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TOWN OF ST. ALBANS
ANIMAL CONTROL ORDINANCE

ARTICLE I - IN GENERAL

Section 1-1. - Purpose of Ordinance

The purpose of this Ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of St Albans.

Section 1-2. - Relation to County and State Animal Regulations

It is the intent of the Selectmen, as empowered by the Town Meeting, that the animal control regulations of this ordinance shall supplement and exceed the animal control regulations of the county and the state where no higher restriction is in effect insofar as these regulations conflict with, or refer to the animal control regulations the county or of the state or regular matters not regulated by the county or state, these regulations *will* apply within the Town of St. Albans.

Section 1-3. - Definitions

For the purposes of this Ordinance, the following terms, phrases and words herein shall be interpreted to read as follows and any words not herein defined shall be construed in the context in M.R.S.A. Title 7, Chapters 717 through 739 or M.R.S.A. Title 17, Chapter 42 and by ordinary interpretation, and not as a word of art:

Animal means any living creature classified as a member of the animal kingdom including, but not limited to, birds, fish, mammals and reptiles, but specifically excluding human beings.

Animal Control Facility means any facility owned, approved, and/or contracted by the Town of St. Albans for the purpose of housing, impounding, quarantine, medical treatment, or euthanasia of animals.

Animal Control Officer (ACO) means the person or persons, including but not limited to the appointed ACO and law enforcement for St. Albans, designated by the Town of St. Albans to act as the representative for the town in the impoundment of animals and in the controlling of stray animals which come into the custody of the town.

At Large refers to dogs and other domestic animals off the premises of the owner/keeper and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

Cat means both male and female.

Dangerous dog means a dog or wolf hybrid that bites an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner/keeper's premises at the time of the bite or a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner/keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement use. "Dangerous dog"

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does not include a dog or wolf hybrid that bites or threatens to assault an individual who is on the dog or wolf hybrid owner/keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault. (For the purposes of this definition, "dog or wolf hybrid owner/keeper's premises" means the residence, including buildings and land and motor vehicles, belonging to the owner/keeper of the dog or wolf hybrid).

Dog means both male and female canines.

Domestic animal means any animal whose physiology has been determined or manipulated through selective breeding, and which does not occur naturally in the wild, and which may be vaccinated against rabies with an approved rabies vaccine, and has an established rabies quarantine observation period.

Exotic animal means any non-domesticated animal, other than livestock, that is native to a foreign country or of foreign origin or character, or was introduced from abroad. This term will specifically include, but not be limited to, animals such as lions, tigers, jackals, dingoes, leopards, elephants, pandas, camels, antelope, anteaters, kangaroos, chimpanzees, gorillas, orangutans, water buffalo, and species of foreign livestock requiring state and federal permits.

Fowl means a bird of any kind, including, but not limited to, chickens, ducks, geese, guineas, pigeons, ostriches, emus, rheas, turkeys and pheasants.

Immediate effective control means the confinement of an animal to the premises of its owner by a fence of sufficient strength and height to prevent an animal from escaping there from; or contained inside a house or other enclosure; or secured on the premises by a leash of sufficient strength to prevent the animal from escaping from said premises and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall also be considered under the immediate effective control when used to assist a physically challenged person or when the animal is under the immediate control of a person by means of a cage, leash, or effective restraint to control said animal. The term "effective restraint" as used herein shall include, but not be limited to, training employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

Law enforcement officer is any person who by virtue of his/her public employment is vested by law with a duty to maintain public order, enforce any law of this state or municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes, or is limited to specific crimes.

Livestock shall mean, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep or swine.

Owner means any person/s, partnership, firm, corporation or association that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for 24 hours or more shall presumed to be the owner of such animal for the purposes of this ordinance. Shall also be intended to mean and include, when used in this ordinance, the parent or parents or guardian of a minor who owns, keeps or has in their possession an animal.

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Pet means any animal which may be legally owned in accordance with the provisions of this ordinance, normally kept for pleasure rather than utility, excluding livestock, is in the owner's possession and for which it can be reasonable demonstrated that the care of said pet is the responsibility of a given individual/s.

Public Park or Playground means any town-owned or operated public park, playground or school ground.

Public nuisance means the following:

- (1) An owner's failure to control, restrain or otherwise allow, either by conduct of condition, any animal to:
 - a. Engage in conduct which establishes such an animal as a "dangerous animal"; or
 - b. Be at-large; or
 - c. Cause a disturbance by excessive barking or noise-making near the private residence or business of another or of any government or public facility; or
 - d. Produces maggots, flies, odors, or unclean conditions sufficient to annoy or endanger adjacent property owners, residents or other individuals who may be reasonably exposed to such conditions; or
 - e. Chase vehicles or molests, attacks or interferes with other persons and animals on public or private property.
- (2) Any animal normally found in the wild that has entered onto any public or private property and by its presence is a threat to public health and safety or is generally interrupting the tranquility of the location.

Quarantine is the term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.

Rabies is a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.

Restraint means to control an animal by physical means, such as a cage, leash, rope or confinement within an enclosed space or by training or employing audible and/or visual commands, remote control devices, and/or other means to control the animal.

Service dog means a dog trained to assist a physically challenged person.

Stray means off the owner's premises and not under the control of a person.

Vaccination means the inoculation of an animal with a rabies vaccine or other medicine that is licensed by the United States Department of Agriculture for use in that species, and which is administered by a licensed veterinarian for the purpose of immunizing the animal against rabies or other diseases.

Veterinary hospital means any establishment that is maintained and operated by a licensed veterinarian for the diagnosis, treatment or surgery of injuries and diseases to animals.

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Wild animals mean any animal not normally considered domesticated and which is now or historically has been found in the wild, or in the wild state, including but not limited to the following:

- (1) Reptiles: venomous reptiles; any type of crocodile or alligator; or
- (2) Fish: Piranha; or
- (3) Birds: Condors, eagles, hawks, falcons, owls; or
- (4) Mammals: Ocelots, lions, tigers, jaguars, leopards, cougars, wolves, dingoes, coyotes and coyote mixes, jackals, weasels, martens, minks, badgers, skunks, raccoons, pandas, bears, kangaroos, opossums, sloths, anteaters, armadillos, monkeys, chimpanzees, gorillas, orangutans, porcupines, antelope, deer, fox, elephant, lynx, squirrels, chipmunks; or
- (5) Any species of animal illegal to own under federal, state or local law.

Wolf hybrid means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. Wolf hybrid includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

Section 1-4. - Reimbursement of Damage done by Animals

- (a) **Injuries and damages by an Animal**, when an animal damages a person or that person's property due to negligence of the animal's owner or keeper, the owner or keeper of that animal is liable in a civil action to the person injured for the amount of damage done if the damage was not occasioned through the fault of the person injured. (M.R.S.A. Title 7, § 3961-1).
- (b) **Injuries by dog**, when a dog injures a person who is not on the owner's or keeper's premises at the time of the injury, the owner or keeper of the dog is liable in a civil action to the person injured for the amount of the damages. Any fault on the part of the person injured may not reduce the damages recovered for physical injury to that person unless the court determines that the fault of the person injured exceeded the fault of the dog's keeper or owner. (M.R.S.A. Title 7, § 3961-2).

Section 1-5. - Attack on Service Animal

- (a) A person who owns or keeps a dog that attacks, injures or kills a service animal while the service animal is in discharge of its duties commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. (M.R.S.A. Title 7, § 3961-A);
- (b) When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service animal for any veterinary bills and necessary retraining costs or replacement costs or the service animal if it is disabled or killed.

Section 1-6. - Damage to Livestock or pets by Animals

- (a) The owner or keeper of an animal that due to negligence of the animal's owner/keeper kills or injures livestock, poultry, domestic rabbits or pets commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged in addition to costs. (M.R.S.A. Title 7, § Subsection 3962-A-1);

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- (b) A Person who suffers damage as a result of a violation of this section may also pursue a civil action against the owner/keeper of the animal pursuant to section 3961. (M.R.S.A., Title 7, § 3962-A-2);
- (c) The only exception to this is if the owner/keeper of an animal that kills or injures another animal establishes that the animal that was killed or injured provoked the killing or injury or that the animal that committed the killing or injury was leashed or controlled on the owner/keeper's property at the time of the killing or injury then the owner or keeper is not liable under this section or section 3961. (M.R.S.A. Title 7, § 3962-A-3).

Section 1-7. - Vaccinations

It shall be unlawful for any person to keep a dog, cat or other domestic animal in Town that has not been vaccinated against rabies and any other disease in accordance with rules adopted by the state commissioner of human services.

State law reference— Rabies vaccination required for dogs, M.R.S.A. Title 7§ 3922-3; rabies vaccination required for cats, M.R.S.A. 7 § 3916.

Section 1-8. - Enforcement

Any violation of this chapter shall be a civil violation which shall be prosecuted through the issuance of a civil summons by the ACO or duly authorized law enforcement officer, including game warden in the same form and the same manner of prosecution that would be the case for any other civil violation.

Section 1-9. - Penalties

- (a) For an initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250). In determining the amount to be forfeited, the court shall consider any evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. The penalty shall be increased by a minimum of \$50 above the penalty for the immediately preceding violation. All penalties awarded, and all the sums recovered, shall accrue to the benefit of the Town of St Albans. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay court costs.
- (b) For purposes of illustration of the penalty provision only, if an owner were found in a single court proceeding, to have committed four violations, and if the penalty for the initial violation were set at \$100, then the penalties for the succeeding violations would be \$150, \$200 and \$250, for a total of \$700 in penalties; similarly, if there occurred thereafter a second enforcement action for a new single violation against the same owner and if there were a finding of a violation, then the penalty for the violation would be \$300.

State law reference— Similar provisions, M.R.S.A. Title 7 § 3915.

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ARTICLE II - DOGS

Section 2-1. - Purpose of chapter

It is the stated purpose of this chapter to allow for the keepers and owners of dogs, consistent with local or state ordinances, to enjoy the companionship of their dogs. It is also a stated purpose of this chapter to provide a mechanism for recourse against those dog owners or keepers who allow their animals to habitually and unreasonably cause a public nuisance. It is further a stated purpose of this chapter to incorporate the powers and penalties of the Animal Welfare Act of the state, M.R.S.A. Title 7 § 3901 et seq., so as to provide the enforcement authority described in this chapter with broad powers to protect the health, safety and welfare of the public and to provide for the humane and responsible treatment of dogs and domestic pets.

Section 2-2. - Dog Licenses and Rabies Tags

- (a) License. Each owner or keeper of a dog at the age of 6 months or more, on or before January 1st each year, shall obtain a license from the municipality where the dog is kept or within 10 days of ownership or at the age of six months. Before the town issues the required license for any animal, requiring a rabies vaccination, the owner must show proof of current immunization against rabies as prescribed by state statute and/or by state rules and regulations. If a person applying for a license declares that the dog is a wolf hybrid, rules and regulations under Title 7, Chapter 721 must apply. Licenses expire December 31st annually and are available on October 15 for the upcoming year. The license tag indicating the year the license is issued must be securely attached to a collar of leather, metal or material of comparable strength and the collar is to be worn at all times by the dog for which the license was issued. Beginning February 1 each year a late fee of \$25.00 is charged, per dog, in addition to the license fee. **Exceptions:** A dog is not required to wear a tag when on the premises of the owner or off the premises of the owner while hunting, in training or in an exhibition. When a dog is hunting, in training or in an exhibition, its owner or keeper shall produce proof of licensure and proof of rabies immunization within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.
- (b) Rabies Tags. The owner or keeper shall ensure that a rabies tag obtained from a veterinarian for immunization against rabies is securely attached to a collar as per “a” above and must be worn unless it fits the above exception category.

State law reference— Dog licenses, M.R.S.A., Title 7 § 3921; 3922; 3923-A; 3923-B; 3923-C

Section 2-3. - Running at large prohibited, fees and certain public areas of restriction

- (a) It shall be unlawful for any dog, licensed or unlicensed, to run at large. No owner shall cause or permit any dog owned or kept by him/her or in his/her possession or under his/her control to run at large within the Town. A dog, while in or on any

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public way or place, or in or on any other place, except as hereinafter provided, shall be under restraint, within the meaning of this ordinance, if it is controlled by a leash, cord, chain, or “at heel” or under the control of the person and obedient to that person’s command, or on or within a vehicle driven or parked on the streets, or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing or restraint of any dog while on its owner’s or keeper’s premises, or in or on any premises used or occupied as a dwelling house.

- (b) If a dog is found running at large, the ACO will do his/her best to locate the owner/keeper of a dog, before taking it to the animal shelter.

Any dog found roaming at large shall:

1. **First Offense:** Be returned to its owner/keeper, if known, and be given a written warning; **or** Be housed temporarily by the Animal Control Officer and be issued a written warning when returned to the owner/keeper, plus if not licensed must pay current and prior year license fee immediately, if applicable;
 2. **Second Offense:** \$50.00 fine, plus any mileage expenses incurred;
 3. **Third Offense-**\$100.00 fine, plus any mileage expenses incurred;
 4. Any person who owns or keeps a dog that has been picked up and transported by the Animal Control Officer or law enforcement officer to the Animal Shelter, shall be assessed by the Town of St Albans the appropriate fees and prior to the release of an impounded dog/s, said fees must be paid to the Town of St Albans;
 5. Any impoundment or Animal Shelter Boarding fees assessed by the Animal Shelter must also be paid by the owner/keeper prior to the animal’s release or per the Animal Shelter’s Policy.
- (c) All domestic animals shall not be permitted in the fenced in area of the community playground, on the basketball court or on the little league and softball fields owned by the Town.

State law reference— Running at large, M.R.S.A. Title 7 § 3911.

Section 2-4. - Treatment and disposition of impounded dogs

- (a) Disposition of and the procedure for stray dogs shall be as described in M.R.S.A. Title 7, § 3911 et seq. The procedure for stray dogs after receipt by a designated animal shelter shall be pursuant to M.R.S.A. Title 7, § 3913-2A. After a dog is placed in an animal shelter, the dog may be evaluated by a licensed veterinarian, and the veterinarian may prescribe vaccinations and any medical procedures which are necessary to treat any acute illness or disease. If an animal is claimed by an owner pursuant to M.R.S.A. Title 7, § 3913, the owner shall be responsible for all such fees incurred for medical treatment. For each day a claimed animal stays in the animal shelter, the owner/keeper may be charged a daily fee by the shelter to any person claiming ownership, along with any and all other reasonably necessary fees for the care, maintenance and medical treatment of the animal.

