/3 of the annual Equivalent User charge established for their property by the Selectmen.

Section 1004 – The Sewer Use Charge assigned to any property owner who contributes a significant quantity of commercial or industrial wastes to the public sewers, or who contributes a combination of sewage and industrial wastes to the public sewers, shall be determined on a special rate structure based on water consumption, if known, or sewage flow quantities, if known, or as set by the Selectmen.

The property owners to be charged in this manner will be determined by the Selectmen on a year-to-year basis.

Section 1005 – A Special Sewer Use Charge shall be assigned to any commercial establishment, industrial firm or organization, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the wastewater treatment facilities or any part thereof if such
waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the requirements of the Wastewater Ordinance. The Selectmen, after appropriate study, and advice from the Town's consulting engineer, shall assign a Special Sewer User Charge to the commercial establishment, industrial firm or organization by separate agreement with the user. The applicable portions of the preceding sections, as well as the equitable rights of the public shall be the basis for such an arrangement.

Section 1006 - The Selectmen reserve the right, from time to time, to change Sewer Use Charges assigned to any property owner.

Section 1007 - Sewer Service charge rates shall be determined as follows:

A. All users connected to the Town public sewer system shall pay a user fee based on this Article. Except as provided for in section 205 above.

Section 1008 - All user rates are payable by the owner(s) of the premises and such Owner(s) shall be held responsible.

Section 1009 - All rates shall be due and payable at the St. Agatha Town Office, 419 Main Street, St. Agatha, Maine.

Section 1010 - There shall be a late charge not to exceed the maximum rate allowed by State Law assessed to all delinquent accounts with an effective date established annually by the Municipal Officers. The rate shall be established annually by the Town.

Section 1011 - There shall be a lien to secure the payment of sewer charges legally assessed on real estate served by the Town, which shall take precedence over all other claims on such real estate, excepting those claims for real estate taxes. The town treasurer shall have the authority and power to sue for and collect the sewer charges in accordance with MRSA Title 38, Chapter 11, Section 1208.

Section 1012 - Billing for a new service will not be effective until the following full billing period.

Section 1013 - Abatements may be made on application to the Municipal Officers. Said abatements may be granted for similar reasons as real estate tax abatements.

ARTICLE XI - VALIDITY OF ORDINANCE

Section 1101 - All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1102 - The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given without such invalid part or parts.

ARTICLE XII - ORDINANCE IN FORCE

Section 1201 - This ordinance shall be in full force and effect from and after its passage, approval, recording and publications as provided by law.

Section 1202 - Passed and adopted by the residents of the Town of St. Agatha on:


ATTEST: 

Joan Ouellette, Town Clerk
### Town of St. Agatha
#### USER ORDINANCE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>each</td>
<td>1</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
<td>106</td>
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<tr>
<td>Additional Dwelling Unit</td>
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<td>1</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>School</td>
<td>5 students/faculty</td>
<td>1</td>
<td>58</td>
<td>55</td>
<td>52</td>
<td>49</td>
<td>46</td>
<td>43</td>
<td>40</td>
</tr>
<tr>
<td>Motel, Hotel, B &amp; B</td>
<td>2 rooms</td>
<td>1</td>
<td>0</td>
<td>.5</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Conventional Restaurant</td>
<td>10 seats</td>
<td>1</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Disposable Utensil</td>
<td>12 seats</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Church</td>
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<td>1</td>
<td>0</td>
<td>.5</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Club</td>
<td>150 members</td>
<td>1</td>
<td>0</td>
<td>.5</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>3</td>
</tr>
<tr>
<td>Public Meeting/Assembly</td>
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<td>1</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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</tr>
<tr>
<td>Commercial/Industrial</td>
<td>5 employees</td>
<td>1</td>
<td>2</td>
<td>2.5</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Gas Station with Public</td>
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<td>4</td>
<td>0</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Gas Station w/o Public</td>
<td>each</td>
<td>2</td>
<td>.5</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>3</td>
<td>4</td>
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<td>Theatre or Playhouse</td>
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<td>Laundromat</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
</tr>
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<td>Cocktail Lounge</td>
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<td>0</td>
<td>.5</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Beauty/Barber Shop</td>
<td>2 sinks</td>
<td>1</td>
<td>0</td>
<td>.5</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>3</td>
</tr>
<tr>
<td>Car Wash (w/recycle)</td>
<td>1 bay</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Hospital or Nursing/Boarding Home</td>
<td>1 bed</td>
<td>1</td>
<td>41.5</td>
<td>40.5</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Store with Public Restroom</td>
<td>each</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| Store w/o Public Restroom | each | 1 | .5 | 1.5 | 2.5 | 3.5 | 4.5 | 5 | 5 |

**Totals**

|                  | 250.5 | 252  | 254  | 254.5 | 255  | 255  | 255 |

Equivalent User numbers for types of establishments not listed shall be based on establishments with similar functions and/or estimated wastewater production.

203163.01
Increase 1 EU per year for 6 years for conventional restaurant and store w/o public restroom.
Decrease 3 EU per year for 6 years for school and decrease 1 per year for hospital/nursing home.
Increase .5 EU for all other establishment types.

11-7-03