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- (b) Before any stray dog is transferred from an animal shelter or any other person to whom a stray dog has been delivered by an appropriate authority for the town, such dog shall be vaccinated against rabies and distemper unless the owner or keeper can provide written evidence that the dog was vaccinated within the appropriate period as determined by the state commissioner of human services. The keeper or owner of each such dog shall pay for all such vaccinations.
- (c) Owners may reclaim their animal by first licensing current and prior year, if applicable, and by paying to the town any such fees due. Fees must be paid and a receipt of same presented to the Shelter prior to the release of an animal. All fees collected will be deposited in the account required by M.R.S.A. Title 7, § 3945.
- (d) The Town, its employees and agents shall not be held liable for acts committed or omitted as the result of subduing or taking custody of an animal found running at large, or as the result of subduing, taking custody of, or destroying, any animal that is the act of pursuing, attacking, or wounding a human or another animal.

State law reference— Authority to impound dogs, M.R.S.A. Title 7 § 3912; procedure for certain impounded dogs, M.R.S.A. Title 7 § 3913; use of license fees M.R.S.A. Title 7, § 3945.

Section 2-5. – Barking or Howling Dogs

No person shall keep or harbor any dog, which by frequent and habitual barking, howling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Town. Any person that allows any dog to habitually remain or be lodged or fed within a dwelling, building, yard or enclosure, which they occupy or own, shall be considered as harboring such a dog.

Section 2-6. - Dangerous dogs

- (a) An owner who is given notice by the ACO, any law enforcement officer, or any state official that the owner's dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause an abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit that dog to be moved beyond the boundaries of the town, except to or under the care of a licensed veterinarian, or of an animal control officer, or a law enforcement officer.
- (b) An owner receiving such notice shall immediately place the dog in quarantine for a period of at least 10 days and shall promptly obey all rabies detection and control directions of an ACO, licensed veterinarian, law enforcement officer, or state official concerning the dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized officials, employees, and agents in matters of rabies detection and control.

State law reference— Dangerous Dogs, M.R.S.A. Title 7 § 3952

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Section 2-7. - Special Restraint of Dangerous Dogs

- (a) If, upon hearing, the court determines that the ordinance has been violated, the court shall impose an appropriate penalty. An owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner, or to the custody of an ACO or law enforcement officer. The owner of such a dog will ensure that the dog, when out of doors on the owner's premises, is either contained within secure enclosure or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet to any mail receptacle or entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of a lawn, property boundary or home fill pipe or utility meter or point on the ground generally below any other wiring or piping. The owner shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secure, fenced-in enclosure.
- (b) If, upon hearing, the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks, then the court should ordinarily order the dog to be euthanized. Such euthanasia shall be at the owner's expense.

State law reference— Dangerous Dogs, M.R.S.A. Title 7 § 3952;

Section 2-8. - Failure to Abide by a Court Order

An owner's failure to comply with an order issued pursuant to paragraph 2-7, immediately above, constitutes a violation of this ordinance, and may be punishable upon a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by any law enforcement officer, or other person, upon notice to the owner, issue a warrant to any law enforcement officer or constable in the town where the dog is found, to destroy the dog and make a return of the warrant to court within 14 days from the date of the warrant. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by any time stated in the order of the court for making such a payment constitutes a distinct violation of this ordinance, which may also be punished on proceedings for contempt after issuance of a show cause order.

Section 2-9. - Removal of waste.

All dog owners, and any person who keeps or controls an animal for the owner, shall immediately remove and lawfully dispose of any feces left by such animal on any property in which the town has a legal interest or which the town owns, including all private and public ways. This section shall not apply to a dog accompanying any handicapped person who by reason of his handicap is unable to comply with the requirements of this section.

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ARTICLE III – CATS

Section 3-1. - Rabies vaccination required for cats

An owner or keeper of a cat over 3 months of age must have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian, except as provided in M.R.S.A. Title 7, § 3916-4.

Section 3-2. - Seizure of stray cats

An ACO may seize a stray cat and deliver it to an animal shelter as provided for in M.R.S.A., Title 7 § 3919-A or to the owner, if known. If ownership can not be established, such a cat may be handled as a homeless cat for the purpose of acceptance and disposition by an animal shelter.

ARTICLE IV- LIVESTOCK

Adequate fences and barriers

It shall be unlawful for any person to keep on their premises any livestock without providing adequate fences or barriers that will prevent such livestock from escaping and/or damaging neighboring flowers, trees, shrubbery and/or other property located on adjacent property.

ARTICLE V - WILD OR EXOTIC ANIMALS

It shall be unlawful for any person to keep any species of wild or exotic animal, not normally considered domesticated, that poses a potentially serious threat to public health, safety or welfare, or is protected by international, federal, or state regulations, or any other wild animal, including birds of prey capable of or inclined to do serious bodily harm to humans or other animals or fowl, unless the following applies:

- (a) The owner or possessor is a licensed individual, or a member of a non-profit animal rehabilitation organization holding a permit from the Maine Department of Wildlife and Inland Fisheries; or
- (b) Is a governmental agency or entity; or
- (c) Holds a circus, carnival or zoo license from the State of Maine; or
- (d) Is an accredited research or educational institution.

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ARTICLE VI - PASSAGE AND COMPLIANCE

- (a) The effective date of this Ordinance shall be the date enacted by vote of the Legislative body of the Town of St Albans. This Ordinance shall repeal and replace the Animal Control Ordinance adopted by the Town of St. Albans at a Special Town Meeting held on April 1, 1997.
- (b) Failure to comply with any section of this ordinance by the Owner/keeper of such animal shall be subject to a civil violation fine and a court date will be set.
- (c) Upon written complaint signed and sworn to, any duly qualified town, state or county law enforcement official may investigate and may give written notice to the owner/keeper of such animal/s that such annoyance or disturbance must cease.

ARTICLE VII - SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

Special Town Meeting April 1, 1997
Amended Annual Town Meeting March 1, 2014

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ST. ALBANS, MAINE

Gateway to the Maine Highland's

Town of St Albans, ME

Board of Appeals Ordinance

1. Establishment.

The Town of St Albans, ME hereby establishes a Board of Appeals pursuant to 30-A M.R.S.A. sec. 2691. The board which has been acting as a Board of Appeals is hereby re-established as the Appeals Board. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted Board of Appeals of the Town of St Albans.

2. Appointment.

A. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.

B. The board shall consist of 5 members.

C. The term of each member shall be for 5 years.

D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member or when a member ceases to be a legal resident of the town. When a vacancy occurs, the chairman of the board shall immediately so advise the municipal officers in writing. The municipal officers may remove members of the Board of Appeals by majority vote, for cause, after notice and hearing.

E. Neither a municipal officer nor his/her spouse may serve as a member of the Board of Appeals.

F. No person shall serve as a member of the Board of Appeals and the Planning Board at the same time.

3. Organization and Rules.

A. The board shall elect a Chairman, Vice Chairman and Secretary from among its members. The term of all offices shall be one year with eligibility for re-election.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

C. No meeting of the board shall be held without a quorum consisting of three members authorized to vote. The board shall act by majority vote of the members present and voting.

D. The board may adopt rules and procedures for transaction of business and the Secretary shall record the meeting minutes and turn them over to the Town Manager's Administrative Assistant for proper filing.

E. The Board of Appeals shall file all bylaws, rules and procedures and subsequent revisions with the Municipal Clerk. Copies shall be provided to the municipal officers for their information.

4. Duties; Powers.

A. The Board of Appeals shall adopt bylaws governing board functions.

B. The Board of Appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

C. Appeals authorized by statute.

The Board shall have the power to hear and decide, using an appellate review standard when the Planning Board is involved and using a de novo review standard when the Code Enforcement Officer is

involved, all appeals by any person aggrieved where it is alleged that there is an error in any order, requirement, decision or determination made by or failure to act in the following statutorily authorized appeals:

1. Title 30-A Sec. 4353. Authorizes the appeals board to hear and decide administrative appeals, interpretation appeals and requests for variances filed in connection with decisions under a zoning or shore land zoning ordinance.

2. Title 30-A Sec. 2691 (4) grants automatic jurisdiction to appeals boards over appeals filed under the State law relating to special amusement permits (28-A M.R.S.A. Sec. 1054).

3. Title 7, sec. 51 et seq. automatically authorizes zoning boards of appeal to hear (1) appeals regarding whether a particular piece of farmland is eligible to be registered for protection from inconsistent development and (2) requests for variances to allow inconsistent development to occur on land adjacent to a registered farmland parcel.

D. Appeals authorized by ordinance.

The Board shall also have the power to hear and decide, using an appellate review standard when the Planning Board is involved and a de novo review standard when the Code Enforcement Officer is involved, all appeals by any person aggrieved 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 pursuant to any ordinance that expressly authorizes an appeal to the Board.

5. Severability Clause.

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

Ordinance History:

Adopted at Special Town Meeting 9/12/2011

Revised/Updated Annual Town Meeting March 3, 2012

The Home of Big Indian Lake

TOWN OF ST. ALBANS
BUILDING NOTIFICATION AND OCCUPANCY ORDINANCE

SECTION 1. TITLE AND PURPOSE

This ordinance shall be known as the Town of St. Albans Building Notification and Occupancy Ordinance. It is enacted by the inhabitants of St. Albans to promote the health, safety and welfare of said inhabitants by requiring notification of building and minimum standards of occupancy as defined in this ordinance.

SECTION 2. AUTHORITY

2.1 This Ordinance is enacted pursuant to the authority given to the Town under Title 30-A MRSA 3001 (Home Rule).

2.2 This Ordinance shall in no way impair or remove the necessity for complying with any other rule, regulation, by-law, permit or provision of law.

2.3 When any provision of this Ordinance conflicts with any provision of any other local ordinance or regulation, or of any other state or federal law or regulation, the more restrictive provision shall control.

2.4 This Ordinance shall apply to any new construction and to the placement of any manufactured housing commenced after the effective date of this Ordinance. It shall not apply to normal maintenance and upkeep of existing structures. It also applies to expansions of or additions to existing structures.

SECTION 3. DEFINITIONS

3.1 The term "Certificate of Occupancy" shall mean a document signed by the Code Enforcement Officer stating that a dwelling is in compliance with all of the provisions of this Ordinance.

3.2 The term "Code Enforcement Officer" shall also include the Assistant Code Enforcement Officer, should there be one.

3.3 The word "dwelling" includes any building or manufactured housing unit which houses people either temporarily, seasonally, or as a permanent residence.

3.4 The word "construct" or "construction" shall mean the erection or placement of any structure, including manufactured housing.

3.5 The word "lot" means a parcel of land under separate ownership from adjacent property.

3.6 "Manufactured Housing" means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported to a building site where it is utilized for housing.

3.7 The word "structure" means anything in the aggregate of forty (40) square feet or greater built for the support, shelter or enclosure of persons, animals, goods or property

of any kind, together with anything constructed or erected on or in the ground temporarily or permanently located, including decks but exclusive of fences.

SECTION 4. ADMINISTRATION

4.1 The Code Enforcement Officer is hereby empowered to administer and shall enforce the provisions of this Ordinance, and shall work under the direction of the Town Manager.

4.2 Completed "Notification of Intention to Build" forms shall be filed at the Town Office.

SECTION 5. NOTIFICATION OF INTENTION TO BUILD

5.1 Before construction is started on any property, the property owner shall complete a form titled "Notification of Intention to Build". This form may be obtained at the Town Office.

5.2 For a form titled "Notification of Intention to Build" to be considered complete, it shall include, either on the form or attached thereto:

- a. a sketch showing the location, size and layout of any existing structure(s) and all proposed structure(s) including distances to any and all property line boundaries, and the location of all wells and subsurface wastewater disposal systems;
- b. for new dwellings, expansion of existing dwellings, or the conversion of existing dwellings to year round use, either a valid permit for a subsurface wastewater disposal system or a letter from the Local Plumbing Inspector that a new permit is not necessary; for dwellings or manufactured housing to be moved onto a lot, proof that the subsurface disposal system has been installed.
- c. where applicable, a valid shoreland zone permit for construction.
- d. The signature of the landowner or applicant.
- e. A written description of the work to be done.
- f. The name and address of the landowner.
- g. The name and address of the applicant.
- h. The physical address of the project.

5.3 The completed form titled "Notification of Intention to Build" shall be filed in the Town Office, together with a filing fee of \$5.00. The Code Enforcement Officer shall act on any such notification within ten days, and shall approve or deny in writing, with reasons thereof. The Code Enforcement Officer shall sign said form if all provisions for the notification and other pertinent laws and ordinances, have been complied with. Notwithstanding the above, at no time shall construction commence until the Code Enforcement Officer has signed the notification form.

SECTION 6. OCCUPANCY

6.1 No person shall occupy any dwelling or building at any time before a "Certificate of Occupancy" has been issued for any construction begun after the effective date of this Ordinance. Said "Certificate" shall be issued by the Code Enforcement Officer when all provisions of this Ordinance are complied with.

6.2 No person shall occupy any dwelling until an approved subsurface wastewater disposal system is in place and the dwelling is hooked into such system.

6.3 The Code Enforcement Officer shall act within 10 days on a request for a "Certificate of Occupancy", and shall issue such Certificate only when all provisions of this ordinance are complied with. In order for the Code Enforcement Officer to determine that a dwelling is in compliance with this Ordinance and that a "Certificate of Occupancy" may be issued, the applicant shall arrange to give the Code Enforcement Officer access during his/her normal working hours to any property subject to this Ordinance.

SECTION 7. ENFORCEMENT & VIOLATIONS

7.1 The Code Enforcement Officer shall determine that a "Notification of Intention to Build" form is on file for each construction project begun. When the Code Enforcement Officer finds that any individual has begun any activity covered in this Ordinance without such prior notification, the Code Enforcement Officer shall notify that individual and the property owner, if different, in writing that the activity is to be discontinued until the required notification has been provided. A copy of each such notification shall be maintained as a permanent record in the Town Office.

7.2 Any person, including but not limited to a landowner, a landowner's agent or contractor, who begins any construction as defined in this Ordinance without complying with Section 5 of this Ordinance, or who occupies a dwelling without a valid "Certificate of Occupancy" having been issued, shall have committed a civil violation and will be subject to a fine of not less than \$ 100.00 and not more than \$ 2500.00 and other penalties provided pursuant to 30-A MRSA 4452, including any court costs.

SECTION 8. AMENDMENTS AND EFFECTIVE DATE

8.1 After review by the local Planning Board, this ordinance may be amended by majority vote of the voting members present at any Town Meeting, the warrant which gives notice of the proposed change.

8.2 This ordinance shall be effective upon enactment. (March 6, 1999)

Updated Annual Town Meeting 3/4/2017

Given under our hands this 13th day of March 2017.

Board of Selectmen

AN AGREEMENT GRANTING A CABLE TELEVISION FRANCHISE TO TIME WARNER NY CABLE LLC d/b/a TIME WARNER CABLE THROUGH ITS EAST REGION – NEW ENGLAND TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWN OF ST. ALBANS, MAINE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; AND PROVIDING FOR REGULATION AND USE OF THE SYSTEM.

WHEREAS, the public interest will be served by the granting of a non-exclusive franchise to Time Warner NY Cable LLC d/b/a Time Warner Cable to erect, install, construct, reconstruct, maintain, operate, dismantle, test, repair, replace, retain, and use a Cable Television System in, upon, along, across, above, over, under or in any manner connected with the streets, lanes, avenues, sidewalks, alleys, bridges, and highways, and other public places in the Town of St. Albans as the same now or in the future may exist, for the purpose of transmission and distribution of Cable Services servicing the inhabitants of said Town, and other purposes, for a period of Fifteen (15) years, and regulating same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN OF THE TOWN OF ST. ALBANS:

SECTION 1
SHORT TITLE

This agreement shall be known and cited as the “Time Warner NY Cable LLC d/b/a Time Warner Cable Television Franchise Agreement”. Within this document it shall also be referred to as “this Franchise” or “the Franchise”.

SECTION 2
DEFINITIONS

For purposes of this Franchise, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

- A) “Basic Service” means that service tier which includes the retransmission of local television broadcast signals.
- B) “Cable Television System” or “System” means a facility consisting of a set of closed transmission paths associated signal generation, reception, and control equipment that is designed to provide Cable Services and which is provided to multiple subscribers within the Town. Such term does not include:
 - 1) A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;
 - 2) A facility that serves subscribers without using any public right-of-way;
 - 3) A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the retransmission of video programming directly

- to subscribers unless the extent of such use is solely to provide interactive on-demand services;
- (4) An open video system that complies with section 653 of the Communications Act of 1934 as amended; or
- 5) Any facilities of any electric utility used solely for operating its electric utility systems.
- C) "Cable Service" means (1) the one-way transmission to subscribers of video programming (i.e., programming provided by, or generally comparable to programming provided by, a television broadcast station) and other programming; and (2) subscriber interaction, if any, which is required for the selection or use of such video programming.
- D) "Town" shall mean the Town of St. Albans, and any area annexed thereto from time to time. For purposes of this Agreement, any annexation shall become effective within sixty (60) days of the Town's written notification to Grantee of the annexation including a complete and accurate listing of the affected addresses.
- E) "FCC" means the Federal Communications commissions or any successor thereto, having jurisdiction over cable television.
- F) "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or of the State or any of their departments, agencies, political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, tornadoes, volcanic activity, storms, floods, washouts, droughts, civil disturbances, explosions, labor unrest, shortage of materials or supplies, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party.
- G) "Grantee" means Time Warner NY Cable LLC, its agents, lawful successors, transferees or assignees.
- H) "Gross Revenues" means all service fees, installation charges, and all other fees or charges collected from the provision of Cable Services to subscribers of the System in the Town. Gross Revenues shall not include (1) late fees; (2) excise taxes; (3) advertising and home shopping revenues; or (4) sales taxes or any other taxes or fees, including the franchise fee, which are imposed on the Grantee or any subscriber by any governmental unit and collected by the Grantee for such governmental unit.
- I) "Person" means any corporation, partnership, proprietorship or organization authorized to do business in the State or any natural person.
- J) "Public Property" means any real property other than a street owned by any governmental unit.
- K) "State" means the State of MAINE.

- L) "Street" means the surface of and the space above and below any street, road highway, freeway, lane, path, way, alley, court, sidewalk, boulevard, parkway, drive, or any public easement or right-of-way now or hereafter held by the Town including poles, wires, cables, conductors, ducts, confluent, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a System.
- M) "Subscriber" means a member of the general public who legally receives broadcast programming distributed by a cable television system and does not further distribute it.

SECTION 3 GRANT OF AUTHORITY

For the purposes of constructing, operating and maintaining a System in the Town, Grantee may erect, install, construct, repair, replace, relocate, reconstruct and retain in, on, over, under, upon, across and along the Streets, including over public rights-of-way and through easements, within the Town such lines, cables, conductors, ducts, confluent, vaults, manholes, amplifiers, appliances, pedestals, attachments and other operating equipment as are necessary and pertinent to the operation of the System.

SECTION 4 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

- A) This Franchise is granted pursuant to the terms and conditions contained herein. Such terms and conditions shall be subordinate to all applicable provisions of state and federal laws, rules and regulations.
- B) Grantee's rights are subject to the police powers of the Town to adopt and enforce ordinances of general applicability necessary to the health, safety and welfare of the public that are not otherwise inconsistent with the terms and conditions of this Franchise. Grantee shall comply with all generally applicable laws and ordinances enacted by the Town pursuant to that power.

SECTION 5 TERRITORIAL AREA INVOLVED

This Franchise is granted for the territorial boundary of the Town. In the event of annexation by the Town, any new territory shall become part of the area covered upon sixty (60) days advance written notice by the Town to the Grantee.

SECTION 6 FRANCHISE TERM

This Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Agreement. The Franchise shall continue in

full force and effect for a period of fifteen (15) years from such effective date unless renewed, revoked or terminated sooner as herein provided.

In the event any change to local, state or federal law occurring during the term of this Franchise eliminates the requirements for any persons desiring to construct, operate or maintain a cable system, or other system capable of providing video services, in the Town to obtain a franchise from the Town for the construction, operation or maintenance of a cable system, then, at Grantee's sole option, Grantee shall have the right immediately to terminate this Franchise. If Grantee chooses to terminate this Franchise pursuant to this provision this Franchise shall be deemed to have expired by its terms on the effective date of any such change in law, whether or not such law allows existing franchise agreements to continue until the date of expiration provided in any existing franchise.

Furthermore, in the event any change to local, state or federal law occurring during the term of this Franchise materially alters the regime of cable franchising applicable to any persons desiring to construct, operate or maintain a cable system, or other system capable of providing vide services, in the Town in a way that reduces the regulatory or economic burdens for such persons, then, at Grantee's sole option, Grantee shall have the right immediately to amend this Franchise to take advantage of such regime change to similarly reduce the regulatory or economics burdens on Grantee.

It is the intent of this section that, at Grantee's election, Grantee shall be subject to no more burdensome regulation under this Franchise than any other persons that might construct, operate or maintain a cable system, or other system capable of providing video services, in the Town.

From time to time, the Company shall review with the Town, the Grantee's Cable TV operations, changes in cable technology, and other aspects of the cable television service being provided in the Town in relation to this franchise agreement.

SECTION 7 FRANCHISE NON-EXCLUSIVE

The Franchise granted herein is non-exclusive. The Town specifically reserves the right to grant, at any time, one or more additional franchises for a System in accordance with state and federal law; provided, however, no such future franchise shall be granted on terms more favorable or less burdensome than those contained herein.

SECTION 8 WRITTEN NOTICE

All notices or demands required to be given under this Franchise shall be deemed to be given when delivered personally to the persons designated below or upon the date actually received as evidenced by registered or certified mail receipt addressed as follows:

If to the Town:	Town Manager Town of St. Albans 7 Water Street St. Albans, ME 04971
-----------------	--

If to Grantee: Time Warner Cable
Attn: Government Affairs Department
400 Old County Road
Rockland, ME 04841

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

SECTION 9
REPAIR OF STREETS AND PROPERTY

Any and all Streets or Public Property or private property which are disturbed or damaged by the Grantee during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly repaired by Grantee to a condition as good as that prevailing prior to Grantee's work.

SECTION 10
CONSTRUCTION AND USE OF FACILITIES

- A) Subject to the Town's generally applicable permitting procedures, the Grantee shall have the right to erect and maintain its own poles at locations as it may find necessary for the proper construction and maintenance of the Cable Television System. Approval shall be procured by the Grantee from the proper Town department providing for the erection of these poles. The Town agrees that such prior approval shall be granted on a timely basis and will not be unreasonably withheld.
- B) The Grantee's transmission and distribution system poles, wires, appurtenances, shall be located, erected, and maintained, so as not to endanger or interfere with the lives of persons or to interfere with any improvements the Town may deem proper to make or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, sidewalks, or other public property. Removal or relocation of poles or equipment when necessary to avoid such interference shall be at the Grantee's expense. However, if any user of the street or right of way is compensated for such removal or relocation, Grantee shall be similarly compensated.
- C) Construction and maintenance of the System shall be performed in an orderly and workmanlike manner. Grantee shall at all times comply with the National Electrical Safety Code and such applicable ordinances and regulations of the Town affecting electrical and structural installations which may be presently in effect. The Town acknowledges that as of the effective date of this Franchise, Grantee's existing cables, wires, and other like facilities are in compliance with this provision.
- D) The Cable System shall be installed in accordance with good engineering practice, so as not to unreasonably interfere with the right of the public or individual property owner and shall not interfere unduly with the travel and use of public places by the public during the construction, repair, or removal thereof, and shall not unduly obstruct or impede traffic. For all new residential structures in which undergrounding is required by the Town, the builder, subdivider, or developer of such structure, at his sole cost and expense shall provide, in accordance with Grantee's current specifications, all conduits, trenches to buildings point of entry, from the boundary of the development, back fill and restoration of the trench area.

- E) The Grantee shall maintain its System so that its facilities shall conform to the pattern of the existing public utility facilities, subject to the right of the Town to require relocation, either overhead or underground, of all such utility facilities when the Town determines that such relocation is necessary and in the public interest but not for arbitrary and capricious reasons. Any such relocation shall be at the Grantee's pro-rata expense unless any other user of the street or public right of way is compensated for such relocation, in which case the Grantee shall be similarly compensated.
- F) The Grantee shall maintain its System so that poles and other structures of public utilities which are available shall be used to the extent practicable and subject to Grantee's ability to obtain such use on reasonable terms and conditions. Before placing or setting new poles, the Grantee shall file any requested notice of such intention with the Town.
- G) Whenever by reason of the construction, repair, maintenance, relocation, widening, raising, lowering of the grade, or vacation of any street by the Town for rehabilitating any section of the Town, it shall be deemed necessary by the Town for the Grantee to move, relocate, change, alter or modify any of its facilities or structures, such change, relocation, alteration or modification shall be promptly made by the Grantee. Any such relocation shall be at the Grantee's expense unless any other user of the street or public right of way is compensated for such relocation in which case the Grantee shall be similarly compensated. In the event the Grantee, after such notice, fails or refuses to commence, pursue or complete such relocation work within a reasonable time, the Town shall have the authority, but not the obligation, to remove or abate such structures of facilities and to require the Grantee to pay to the Town the cost of such relocation, alteration, or modification. If the Grantee fails to complete in a timely manner, any relocation requested by the Town and the Town incurs any costs resulting from such delay, the Grantee shall be liable to the Town for such costs.
- H) The Grantee shall, upon request of any person holding building moving permit or permit to move oversize loads issued by the Town, temporarily raise or lower its wires to permit the moving of buildings or oversize loads. The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same and Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary changes.
- I) The Grantee shall have the authority to trim trees upon and overhanging the streets of the Town as to prevent the branches of such trees from coming in contact with the Grantee's wires and cables.
- J) All work undertaken in connection with the construction, reconstruction, maintenance, operation or repair of the Grantee's System shall be subject to and governed by all State and Federal laws, rules and regulations including those of the FCC and any other federal agency having jurisdiction.

SECTION 11
LEGAL OBLIGATIONS

- A) The Grantee shall, at its sole cost and expense, indemnify, defend and hold harmless the Town, its officers, boards, commissions, agents and employees, against and from any and all claims, demands, causes of actions, suits, proceedings, damages, liabilities and judgments of every kind arising out of or due to the Grantee's construction or operation of the System in the Town, including but not limited to damages for injury or

death or damages to property, real or personal, and against all liabilities to others and against all loss, cost and expense, resulting or arising out of any of the same. However, Grantee shall not be required to hold harmless and indemnify the Town for any claims arising out of the negligence of the Town, its officers, boards, commissions, Board of Selectmen, elected officials, agents or employees. The Town shall indemnify and hold harmless Grantee from any damage or claims resulting from any acts of the Town, its officers, boards, commissions, Board of Selectmen, elected officials, agents or employees, including but not limited to any acts committed by the Town in connection with its use of the System and work performed by the Town on, or adjacent to, the Cable System.

- B) The Grantee shall, at the sole risk and expense of the Grantee, upon demand of the Town, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, or otherwise brought or instituted or had by third persons or duly constituted authorities, against or affecting the Town, its officers, boards, commission, agents, or employees, arising out of or due to the Grantee's construction or operation of the System in the Town.
- C) The Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand, rendered made or issued, against the Grantee, the Town, its officers, boards, commissions, agents or employees, for the foregoing; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder or otherwise.
- D) In order for the Town to assert its rights to be indemnified, defend and held harmless, the Town must:
 - 1) Promptly notify Grantee of any claim or legal proceeding which gives rise to such right;
 - 2) Afford Grantee the opportunity to participate in and fully control any compromise, settlement, resolution or disposition of such claim or proceeding; and
 - 3) Fully cooperate in the defense of such claim and make available to Grantee all such information under its control relating thereto.

SECTION 12 CUSTOMER SERVICE STANDARDS

Grantee shall at all times comply with the customer service standards of the FCC including without limitation those related to notifications to subscribers, office hours and availability, installations, outages, service calls, billing, refunds, and credits as they may be amended from time to time.

SECTION 13 LIABILITY INSURANCE

- A) Grantee shall maintain, throughout the term of this Franchise, liability insurance insuring the Town and the Grantee with regard to all damages mentioned in Section XI above in the following minimum amounts:

- 1) One Million Dollars (\$1,000,000) for bodily injury or death to any one person;
 - 2) One Million Dollars (\$1,000,000) for bodily injury or death resulting from any one accident; and
 - 3) One Million Dollars (\$1,000,000) for all other types of liability.
- B) Grantee shall furnish to the Town satisfactory a certificate of insurance evidencing that an insurance policy has been obtained and is in full force and effect.

SECTION 14 PERFORMANCE STANDARDS

- A) The Grantee shall construct, operate and maintain its System according to the specifications of the FCC.
- B) The Grantee shall at all times employ a reasonable standard of care to prevent failures or accidents which are likely to cause damages, injuries or nuisances to the public.
- C) Subject to the requirements of the FCC, the Grantee shall provide a parental control device capability for a reasonable charge, upon request, to any subscriber.

SECTION 15 TRANSFER OR ASSIGNMENT OF FRANCHISE

The rights granted herein shall not be transferred or assigned by the Grantee without written notice to the Town. Notwithstanding the foregoing, no notice shall be required for any transfer or assignment of the franchise to any entity controlling, controlled by or under the same common control as the Grantee.

SECTION 16 FRANCHISE RENEWAL

This Franchise shall be renewed in accordance with applicable state and federal law.

SECTION 17 TOWN'S RIGHT TO REVOKE

In addition to all other rights which Town has pursuant to law or equity, the Town reserves the right to revoke, terminate or cancel this Franchise and all rights and privileges pertaining thereto in the event that:

- A) Grantee violates any material provision of this Franchise; or
- B) Grantee practices any fraud upon the Town; or
- C) Grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt or a receiver is appointed to it.

SECTION 18
REVOCATION PROCEDURES

- A) The Town shall notify the Grantee of its intention to revoke, terminate or cancel this Franchise. The written notice shall describe in reasonable detail the specific violation so as to afford Grantee an opportunity to remedy the violation.
- B) Grantee shall have ninety (90) days subsequent to receipt of the notice in which to correct the violation before the Town may formally revoke, terminate or cancel this Franchise. Grantee may, within thirty (30) days of receipt of the notice, notify the Town that there is a dispute as to whether a violation has, in fact, occurred. Such notice by Grantee to the Town shall stay the ninety (90) day period described above.
- C) Upon receipt of the Grantee's notification of a dispute as to whether a violation has, in fact, occurred pursuant to paragraph (B) above, the Town shall hear Grantee's dispute and shall determine whether a default or violation by Grantee has occurred. In the event the Town shall determine that a default or violation has occurred, the Town shall supplement the decision with written findings of fact.
- D) If after hearing the dispute, Grantee has been found to be in default, Grantee shall then have ninety (90) days (or such longer period of time as may be reasonably necessary) from such a determination to remedy the violation or failure. At any time after that ninety (90) day period the Town may by formal action at a public hearing affording reasonable notice and opportunity for Grantee to be heard, revoke, terminate or cancel this Franchise if Grantee fails to cure such default.
- E) Any such final decision of the Town may be appealed to any court of competent jurisdiction, which filing shall stay any such revocation, termination or cancellation of this Franchise.

SECTION 19
REMOVAL UPON REVOCATION

Upon the final revocation, termination or cancellation of this Franchise as herein provided, Grantee shall, upon request of the Town, remove all of its attachments and wires from poles used as authorized herein.

SECTION 20
FORCE MAJEURE

If by reason of a Force Majeure any party is unable in whole or in part to carry out its obligations hereunder, that party shall not be deemed to be in violation or default during the continuance of such inability.

SECTION 21
SERVICE AREA

- A) Residents in those areas with an average density of at least twenty (20) homes per mile as measured from the nearest point of usable trunk, or where fifteen (15) homes per unserved mile agree to a one year service contract, shall be provided service upon payment of the standard installation charge and applicable monthly fees; except that installations requiring aerial drops in excess of one hundred and twenty five (125) feet

or underground installations shall be considered a non-standard installation to be charged to the subscriber at Grantee's actual cost of installation.

- B) Service to homes not meeting those density requirements of paragraph (A) above shall be provided on a time plus material basis.
- C) Grantee shall, upon request, make service available to all commercial establishments located within three hundred feet (300') of its usable trunk at the expense of such commercial establishment.
- D) Grantee is not required to extend its system or construct plant within private rights-of-way for which Grantee is unable to secure easements or other rights of access on reasonable terms and conditions.
- E) Grantee shall provide one free drop and basic cable service without charge to each municipally owned and occupied building located within one hundred twenty-five feet (125') of Grantee's cable system and capable of an aerial installation.

SECTION 22 UNAUTHORIZED CONNECTIONS OR MODIFICATIONS

- A) It shall be unlawful for any Person, without the expressed consent of the Grantee to make any connection, extension, or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of the System for any purpose whatsoever.
- B) It shall be unlawful for any Person to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the System for any purpose whatsoever.
- C) It shall be unlawful for any Person to construct, operate or maintain a System without having first applied for and received a franchise from the Town.
- D) Any Person convicted of a violation of this Section shall be subject to all federal, state and local penalty provisions which penalty provision are incorporated herein by reference.

SECTION 23 FRANCHISE FEE PAYMENTS

Subject to applicable law, the Grantee shall pay to the Town a franchise fee in the amount of Two percent (2%) of the Grantee's annual Gross Revenues (the "Franchise Fee"). The Franchise Fee shall be due and payable on March 1 of each year for the previous calendar year. The Town shall have the right to inspect, at the Grantee's business office during normal business hours, the books and financial records of the Grantee compiled in the ordinary course of business necessary to verify Franchise Fee payments. The Franchise Fee shall be deemed to reimburse the Town for the rights granted herein and for all costs of regulation and administration of the Franchise.

SECTION 24 CONSENT/APPROVALS

Where in this document consent and/or approval of the Town is required, such consent or approval shall be timely delivered and not unreasonably withheld.

SECTION 25
SEVERABILITY

If any term, condition or Section of this Franchise or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or Section to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, conditions and Sections hereof shall, in all other respects, continue to be effective and to be complied with.

SECTION 26
ENTIRE AGREEMENT

This Franchise contains the entire understanding between the parties with respect to the subject matter hereof and supersedes all other prior understandings and agreements oral or written. This agreement may not be modified except in writing signed by both parties.

Passed and adopted this ____ day of _____, 2011.

Witness:

TOWN OF ST. ALBANS

BY: _____
Its: Municipal Officer

BY: _____
Its: Municipal Officer

BY: _____
Its: Municipal Officer

Accepted by Time Warner NY Cable, LCC d/b/a Time Warner Cable through its East Region -
New England

BY: _____
Jack Herbert CFO East Region

DATE: _____

CABLE TELEVISION ORDINANCE
FOR
ST. ALBANS, MAINE

SECTION I-TITLE

This section shall be noted as the "Cable Television Ordinance of the Town of St. Albans, Maine".

SECTION II-PURPOSE

This ordinance is adopted in accordance with the provisions of Title 30, M.R.S.A. Section 2151, as amended, and is designed to promote the health, safety, convenience and welfare of the Inhabitants of the Town of St. Albans, and to authorize the municipal officers of the Town of St. Albans to franchise and contract with a certificate holder and grant to the said certificate holder the right, privilege to franchise to construct, operate and maintain a community television system for the Town of St. Albans for a period of 15 years from and after the grant and the franchise to be awarded subject to the conditions and restrictions as hereinafter provided. And further provided that the municipal officers shall have the right to review such franchise periodically as they may choose to do and as is hereinafter provided.

SECTION III-CERTIFICATE OF FRANCHISE

The certificate of franchise awarded by the Town shall be in effect for a period of fifteen (15) years from and after the date of award. Therefore, with full public hearings the franchise may be renewed, purchased, transferred or terminated as in the opinions of the Board of Selectmen, Town of St. Albans, Maine, will best serve the public interest.

SECTION IV-RENEGOTIATIONS

The Town and the certificate holder shall hold scheduled renegotiation sessions within 20 days of the fifth and tenth anniversary dates of the franchise's obtaining certificate for the system from the F.C.C. Special renegotiation sessions may be held at any time during the term of the franchise provided that both the Town and the franchise mutually agree on the time, place, and the topics to be negotiated.

SECTION V-TRANSFER

The certificate shall not be assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person, either by act of the company or by operation of law, without consent of the Town. The granting, giving or waiving of any one or more such consents shall not render unnecessary any subsequent consent or consents.

SECTION VI-SYSTEM DESIGN

The Cable Television system will be designed to meet the requirements of the F.C.C. This is the responsibility of the Certificate Holder. Subject to such rules and regulations of the F.C.C., as may be applicable, the Town shall have the right to determine the minimum broadcast and community channels that shall be available to subscribers and such minimum determination by the Town shall become a part of any certificate granted hereunder.

SECTION VII-CHARGES

Municipal officers may establish such charges as are necessary to defer the costs of public notice, advertising and the expenses of hearings relating to application for a certificate of franchise, but in no case shall such fee exceed the statutory limit.

SECTION VIII-REGULATIONS

Day to day regulation is assigned as defined and determined by the Board of Selectmen. In cases where customer complaints are not satisfied by the Franchise, the Town shall have the power to require the Cable Television Company to provide service in response to all reasonable requests, subject to appeal by the Franchise to the Board of Selectmen.

SECTION IX-PROVISION OF SERVICE

The company shall within 9 months of the effective date of certificate, commence operation. Operations shall be considered commenced with the availability of bona fide retransmissions and amplification of television signals on a regular basis to at least 25 percent of all potential subscribers. Such signals shall be made available to all persons within 18 months of the effecton date of the certificate. Upon the reasonable request of any person located within the Town, the Company, within 60 days furnish the requested service.

SECTION X-RATES

All applicants for a franchise shall submit a full listing of their terminal connection rates, subscriber and user service fees which shall include but not be limited to any charges to the customer for certain programing and any and all other fees charged by certificate holder. The Board of Selectmen must approve these rates and any additional charges during the course of the Franchise. Rate changes shall not be refused provided the rates are compatible with rates in other communities served by the franchise holder.

SECTION XI-CANCELLATION

The municipal officers of the Town of St. Albans, Maine shall have the right to cancel the certificate if the company fails within 30 days after notice to comply with any material and substantial of this ordinance or the certificate contract or any reasonable order issued by the Town. Such cancellation shall be by resolution of the municipal officers.

SECTION XII-GRANTING CERTIFICATE

Certificates under the ordinance shall only be authorized and granted upon resolution duly adopted by the municipal officers of the Town, authorizing the issuance of such certificate or certificates.

TOWN OF ST. ALBANS
ORDINANCE REGULATING
TOWN CEMETERIES

I. SCOPE

This ordinance shall apply to cemetery land owned by the Town of St. Albans and used for cemetery purposes.

II. DEFINITIONS

Burial or Interment - the depositing of the remains of a human being into the ground.

Disinterment – to dig up or remove from a grave or tomb; exhume.

Contractor - a person, firm or corporation engaged in the sale and/or erection of vaults, liners, monuments, grass markers, etc.

Cremation Lot, 2' x 2' - a lot purchased in a designated area of the Village Cemetery to contain the cremated remains of one human being.

Single Lot, (Grave) 10' x 4' - a lot designated to contain the remains of one adult human being or two children at the discretion of the Town, or the cremated remains of six human beings, provided such remains are the members of the same family or anyone approved for interment within said lot by the owner of said lot.

Double Lot, 10' x 6' - a lot designed to hold two single graves.

Triple Lot, 10' x 10' - a lot designed to hold three single graves.

Family Lot, 10' x 20' - a plot designed to hold six single graves.

Grass Marker - flat marker flush with the ground to include stone, concrete or metal markers used to designate a burial lot.

Memorial - any object used as a remembrance of the dead.

Monument - granite or other stone block which may have the name of the lot or burial rights owner(s) inscribed on it.

Owner - Shall refer to the person/s holding title and to his/her heirs.

Selectmen - Municipal Officers of the Town of St. Albans.

Sexton – Contracted caretaker of cemeteries belonging to the Town of St. Albans, not a municipal employee.

Town - The inhabitants of the Town of St. Albans as a body politic and corporate and or its duly authorized officials and employees.

Vault - approved concrete box large enough to contain the casket remains of the deceased and so constructed and assembled as to prevent sags or hollows in the grave site, which must meet all laws, rules or regulations required by the State of Maine.

Weekends, Holidays - Weekends shall mean Saturday and Sunday and Holidays shall mean the approved holidays in the Town of St. Albans Personnel Policy in effect at the time.

III. GENERAL REGULATIONS

1. No vehicle shall be operated within the cemeteries, other than on paved and unpaved roadways, unless authorized by the Town. No vehicle shall be, operated at a speed in excess of 15 miles per hour on any established roadway within the cemeteries. The Town may post and close the roadways during certain times of the year to prevent damage to the cemeteries. (Vehicles are not allowed on the paths within the cremation areas of the Village Cemetery).

All cemetery roads shall be closed between December 1 and April 1. (Out of season). No snowmobiles or unregistered vehicles may be operated within the cemetery at any time.

No vehicle may be operated in any manner which results in damage to cemetery property, such as leaving ruts or displacing turf. Vehicles must not stop so as to block the path of other vehicles, except in cases involving burial ceremonies, and then only for such length of time as is absolutely necessary. All Vehicles must park on the right side of the roadway.

2. The owner of any lot is responsible for the removal of any unsightly flowers, wreaths, decorations, etc. from the grave site. If the owner fails to execute such removal, the Town may remove the same. The depositing of any refuse, unsightly flowers, wreaths or other grave decorations for disposal must be made in receptacles provided for such purpose; otherwise said deposits will be considered an act of littering. It is unlawful for anyone other than the owner or the Town to remove flowers, wreaths or decorations, etc. from the lots upon which they are laid. Any memorial decorations shall be placed only in front and back of a central monument or at each end or immediately in back of the individual grave marker, except in the case of floral arrangements for funerals. All such decorations and arrangements shall be removable. No glass or other breakable containers shall be used at any time. All flowers and decorations shall be removed by October 15 of each year, or the sexton may remove the same without any fault to the Sexton or the Town. (In the special cremation areas of the Village Cemetery each lot is restricted to one non-breakable container per burial and it shall be maintained directly on the grass marker).

3. Planting of trees or shrubs shall be done only with the consent and direction of the sexton. (In the special cremation areas of the Village Cemetery a Memorial Garden will be available for planting with consent of the Sexton). If any trees or shrubs shall, by means of their roots, branches or otherwise, become detrimental to cemetery lots or roadways, the Town may remove said trees or shrubs or parts thereof without liability therefore to the owner of said trees or shrubs. No one shall damage, remove, injure or harm any trees or shrubs except the owner of said tree or shrub, or the Town. No trees or shrubs shall be removed by any owner without the permission of the Town.

4. It shall be unlawful to damage or remove any markers, monuments, grass markers, gates, or other items in the cemeteries without approval of the Town.

5. Requests for additional work to be performed on lots other than mowing, trimming and raking shall be made in writing to the Town setting forth such work desired to be accomplished. Said request shall be answered by the Town in writing, expressing the work to be performed and the cost for such services, if any.

6. The Town shall not be responsible for damage done to any property, other than by employees or persons contracted by the Town while in the performance of their duties.

7. A copy of this ordinance shall be issued with each deed.

8. All lots sold by the Town must have been placed in perpetual care prior to conveyance of title to the cemetery lot by the Town.

9. All lots sold will only be sold when it abuts on a previously sold lot. (This prevents the random selling of lots in the entire cemetery).

IV. BURIALS, INTERMENTS AND DISINTERMENTS

1. The Town shall be notified at least 24 hours prior to any burial, interment or disinterment. The Town Sexton shall act as the agent of the Town in complying with this section unless other arrangements have been made in advance.

1-A. The Town shall be notified when and where a cremation burial is taking place. This notification is beneficial for records management and genealogical purposes. If a cremation burial takes place and is handled by someone other than the town, the town will not be responsible for the expenses of replacement of the urn or stone to correct the improper placement of them.

2. Land shall not be used for any other purpose than as a place of burial for human remains. No animal burials will be permitted.

3. If disinterment is requested, the Town shall be informed as to the length of disinterment, and proof that said disinterment complies with all applicable laws, rules and regulations of the State of Maine. If disinterment results in permanent removal, the Town shall be notified of the state, county, town and name of cemetery where the new burial is to be made.

4. Undertakers and/or funeral directors shall be responsible for the payment of all burial charges, fees and burial permits except in cases where their services are not retained and other arrangements have been made with the Town.

5. All interments of non-cremated remains shall be required to have vaults. No interments shall be authorized if this section is not complied with.

V. MEMORIALS, MONUMENTS, ETC.

1. No lot (grave) may contain more than one monument. Individual graves may have one - grass marker per interment. Each individual cremation burial in the special cremation area of Village Cemetery may have one grass marker, no monuments, memorials, etc. The grass marker shall be installed over/above the cremated remains.

2. No structure shall be erected for the purpose of enclosing a lot. No materials, rock, stone etc shall be placed over the grass on any part of the lot.

3. No tombs, above ground vaults, memorials such as benches, seats, etc., may be erected in any cemetery without the consent of the St. Albans Board of Selectmen.

4. No monument, memorial or other structure or any inscription shall be offensive or improper. The Board of Selectmen may order or have removed said offensive or improper object or inscription after a notice is given to the owner/heirs, a hearing held and the determination is made by said Board in coordination with the Cemetery Committee. The owner/heirs shall not be held liable for the removal of offensive or improper object or inscription, if it was placed there through an act of vandalism or graffiti.

5. The contractor installing monuments, grass markers or approved memorials shall be responsible for installing said monuments, grass markers or approved memorial according to standards approved by the Town. Said contractor must contact the Sexton prior to the monument being placed in one of the Town's cemeteries. The monument company shall supply a colored stake, or some form of marker, to the Town and the Sexton will place that stake in the correct location. The contractor and/or the owner shall be held

responsible for improper installation and no liability on the Town's part shall be incurred for repair of faulty workmanship by private contractors.

5-A. Requirements for all bases. The holes for all bases shall be dug to a minimum depth of 12", with a base of well drained gravel and a piece of 3" Styrofoam insulation. A cement pad shall be installed for the placement of the monument.

5-B. Requirements for the size of benches. Bench without back to be no larger than 12" tall, 14" wide and 48" long. Bench with back to be no larger than 48" tall, 14" wide and 48" long.

5-C. Minimum distance of one foot (1') from any other fixed object, memorial, monument, lot or abutting lot.

6. The Town shall not remove or allow any monuments, memorials or grass markers to be moved unless first obtaining permission of the owner, unless said removal is of an emergency nature or for making necessary repairs to the plot and its appurtenances.

7. Flat grass markers will be flush with the ground and will be located on the front of the lot in relation to the roadway.

8. Corner posts will be flush with the ground.

VI. FEES

1. The St. Albans Board of Selectmen shall be empowered to establish fees for the purchasing of plots, perpetual care, annual maintenance for non-perpetual care lots, and for opening graves. Said fees shall be available for public inspection in the Town Clerk's office and the Board of Selectmen shall be required to file in writing a list of current fees. (Fees established at Selectmen's meeting April 7, 2008; Cremation lot fees for new sections of Village Cemetery approved Selectmen's meeting Monday, October 28, 2013).

<u>Lot Size</u>	<u>Persons</u>	<u>Lot Price w/PC</u>
Cremation Lot at Village Cemetery to the	one	\$75 (\$50 PC and \$25 Lot) Refers new sections only, developed in 2014

(Following Prices include ½ Lot & ½ PC)

<u>Single Lot 10' x 4'</u> 1 Adult or 2 Children or cremated remains of 6	one	\$200
<u>Double Lot 10' x 6'</u> Designed to hold two single graves	two	\$300
<u>Triple Lot 10' x 10'</u> Designed to hold three single graves	three	\$400
<u>Family Lot 10' x 20'</u> Designed to hold six single graves	six	\$600

Fees – Direct Pay - to Sexton:

Opening of graves	\$400
Cremation	\$100

Fees established for Cemetery Sexton at the Regular Selectmen's Meeting 7/23/2012:

Disinterment--\$25.00 per hour, plus cost of equipment for disinterment (State law reads that the Sexton and a representative from a funeral home must be in attendance the entire time the disinterment takes place).

Opening/Closing of graves from December 1 to April 1 (out of season) \$600 (Opening/Closing of graves during the closed season, must be approved by the Town Manager and Sexton and will only be done in extreme circumstances).

2. All fees shall be paid to the Town Treasurer, unless otherwise stated. The Selectmen may authorize any qualified funeral home operator to collect fees upon terms approved by the Board of Selectmen.

3. Lots may not be sold, bartered or exchanged by the owners. Ownership may be transferred back to the Town only upon approval of the St. Albans Board of Selectmen upon such terms as they deem reasonable.

4. Any and all money collected for the purchase of a lot shall be deposited into the Cemetery Fund. The proceeds of the sale of lots shall be applied solely to the management, superintendence, improvement and maintenance of the cemetery and the avenues, paths, and structures situated therein, and for the purchase of additional cemetery land. Money collected for perpetual care shall be deposited with the Town Treasurer, who shall place the same in the Cemetery Trust account, the proceeds of which shall be for the upkeep and maintenance of the perpetual care lots and any appurtenances to said lots, as well as the general ways, paths and open spaces of the general cemetery in which said lots are located.

VII. DUTIES OF THE SELECTMEN

The St. Albans Board of Selectmen shall be responsible for the following items:

1. Posting roads within the cemeteries for seasonal closing or establishing weight limits.
2. Establishing standards for setting monuments, grass markers and memorials.
3. Establishment of the fees to be charged in accordance with Section VI of this ordinance.
4. Delegation of records management to the Town Clerk.

VIII. DUTIES AND RESPONSIBILITIES OF THE CONTRACTED SEXTON

1. The Sexton may employ such help as he/she deems necessary to maintain said cemeteries and perform such other duties as he/she deems necessary; and shall be responsible for their compensation, relieving the Town of all obligations, safeguards, compensations, etc.

2. The Sexton shall keep the Selectmen informed (at least annually) of the condition of the cemeteries, proposed work and/or development to be done by the following year, working with the Cemetery Committee and/or Town Manager to prepare an annual budget.

3. The Sexton shall oversee, supervise and plan all maintenance and development of the cemeteries, also interments and disinterment's.

4. The Sexton shall ensure that all laws pertaining to Veteran's graves are complied with.

IX. ADOPTION AND AMENDMENTS

1. This ordinance shall become effective upon approval at a regular or special town meeting.

2. This ordinance may be amended in accordance with provisions of state law governing all ordinances.

X. SEVERABILITY

1. If any section, subsection, paragraph, sentence, clause or phrase in this ordinance shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other action or remaining portion of this ordinance.

XI. REPEAL OF OTHER ORDINANCES

Passage of this ordinance shall supersede and replace any other ordinance, by- laws, rules or regulations concerning cemeteries enacted by the Town or its municipal officers and/or officials.

XII. PENALTIES

Any person who continues to violate any provision of this ordinance, after receiving written notice of such violation, shall be guilty of a misdemeanor and subject to a fine of up to \$100 for each violation. Each day the violation continues, shall constitute a separate offense. The town also reserves the right to remove any items, which are in violation of this ordinance, after 30 days written notice is given. The courts are urged to require restitution in full of persons convicted of damage to cemetery property.

Adopted Annual Town Meeting 3/8/2008
Amended Annual Town Meeting 3/6/2010
Fee Schedule updated at regular Selectmen's Meeting 10/28/2013
Amended Annual Town Meeting 3/1/2014
Amended Annual Town Meeting 3/4/2017 (5-A; 5-B; 5-C)

Given under our hands this 13th day of March, 2017.

Board of Selectmen

**TOWN OF ST ALBANS, ME
DRUG FREE ZONE ORDINANCE**

Section 1. Purpose

The purpose of this ordinance is to establish “Safe Zone” areas, i.e., athletic fields, parks, playgrounds or recreational facilities, with the Town of St. Albans, which are frequented by minors for the purpose of protecting them against individuals trafficking, furnishing or cultivating drugs within designated safe zones.

Section 2. Authority

Safe Zone Areas are enacted pursuant to 30-A M.R.S.A. ss. 3253 and 17-A M.R.S.A. ss.1101 sub-ss. 23.

Section 3. Applicability

This ordinance shall apply to areas designated as “Safe Zones” within the Town of St. Albans. Safe zone areas encompass a 1,000’ buffer around designated athletic fields, parks, playgrounds or recreational facilities, as measured from the property line of the safe zone.

Section 4. Signage

The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A, sec. 3253:

<p style="text-align:center">DRUG-FREE SAFE ZONE</p> <p style="text-align:center">INCREASED PENALTIES FOR DRUG CRIMES COMMITTED WITHIN THIS ZONE (17-A, M.R.S.A. CHAPTER 45)</p>

Section 5. Designated Areas

Areas designated as safe zones with 1,000’ buffers are as follows:

1. Batchelder Field Playground and Basketball Court (Located Mason Corner Road)
2. McNally Softball Field (Located Mason Corner Road)
3. Little League Field (Located Mason Corner Road)
4. Park by the dam (Located Corinna Road)
5. Town Landing Boat Launch/Park area (Located Town Landing Road)

Section 6. Enforcement and Amendments

If a person is found trafficking, furnishing or cultivating drugs within a “Safe Zone”, he or she may be found guilty of an aggravated offense and subjected to increased penalties.

Section 7. Effective Date

This Ordinance shall become effective upon adoption by the municipal legislative body.

Adopted - Special Town Meeting, July 27, 2015.

Signed and approved by the Board of Selectmen at the Regular Selectmen’s Meeting, Monday, July 27, 2015.

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ST. ALBANS, MAINE

Gateway to the Maine Highland's

Emergency Management Policy

TOWN OF ST. ALBANS EMERGENCY MANAGEMENT POLICY & CONTACT INFORMATION

1. Purpose: This Policy shall be known and may be cited and referred to as the "Emergency Management Policy of the Town of St. Albans". Authorized under Title 37-B M.R.S.A., Section 782. It shall be used by the E.M.D. in conjunction with the St. Albans Somerset County Emergency Operations Plan adopted January 2007 by the Board of Selectmen.

2. Definition: Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery and mitigation) and for liaison with the Somerset County Emergency Management Agency.

3. Establishment: The St. Albans Office of Emergency Management (OEM) and the position of Emergency Management Director for the Town of St. Albans are hereby created. The Selectmen may appoint additional OEM staff members, as needed.

4. Appointment, Term and Removal: The Selectmen shall appoint the EMD. This appointment shall be annual and made by June 1st of each year. The Selectmen may remove the EMD for cause. Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.

5. Possible Known Emergencies: 1) Severe winter & summer storms 2) long power outages 3) forest fires 4) localized flooding 5) mass casualty incident 6) Haz mat incident.

6. Duties of the Emergency Management Director:

- A. Prepare and update a Hazard Risk and Vulnerability Assessment.
- B. Prepare and maintain the municipal Emergency Operations Plan.
- C. Organize, activate and operate the municipal Emergency Operations Center (EOC).
- D. Prepare and maintain a list of disaster resources.
- E. Develop procedures for the operation of the Municipal EOC.
- F. Coordinate and maintain written disaster Mutual Aid agreements with the approval of the Selectmen.
- G. Provide Emergency Management training to town officials, planners and responders.
- H. Develop and implement a Disaster Exercise program.
- I. Attend County Local Emergency Management Group meetings.
- J. Provide Disaster Preparedness information to town residents.
- K. Complete and report Damage Assessments to STEMA.
- L. Complete and submit applications for EMA disaster fund and grants.

7. Membership of the Emergency Operations Center: Activation will be determined by the E.M.D., Town Manager and/or the Fire Chief. The EOC will be established and manned at the discretion of the Town Manager or EMD.

- A. 938-4568 or 660-8803 Town Manager – Rhonda Stark
- B. 938-2240 or 341-2799 Emergency Management Director-David Crocker
- C. 341-2900 Fire Chief-Jason Emery

The following town officials may be included on the EOC staff, if needed:

- A. Highway Crew 938-3406:
 - o 649-1625 Road Commissioner-Steve Emery
 - o 341-7169 Bruce Hewins
 - o 416-4764 Jesse Curtis
- B. Town Office Staff 938-4568:
 - o 278-2137 Town Manager's Admin. Asst.-Tony Bennett
 - o 416-9765 Town Clerk-Emillie Lemire
 - o 341-1507 Bookkeeper-Cathy Martin
 - o 938-2502 or 702-1727 Code Enforcement Officer-John Wilson

- C. 474-6386 (Sheriff's Dept). Animal Control Officer-Dave Huff
- D. 938-2675 Health Officer-Ellen Bridge

8. Shelter locations:

- A. Sno Devils Snowmobile Club, 9 Bryant Road-Day Shelter Only-Contact Steve Spaulding, 416-2136 (Only service pets due to disabilities will be allowed; No food will be available).
- B. Long term shelter – Contact Somerset County Sheriff's Office, 474-6386

9. Local Resource List for additional agencies:

- A. 474-6386-Somerset County Dispatch
- B. 416-9995-Snowman's Construction for equipment, gravel, etc.
- C. 938-4528-Snowman's Oil for fuel
- D. 368-5804-T & W Garage, Newport for wrecker service
- E. 938-2522-Mark Ramsdell for small wrecker service
- F. 938-4577-Indian Lake Market for food/water and supplies
- G. 938-4150-St. Albans Convenience Store for food/water and supplies
- H. 1-888-769-1137 DEP (Dept of Environmental Protection)
- I. [1-800-222-1222](tel:1-800-222-1222)-Poison Control Hot line

10. Establishment of the National Incident Management System: The Town of St. Albans hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS incident Command System (ICS) will be utilized by all municipal emergency and disaster responders for incident management. Compensation: The EMD may be compensated for duties rendered by an annual stipend as appropriated at town meeting.

11. Training: The EMD may take necessary training as provided by the Somerset County Emergency Management Agency (STEMA), Maine Emergency Management Agency (MEMA) and FEMA.

Revisions approved and signed by the Board of Selectmen July 23, 2018. This Policy replaces the policy adopted by the Board October 16, 2006.

**Town of St. Albans
Ordinance Exempting Eligible Active Duty Military Personnel
From Vehicle Excise Tax**

Section 1. Authority

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

Section 2. Purpose

The purpose of this Ordinance is to provide a vehicle excise tax exemption for eligible active military personnel, as authorized by state law.

Section 3. Excise tax exemption; qualifications for Active Duty serving outside the State of Maine

Pursuant to 36 M.R.S. § 1483-A, the Town of St. Albans shall exempt from the annual excise tax imposed pursuant to 36 M.R.S. § 1482, vehicles owned by a St. Albans resident who is on active duty serving in the Armed Forces of the United States and who is permanently stationed at a military or naval post, station or base outside of the State of Maine or who is deployed for military service for more than 180 days.

To apply for the exemption the resident must provide documentation from the commander of the resident's post station or base or from the commander's designated agent that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. The application shall be submitted to the Tax Collector or his/her designee and shall comply with any policies or rules imposed by the Maine Bureau of Motor Vehicles or Maine Revenue Services in relation to registration procedures or the collection of excise tax.

Spouses of active military personnel do not qualify for this exemption if he/she resides in Maine and the vehicle is located in Maine.

For purposes of this Ordinance, "deployed for military service" shall mean active military duty with the state military forces, as defined in 37-B M.R.S. § 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

For purposes of this Ordinance, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

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

Section 4. Effective date; duration

This ordinance shall take effect immediately upon enactment by the municipal legislative body on Saturday, March 3, 2018, unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

Adopted at the Annual Town Meeting, Saturday, March 3, 2018.

Signed by the Board of Selectmen at the Regular Selectmen's Meeting Monday, March 26, 2018.

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ST. ALBANS, MAINE

Gateway to the Maine Highland's

Ordinance for Filling of Elected Municipal Officials Vacancies

Town of St. Albans

Ordinance for Filling of Elected Municipal Officials Vacancies

Section 1: Establishment

Under MSRA Title 30-A, Section 2602(ss6) amended October 13, 1993, a town may enact an ordinance for the filling of a vacancy or vacancies of elected municipal officials with the exception of school board members as noted in MRSA 30-A, Section 2606.(ss 1 & 4).

Section 2: Applicability:

When a vacancy exists for an elected municipal official position occurring by the means stated under MRSA Title 30-A; Section 2606 (ss 1), a special election will be held as herein provided for.

Section 3: Vacancy Announcement

If a vacancy for an elected municipal official position exists one hundred and twenty (120) days or more prior to the Town annual Meeting, the Selectmen shall, at a regular Selectmen's Meeting. Announce the vacancy position to be filled. The Town Clerk shall posts announcements of the vacancy to be filled the next day after the Selectmen's Meeting soliciting candidates for that vacancy. The notices shall be posted in the same place or places as town meeting warrants are posted and local representatives of the media shall be notified of the postings

Section 4: Guidelines for Nomination Papers

Prospective candidates must meet the qualifications of town officials as stated in MRSA 30-A; Section 2526. Nomination papers shall be obtained from the Town Clerk.

Instructions on the Nomination paper must be adhered to for the papers to be considered valid. The Town Clerk, in accordance with MRSA 30-A; Section 2602 (ss 6B) shall set the date for the candidates to file their nomination papers; not to exceed fifteen (15) calendar days from posting the notice of the vacancy (MRSA 30-A; Section 2528: ss 4).

Section 5: Determing Election Date

a. The Selectmen, upon the announcement of the vacancy at the Selectmen's Meeting shall, within ten (10) days from the said announcement, order an election by secret ballot, pursuant to 30-A MSRA Section 2528, to be held not less than thirty (30) nor more than sixty (60) days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition. In this case, the Selectmen may, at their discretion, provide for the holding of the election on the date of the regular municipal election

b. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than thirty (30) days or more than sixty (60) days following the Selectmen's failure or refusal to order the required election

Section 6: Election Results

After the ballot clerks tabulate the votes, the ballots will be delivered to the Town Clerk who shall seal them in a suitable package and keep them in the clerk's office for two (2) months. Such vote shall take effect as of the recording of the vote tabulation into the records.

The Home of Big Indian Lake

FIRE DEPARTMENT ORDINANCE

TOWN OF ST. ALBANS, ME

Section 1. Title.

This ordinance shall be known as the Fire Department Ordinance of Town of St Albans, ME.

Section 2. Purpose.

The purpose of this ordinance is to establish a Municipal Fire Department, and to define the powers and duties of the chief and members of the Department. An additional purpose of this ordinance is to provide the maximum legal protection available to the Fire Chief and municipal firefighters, and to best protect the health, safety and welfare of the residents of Town of St. Albans.

Section 3. Establishment.

Pursuant to Art. VIII, pt. 2, § 1 of the Maine Constitution, 30-A M.R.S.A. § 3001 and § 3153 *et seq.*, the municipality of St. Albans hereby establishes a Municipal Fire Department.

Section 4. Definitions.

Municipal Fire Department: The organized fire fighting unit established pursuant to this ordinance.

Municipal Fire Fighter: An active member, whether full-time, part-time, or on call of the municipal fire department, who aids in the extinguishment of fires or an individual that receives compensation from the municipality for aiding in the extinguishment of fires, and is at least 18 years of age.

Section 5. Duties.

The Municipal Fire Department shall prevent and extinguish fires, provide firefighting protection and community service within the municipality of St. Albans and elsewhere as provided by mutual aid or other contractual agreements approved by the municipal officers or municipal legislative body. The Municipal Fire Department shall also be authorized to provide emergency and nonemergency services by responding to and managing other public safety emergencies, including, but not limited to, medical emergencies, hazardous materials incidents or natural or man-made disasters.

Section 6. Fire Chief.

- A. Appointment. The Fire Chief shall be appointed by the Town Manager and confirmed by the Board of Selectmen for a term of one year.
- B. Compensation. The Fire Chief's compensation shall be established by the municipal officers.
- C. Powers and duties. The Fire Chief shall have the powers and duties set forth in 30-A M.R.S.A. § 3153, except that administrative rules and regulations promulgated by the Fire Chief shall not be effective until approved by the municipal officers.
- D. Reports. The Fire Chief shall submit a written monthly report on the activities of the Department and shall discharge such other duties as may be required by the municipal officers.

Section 7. Firefighters.

Municipal firefighters shall have the powers and duties set forth in 30-A MRSA § 3151 *et seq.*, and as set forth in any administrative rules and regulations adopted pursuant to section 6(C) above.

Section 8. Deputy Fire Chief.

First Deputy Fire Chief shall be appointed by the Fire Chief, to act with full authority in the absence of the Fire Chief, and shall have responsibilities as set forth in any administrative rules and regulations adopted pursuant to section 6(C) above.

Section 9. Other officers.

Election of officers from Second Deputy through Treasurer shall be voted on by the membership.

Section 10. Severability

The invalidity of any portion of this ordinance shall not invalidate any other part thereof.

Section 11. Effective Date.

This ordinance shall be effective upon its adoption by the municipal legislative body.

Adopted Special Town Meeting 9/15/2010

TOWN OF ST. ALBANS
FIRE DEPARTMENT SERVICES RESTITUTION ORDINANCE

Section 1-Statement of Purpose:

The Town of St. Albans is engaged in providing fire suppression, fire rescue and fire safety services; and in consideration of services rendered hereby desires to set the following restitution policy for Fire Department services. This ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A MRSA, Section 3001.

Section 2-Definition of Services:

The Town of St. Albans will seek payment for the cost of services provided by the Town of St. Albans Fire Department when responding to incidents in the Town of St. Albans. Services the Town of St. Albans shall seek payment for include, but are not limited to:

A - Scene and safety control at traffic accidents:

Positioning of fire apparatus and personnel so as to protect the scene from other traffic and deny entry into the scene of unauthorized personnel. Police will move traffic around the area the Fire Department has deemed as the safe zone for the occupants of the vehicles and the rescuers on the scene. Safely staging other incoming agencies responding to this incident may also include a pulled hose line for protection of people on scene from possible fires and fumes or residue from such things as gasoline and air bag propellants. The most important function is establishing incident command of the scene, which is the Fire Department's responsibility at emergency incidents and to coordinate with other responding agencies for their needs at the scene. Patient care is the responsibility of Emergency Medical Service (EMS) personnel but assistance may be requested.

B -Disentanglement operations and assist rescue with extrication from vehicles:

Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims, the Fire Department will assist ambulance or EMS personnel in a coordinated effort. This could include, but is not limited to: car accidents, industrial accidents, confined spaces, below grade rescues, or high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self- contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, and air bags are just a few of the types of equipment used in extrication incidents.

C - Fluid and hazardous substance mitigation at traffic accidents:

Anytime the Fire Department has to manage any fluids or hazardous substances through containment or absorption with pads, sand or other means permitted by the Department of Environmental Protection (DEP). Mitigation of all hazardous substances is performed in accordance with DEP regulations.

D - Vehicle fires:

Anytime the Fire Department personnel have to contain or extinguish a fire. It also includes the laying of hose lines and positioning a hand line for the protection of individuals at the scene because of fire, smoke, or leaking fluids, such as gasoline.

Section 3-Fees for Services:

Upon adoption of this Ordinance, the Board of Selectmen in their expressed authority shall be authorized to review and set the fees for Fire Department services as they deem in the best interest of the Town of St. Albans. Fees for services shall be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct

costs (apparatus, personnel and any miscellaneous supplies and services). **All fees collected shall be deposited to the Fire Department Capital Equipment Account.**

Section 4 – Restitution and Billing Procedure:

The Town may seek restitution for costs of Fire Department services by filing claims with the insurance companies that insure the individuals or companies involved in an incident where Fire Department Services are provided. The Board of Selectmen are authorized to enter into a Cost Recovery Agreement with a third-party billing company for the billing and collection of fees for Fire Department services through the filing of insurance claims. All such claims shall be submitted in the name of the Town of St. Albans. The Town shall only seek restitution for Fire Department Services from insured individuals or companies.

The Board of Selectmen are authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. The Board of Selectmen are authorized to write-off claims, when a claim is not paid with a valid reason (insured not at fault, not covered) or if all attempts to contact the insurance company fail by any common method available.

Section 5-Compensation:

Terms of compensation to the third party billing company shall be agreed upon and approved by the Board of Selectmen and set forth in the terms of the Cost Recovery Agreement.

Section 6-Administration and Enforcement:

It shall be the duty of the third party billing company to effectively pursue the requirements of this Ordinance for payment of services rendered by the Fire Department as specifically outlined above.

Section 7-Insurance requirements:

The third party billing company shall at all times during the term of the agreement, have valid General Liability insurance policy, a Cyber Liability policy, an Error and Omissions Policy and the Town of St. Albans shall be named as additionally insured.

Section 8-Effective Date:

This ordinance shall take effect upon adoption by the Town of St. Albans at its annual Town meeting of March 3, 2018.

Section 9-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.

Section 10-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, by law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of Fire Department Services, the provisions of this Ordinance shall control.

Adopted at the Annual Town Meeting, Saturday, March 3, 2018.

Signed by the Board of Selectmen at the Regular Selectmen's Meeting Monday, March 26, 2018.

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF SAINT ALBANS, MAINE

ENACTED:

March 8, 2008
Date

EFFECTIVE:

March 8, 2008
Date

CERTIFIED BY:

Stacey A. Desrosiers
Name

Town Clerk
Title

Affix Seal

60.3(b)

Printed 1/07/08

Prepared by SPO/fpm/bnn

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of St. Albans, 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. Albans, 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. Albans, 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. Albans 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. Albans 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. Albans, 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. Albans, Maine, Somerset County," dated September 27, 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. Albans, 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 Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals 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. Albans, 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. Recreational Vehicles - Recreational Vehicles located within:

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

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within 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.

K. 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).

L. 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 crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

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

M. Bridges - New construction or substantial improvement of any bridge in 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.

- N. **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.
- O. **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. Albans 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.L., 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**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. 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) Rev. 4/05

TOWN OF ST. ALBANS, ME

**Ordinance Prohibiting Retail Marijuana Establishments and
Retail Marijuana Social Clubs**

Section 1. Authority.

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

Section 2. Definitions.

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

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, are expressly prohibited in the Town of St. Albans.

Retail marijuana social clubs are expressly prohibited in the Town of St. Albans.

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

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

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Approved on the ballot of 3/3/2017.

Given under our hands this 13th day of March, 2017.

Board of Selectmen

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ST. ALBANS, MAINE

Gateway to the Maine Highland's

TOWN OF ST. ALBANS

MOBILE HOME PLACEMENT and RELOCATION ORDINANCE

SECTION 1. TITLE AND PURPOSE

This ordinance shall be known as the Town of St. Albans Mobile Home Placement and Relocation Ordinance. It is enacted by the inhabitants of St. Albans to promote the health, safety and welfare of said inhabitants by requiring notification of mobile home placement, relocation and minimum standards of occupancy as defined in this ordinance.

SECTION 2. AUTHORITY

2.1 This Ordinance is enacted pursuant to the authority given to the Town under Title 30-A MRSA 3001 (Home Rule).

2.2 This Ordinance shall in no way impair or remove the necessity for complying with any other rule, regulation, by-law, permit or provision of law.

2.3 When any provision of this Ordinance conflicts with any provision of any other local ordinance or regulation, or of any other state or federal law or regulation, the more restrictive provision shall control.

2.4 This ordinance will apply to all mobile homes brought into the Town of St. Albans and to the relocation of existing mobile homes already within the town after the effective date of this ordinance.

2.5 This ordinance will not apply to modular homes.

SECTION 3. DEFINITIONS

3.1 Mobile Home – The term mobile home shall mean a manufactured housing unit, built after June 15, 1976 and which the manufacturer certifies as having been constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which in the traveling mode, are 8' body feet or more in width, 40' or more in length and are 320 or more square feet, and which are built on a chassis and designed to be used as dwellings, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and the electrical systems contained therein; except the term shall include any structure that meets all the requirements of this paragraph, except the size requirements with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, Section 5401, et seq.

3.2 Older Mobile Home – Older mobile home shall mean a manufactured housing unit as defined in Section 3.1 which was built before June 15, 1976 and whose manufacturer does not certify that the unit complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, Section 5401, et seq.

3.3 The word "dwelling" shall mean a manufactured housing unit which houses people either temporarily, seasonally, or as a permanent residence.

3.4 The word "lot" means a parcel of land under separate ownership from adjacent property.

3.5 Modular Homes – The term modular home shall mean manufactured housing units which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act Regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein.

3.6 Placement - Placement of any mobile home shall mean the act of or the result of placing any manufactured housing on any piece of land within the boundaries of the town of St. Albans. This includes mobile homes to be stored or used for storage.

3.7 The term "Code Enforcement Officer" shall also include the Assistant Code Enforcement Officer, should there be one.

3.8 Relocation – The term Relocation shall mean the movement of an existing mobile home from one lot in town to a separate, different lot in town.

SECTION 4. ADMINISTRATION

4.1 The Code Enforcement Officer is hereby empowered to administer and shall enforce the provisions of this Ordinance, and shall work under the direction of the Town Manager.

4.2 Completed "Notification of Intention to Build" forms shall be filed at the Town Office.

SECTION 5. NOTIFICATION OF INTENT TO PLACE OR RELOCATE A MOBILE HOME

5.1 Any Individual or organization who brings a mobile home into the Town of St. Albans or who relocates a mobile home within the Town of St. Albans shall comply with the Town of St. Albans Building Notification ordinance.

SECTION 6. OLDER MOBILE HOMES

6.1 Older mobile homes, currently located on a lot and being used as a dwelling, may continue to be used and are not subject to this ordinance.

6.2 No older mobile home shall be placed or relocated on a lot to be used as a dwelling after the effective date of this ordinance unless it is made to conform to HUD standards current at the time of location or placement on a lot.

6.3 If an older mobile home is vacant and not used as a dwelling for a period of 12 consecutive months, it cannot be reoccupied as a dwelling until a Certificate of Occupancy has been issued by the Code Enforcement Officer.

6.4 If an older mobile home is used for any purpose other than a dwelling, all plumbing fixtures will be removed from the unit.

SECTION 7. OCCUPANCY

7.1 No person shall at any time occupy as a dwelling any mobile home placed in or relocated within the Town of St. Albans before obtaining from the Code Enforcement Officer a "Certificate of Occupancy" after the effective date of this Ordinance. Said "Certificate" shall be issued by the Code Enforcement Officer when all provisions of this Ordinance and any other law, regulation, rule or ordinance the Code Enforcement Officer is authorized to enforce are complied with.

7.2 No person shall occupy any mobile home as a dwelling until it complies with the State of Maine Wastewater Rules.

7.3 The Code Enforcement Officer shall act within 10 days on a request for a "Certificate of Occupancy", and shall issue such Certificate only when all provisions of this ordinance are complied with. In order for the Code Enforcement Officer to determine that a dwelling is in compliance with this Ordinance and that a "Certificate of Occupancy" may be issued, the applicant shall arrange to give the Code Enforcement Officer access during his/her normal working hours to any property subject to this Ordinance.

7.4 In the case where a mobile home is owned by one individual or organization and the mobile home is placed on or relocated to the land, lot or property of another or different individual or organization, it shall be the responsibility of the mobile home owner to apply for and obtain a Certificate of Occupancy prior to using the mobile home as a dwelling.

7.5 It is the intent of this ordinance that a mobile home used as a dwelling shall need a Certificate of Occupancy only at the time it is first occupied following placement or relocation. A Certificate of Occupancy is not needed each time a new, subsequent tenant moves in.

SECTION 8. ENFORCEMENT & VIOLATIONS

8.1 The Code Enforcement Officer shall determine that a "Building Notification" form is on file for each mobile home and older mobile placement or relocation. When the Code Enforcement Officer finds that any individual or organization has placed or relocated a mobile home or older mobile home covered in

this Ordinance without such prior notification, the Code Enforcement Officer shall notify that individual, organization and the property owner, if different, in writing that the activity is to be discontinued until the required notification has been provided. A copy of each such notification shall be maintained as a permanent record in the Town Office.

8.2 Any person or organization, including but not limited to the mobile home owner, a landowner, a landowner's agent or contractor, who occupies or allows to be occupied a dwelling without a valid "Certificate of Occupancy" having been issued, shall have committed a civil violation and will be subject to a fine of not less than \$ 100.00 and not more than \$ 2500.00 and other penalties provided pursuant to 30-A MRSA 4452, including any court costs.

SECTION 9. APPEALS

9.1 Any applicant aggrieved by an action of the town or its employees relative to the enforcement of this ordinance shall have the right of appeal to the town's Board of Appeals. Aggrieved parties must begin the appeals process within 90 days of the date of the action.

SECTION 10. AMENDMENTS AND EFFECTIVE DATE

10.1 This ordinance may be amended by majority vote of the voting members present at any Town Meeting, the warrant which gives notice of the proposed change.

10.2 This ordinance shall be effective upon enactment.

SECTION 11. SEVERABILITY

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

Ordinance History:

Approved at Annual Town Meeting 3/3/2012

Adopted at Annual Town Meeting March 3, 2012 and signed by the Board of Selectmen March 12, 2012.

The Home of Big Indian Lake

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ST. ALBANS, MAINE

Gateway to the Maine Highland's

Obscenity Ordinance

TOWN OF ST. ALBANS

OBSCENITY ORDINANCE

SECTION 1. PURPOSE AND AUTHORITY

To prohibit certain acts of commercial exploitation of human sexuality within the Town of St. Albans in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases, and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places, and to protect the health, safety, welfare and morals of the community by using the government's recognized and traditional enforcement power to protect societal order, morality, and physical and emotional health in public places without infringing on protected First Amendment rights.

This ordinance is enacted pursuant to municipal home rule authority, Title 30-A M.R.S.A. 3001 and Title 30-A M.R.S.A. 3014.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following definitions apply:

Public Indecency means the knowing or intentional commission of a sexual act, sexual contact or nudity in a public place.

Nudity means the showing of the human male or female genitals.

Public Place means a place to which the public at large or a substantial group has access, including but not limited to commercial or business establishments, public ways, schools, government owned facilities, and the lobbies, hallways, and basement portions of apartment houses, hotels, motels, public buildings and transportation terminals.

Sexual Act means any act of sexual gratification between two or more persons involving direct physical contact between the sex organs of one and the mouth or anus of the other or direct physical contact between the sex organs of one and the sex organs of the other, or direct physical contact between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegations or proof of penetration.

Sexual Contact means any touching of the genitals, directly or through clothing, other than would constitute a sexual act, for the purpose of arousing or gratifying sexual desire.

SECTION 3. PUBLIC INDECENCY PROHIBITED

Engaging in public indecency in return for pecuniary benefit is prohibited.

Engaging in or encouraging or permitting another person to engage in an act or acts of public indecency in return for pecuniary benefit by the person who or entity which owns, leases or otherwise controls a premises on which the act or acts of public indecency occurs is also prohibited.

SECTION 4. NURSING WOMEN

This Town ordinance shall not prohibit, or be interpreted or construed to prohibit or regulate, women from nursing or breast feeding in public or private.

SECTION 5. RESTRICTION ON RESIDENCE OF CONVICTED SEX OFFENDERS

Convicted sex offender. A person convicted of any current or former Maine crime listed in former title 17, §§ 2922—2924 or title 17-A, [chapter 11](#) or 12; a conviction for an attempt or solicitation of those listed

crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

Prohibition. A convicted sex offender whose crime involved a victim who had not attained the age of 14 years at the time of the offense may not establish a residence within seven hundred fifty (750) feet of the real property line of a public or private elementary, middle or secondary school or within seven hundred fifty (750) feet of the real property line of municipally owned property where children are the primary users, including, without limitation, playgrounds and athletic fields. The prohibition of this section shall not apply to persons who, on the date of adoption of this section, resided within the seven hundred fifty (750) foot restricted areas.

Penalties. Any person who, after written notice from the Town, fails or refuses to comply with its requirements of this section shall be subject to a minimum penalty of five hundred dollars (\$500.00) per day payable to the Town. In addition to monetary penalties, the Town may seek injunctive relief from the courts. If the Town prevails in an action for violation of this section, it shall be entitled to its reasonable attorney's fees and costs.

SECTION 6. PENALTIES

The violation of this ordinance shall be punishable by a fine of five hundred dollars (\$500.00) for a first offense, one thousand dollars (\$1,000.00) for a second offense, and two thousand dollars (\$2,000.00) for a third or subsequent offense, regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalties, the town may enjoin or abate any violation of this ordinance by appropriate action, and, if the court finds for the town, the town shall recover its costs of suit, including reasonable experts' fees, reasonable attorneys' fees, and reasonable investigative costs.

SECTION 7. SEVERABILITY

If any section, phrase, sentence, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of any other section, phrase, sentence, or portion thereof.

Adopted March 7, 1998 - Annual Town Meeting. Revised and Updated Annual Town Meeting March 2, 2013 (Section 5 added)

Signatures of the Board of Selectmen, March 11, 2013. _____

TOWN OF ST. ALBANS
ORDINANCE RESTRICTING
VEHICLE WEIGHT ON POSTED WAYS

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. Albans 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 signature(s) of the Municipal Officers or Road Commissioner. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person 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, [Attachment E to this Information Packet], 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 [such as road commissioner, code enforcement officer or law enforcement officer].

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the 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.

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

SIGNED _____

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 repealed rule 17-229-303 "Rules And Regulations Restricting Heavy Loads On Closed Ways" as last amended on June 26, 1985.

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, 1991.

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.

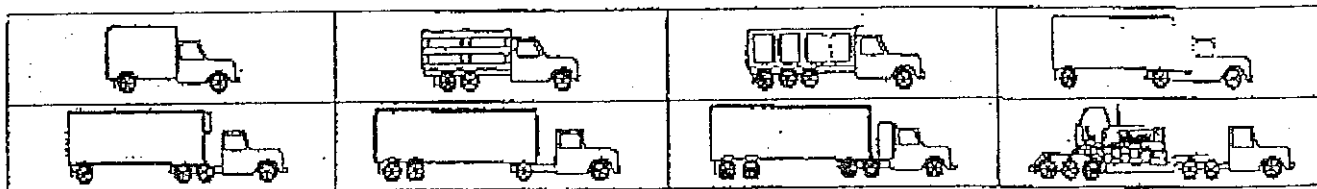
This application is for the following vehicle.

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.

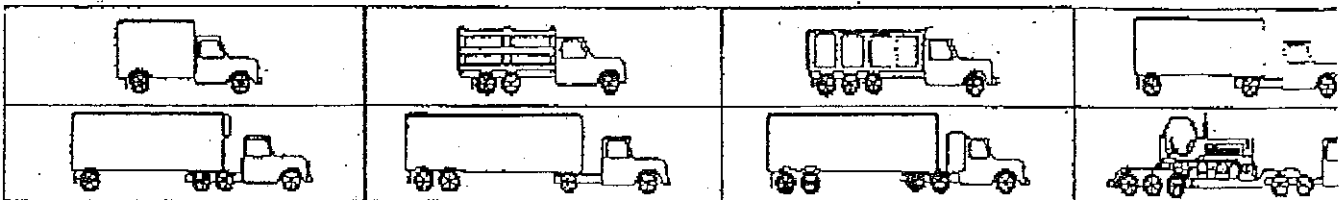
OWNER _____
REGISTRATION _____

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.





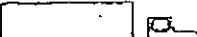
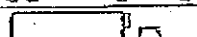
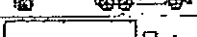
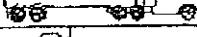
3. The driver of the vehicle shall have available a copy of this certificate and delivery slips or bills of lading covering the entire amount of the commodity being transported and must present them to any investigating officer on request.
4. A violation of the requirements of this certificate may lead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

TRUCK TYPE		TIRE WIDTHS			
		9"	10"	11"	12" or more
	S I N G L E	24,200	25,200	26,200	27,200
		35,650	38,625	40,575	42,525
		41,325	43,750	45,200	48,625
	C O M B I N A T I O N	37,225	38,900	40,575	42,250
		45,250	48,050	50,850	53,650
		46,875	49,350	51,850	54,325
		58,375	51,350	64,300	67,250
		65,250	69,000	72,775	76,525

equation:

$$\text{GVW from chart} - \text{Empty weight} = \text{Payload}$$

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.

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 _____

Permission granted to haul perishable products over seasonally closed ways. Must obey Motor Vehicle & Public Utility Laws and MDOT's Procedures for Obtaining and Use of Permits for Hauling Perishable Products over Seasonally Posted Roads.

DATE OF MOVE _____ Signed by _____

**TOWN OF ST. ALBANS
PAWNBROKERS
ORDINANCE**

SECTION 1 Definitions

- (A) Pawn transaction shall mean the lending of money on the security of pledged tangible property. The term also includes the purchase of tangible fixed property on the condition that it may be purchased by the seller for a fixed price within a fixed period of time.
- (B) Pawnbroker shall mean and include any person who is in the business or occupation of engaging in pawn transactions.
- (C) Minor shall mean any person who has not yet attained eighteen years of age.

SECTION 2 License Required

No person, firm, or corporation shall engage in the business of a pawnbroker in the Town of St. Albans except under written license granted by the Board of Selectmen and issued under the signature of the Town Clerk or his/her designee.

SECTION 3 License Fee

Upon approval by the Selectmen, a pawnbroker's license shall be issued upon payment of a fifty dollar (\$50.00) fee to the Town of St. Albans. Said license shall be effective from the date issued and be valid for a period of one (1) year unless sooner revoked by the Board of Selectmen for a violation of law. (M.R.S.A 30-A, Sections 3961-3964-A).

SECTION 4 Purchase from minors

No pawnbroker shall directly or indirectly either purchase or receive by way of barter or exchange any goods or articles from a minor.

SECTION 5 Record keeping

Every pawnbroker, at the time of receiving any article pawned, pledged or received in exchange, or any other article or consideration, shall give the pawner a statement that the pawnbroker will return the article at a stipulated price which shall be computed in accordance with the requirements of Title 30-A § 3963 and shall complete in duplicate a sworn statement showing official identification stating the name, age, sex and address of the person with whom the transaction is being made, the day and hour when the transaction took place, and a full accurate and a detailed description including all distinguishing marks and numbers of each article so pawned, pledged, or exchanged as will make its identification certain

and plain; and the price paid by the licensee; the source from which and the time when the pawner, pledgor, or vendor procured the same, and cause such statement to be signed and sworn to in duplicate by the person with whom such transaction has been made. The original sworn statement to be retained by the pawnbroker, and the duplicate statement to be turned over to the Somerset County Sheriff's Office. Articles purchased outright by pawnbrokers shall be retained on the premises not less than fourteen (14) days, unless sooner released by the Somerset County Sheriff's Office, and no article pawned, traded or purchased shall be altered or changed until opportunity shall have been given for examination of such articles by the Somerset County Sheriff's Office or his/her designated representative. All recorded transactions between the pawnbroker and an individual pawning an article shall be made available for inspection by the Sheriff's Office during business hours. The Somerset County Sheriff's Office will retrieve all pawn slips on the last day of each month.

SECTION 6 Identification

Every pawnbroker is required to obtain a driver's license or an official state identification card from a pawner, pledgor, or vendor whenever receiving any article pawned, purchased, pledged or received in exchange.

SECTION 7 Enforcement and Penalty

The Pawnbrokers Ordinance shall be enforced by the Somerset County Sheriff's Office. Any pawnbroker who violates sections 2, 3, 4, 5, or 6 of this Ordinance commits a civil violation for which a forfeiture not to exceed two hundred and fifty dollars (\$250.00) may be adjudged.

Adopted at the Annual Town Meeting March 7, 2015.

Signed by the Board of Selectmen at their Regular Selectmen's Meeting, Monday, March 23, 2015.

[Back to Web Site](#)

ST. ALBANS, MAINE

Gateway to the Maine Highland's

Town of St Albans, ME Planning Board Ordinance

1. Establishment.

Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the Town of St. Albans hereby establishes a Planning Board. The board which has been acting as a Planning Board for the Town of St Albans is hereby re-established as the legal Planning Board for the purposes of this ordinance. The actions which the board took prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted Planning Board of the Town of St Albans.

2. Appointment.

A. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.

B. The board shall consist of 7 members.

C. The term of each member shall be for 5 years

D. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town. When a vacancy occurs, the chairman of the board shall immediately so advise the municipal officers in writing. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.

E. A municipal officer may not be a member.

F. No person may serve as a Planning Board Member and a Board of Appeals Member at the same time.

3. Organization and Rules.

A. The board shall elect a Chairman, Vice Chairman and Secretary from among its members. The term of all offices shall be one year with eligibility for re-election.

B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

C. The Chairman shall call at least one regular meeting of the board each month unless there are no agenda items.

D. No meeting of the board shall be held without a quorum consisting of four members authorized to vote. The board shall act by majority vote of the members present and voting.

E. The board shall adopt rules for transaction of business and the Secretary shall record the meeting minutes and turn over to the Town Manager's Administrative Assistant for proper filing. All records shall be deemed public and may be inspected at reasonable times.

4. Duties; Powers

A. The board shall perform such duties and exercise such powers as are provided by the Town of St Albans ordinance and the laws of the State of Maine.

B. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and through the Town Manager or Code Enforcement/Plumbing Inspector.

C. Other-The Code Enforcement Officer/Plumbing Inspector shall attend all Planning Board meetings and coordinate with the Planning Board Chairman such meetings.

Ordinance History:

Adopted at Special Town Meeting 9/12/2011

The Home of Big Indian Lake

TOWN OF ST ALBANS
ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS

SECTION 1. Applicability and Establishment

Any elected Official of the Town of St Albans, except School Board Members, may be recalled and removed from office as herein provided.

SECTION 2. Petitions for Recall

- a. Recall shall be initiated by petition.
- b. The petition for recall must contain only signatures of the registered voters of the Town of St Albans, equal to ten percent (10%) of the number of votes cast in St Albans in the last Gubernatorial election.
- c. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition, but the petition shall in every case, be filed with the Town Clerk or Deputy Town Clerk.
- d. The petition shall state the name and office, or offices, of the person whose removal is being sought.
- e. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- f. Each page of the petition shall be ruled, and each line shall provide a space for the voters' signatures, address and printed name.
- g. All pages of a single petition shall be filed as one document. The Town Clerk or Deputy Town Clerk shall not file the petition until at least one person supplies contact information on behalf of the petitioners.

SECTION 3. Clerk's Certification

Within ten (10) calendar days of receipt of the petition the Town Clerk or Deputy Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the requirements as set forth in Section 2 of this Ordinance. Should the petition be found insufficient, the petition will be retained in the Town Clerk's Office and the person who filed the petition will be notified.

SECTION 4. Calling the Recall Election

- a. If the petition is certified by the Town Clerk or Deputy Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The Board of Selectmen upon receipt of the certified petition shall within ten (10) days' time of receipt order an election by secret ballot, pursuant to 30-A MRSA S2528, to be held forty-five (45) days thereafter.
- c. No petition for recall will be accepted during the first ninety (90) days or during the last ninety (90) days if a multi-year term.
- d. Once a recall petition has been called and failed, no recall may be filed within ninety (90) days after such vote.

SECTION 5. Ballots for Recall Election

Unless the official, or officials, whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED FROM THE OFFICE OF _____?" (with the name of the official whose recall is being sought inserted in the blank space). If the petition seeks the recall of a person from more than one office, each office must be named.

SECTION 6. Result of the Election

In an event of an affirmative vote for removal, such vote shall take effect the day following the day of voting.

SECTION 7. Vacancies to be Filled

Any vacancy resulting from the removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

Adopted at Annual Town Meeting 3/4/2017.

Given under our hands this 13th day of March, 2017.

Board of Selectmen

TOWN OF ST. ALBANS

ROAD NAMING AND NUMBERING ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety, emergency services, postal delivery and business delivery.

SECTION 2. AUTHORITY

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

SECTION 3. ADMINISTRATION

This ordinance shall be administered by the Board of Selectmen and Addressing Officer who shall assign road names and numbers to all properties, both on existing and proposed roads, *pursuant to Section 4 of this ordinance*. The Board of Selectmen/their designee shall be responsible for maintaining the following official records of this ordinance *as laid out in "The Enhanced 9-1-1 Addressing Officer Manual produced by the Public Utilities Commission"*:

- A. A St. Albans 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.
- D. The Town Clerk shall notify the property owner/s and the St. Albans Post Office of the new road names and addresses in writing, once approved by the Board of Selectmen.
- E. The Addressing Officer shall provide the correct road name and number range to the Emergency Services Communication Bureau for Enhanced 9-1-1 purposes, once the road name has been approved by the Board of Selectmen. Anytime the Town adds a new road or changes an address range, he/she must notify the ESCB/GIS immediately at 1-800-665-2830.

SECTION 4. NAMING SYSTEM

All roads in St. Albans that serve two or more addresses shall be named regardless of whether the ownership is public or private. *Driveways serving only one address, do not meet the requirements of this ordinance*. 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. Similar names - no two roads shall be given the same or similar - sounding (e.g. Beech and Peach, Pine Road and Pine Lane) names.
- B. Each road shall have the same name throughout its entire length, insofar as practical.
- C. Roads leading to gravel pits will be numbered, due to the safety of those individuals working there at any given time. Numbers to be posted at the entrance of the pits, by the landowner.
- D. The Addressing Officer shall obtain the signature of each landowner on a road, which has been determined it must be named, to be sure each landowner is in agreement on the proposed name, before the Board of Selectmen vote on the naming of said road.

SECTION 5. NUMBERING SYSTEM

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. The following criteria shall govern the numbering system.

- A. All number origins shall begin from the designated center of St. Albans or that end of the road closest to the designated center. 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 driveway of said structure.

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

SECTION 6. COMPLIANCE

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

- A. Number on the structure or residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- B. Number at the street line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box or on some structure at the property line adjacent to the walk.
- C. Size and Color Number. Number shall be a recommended minimum height of 4" and in a color and location as to be visible from the road.
- 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 the assigned number and road name adjacent to their telephone for emergency reference.

SECTION 7. NEW DEVELOPMENTS AND SUBDIVISIONS

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

- A. New Developments. 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 Town.
- B. New Subdivisions. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board for their approval. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 (fifty) feet so as to aid in assignment of numbers to structures subsequently constructed. The proposed road name must be submitted to the Addressing Officer, who will then submit it to the Selectmen for final approval. The 911 addressing number will be assigned by the Addressing Officer.

SECTION 8. EFFECTIVE DATE

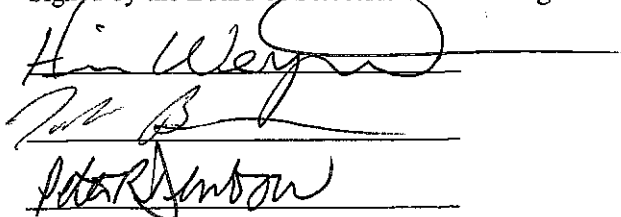
This ordinance shall become effective once voted on at the Annual Town Meeting on March 2, 2019 and replaces the ordinance which was adopted on March 4, 1995 and revised March 1, 2014. It shall be the duty of each property owner to comply with this ordinance within 90 (ninety) days. Property owners on roads not named or numbered as of the effective date shall be notified upon completion and have 90 days to comply. On new structures, numbering will be installed prior to when the structure is first used or occupied.

Amended Annual Town Meeting 3/2/2019

Amended Annual Town Meeting 3/1/2014

Adopted Annual Town Meeting 3/4/1995

Signed by the Board of Selectmen at their Regular Meeting, Monday, March 11, 2019.



Three handwritten signatures are present, each followed by a horizontal line. The signatures are written in dark ink and appear to be of the Board of Selectmen.

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06-096
Department of Environmental Protection
Chapter 1000

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ST. ALBANS SHORELAND ZONING ORDINANCE

Shoreland Zoning Ordinance for the Municipality of St. Albans, Maine

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 commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal 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,
 - upland edge of a coastal wetland, including all areas affected by tidal action, or
 - upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on March 4, 2017, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

- 7. Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
- 8. Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
- 9. Districts and Zoning Map**
- A. Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
- (1) Resource Protection
 - (2) Limited Residential
 - (3) Limited Commercial
 - (4) General Development
 - (5) Stream Protection
- B. Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
- 10. Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.
- 11. Land Use Requirements.** Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

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, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

- (1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). 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) Expansion of any portion of a structure within 25 feet 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 nonconformity with the water body, tributary stream or wetland setback requirement. 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, tributary stream, or wetland setback requirement.
 - (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
 - (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

- (c) All other legally existing nonconforming 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 other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - (ii) For structures located less than 100 feet 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 footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). 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.
- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced 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 footprint of the reconstructed or replaced structure at its new location. If the total footprint 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)(3) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

- (5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.
- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, 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)(5) 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 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on July 22, 1992 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 need not be included within the Resource Protection District.
- (1) 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. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
 - (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
 - (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
 - (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- 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, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.
- 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 District.** The General Development 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, 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.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

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

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform 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
- LR - Limited Residential
- LC - Limited Commercial
- SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>					
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>	<u>CFMA</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes	yes
4. Fire prevention activities	yes	yes	yes	yes	yes	yes
5. Wildlife management practices	yes	yes	yes	yes	yes	yes
6. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
7. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²	yes ²
8. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB
9. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
10. Emergency operations	yes	yes	yes	yes	yes	yes
11. Agriculture	yes	PB	yes	yes	yes	yes
12. Aquaculture	PB	PB	PB	yes	yes	yes
13. Principal structures and uses						
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no ¹⁰	no ¹⁰	PB	PB	PB ⁵
D. Industrial	no	no	no	no	PB	PB ⁵
E. Governmental and institutional	no	no	PB	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
14. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	yes	yes
15. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a. Temporary	CEO 11	CEO ¹ 1	CEO ¹ 1	CEO ¹ 1	CEO 11	CEO ¹ 1
b. Permanent	PB	PB	PB	PB	PB	PB ⁵
16. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
17. Home occupations	PB	PB	PB	CEO	yes	yes
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
19. Essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
20. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
21. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁵
22. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	no	no ⁷	PB	PB	PB	no
24. Road construction	PB	no ⁸	PB	PB	PB	PB ⁵
25. Land management roads	yes	PB ¹³	yes	yes	yes	yes

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26. Parking facilities	no	no ⁷	PB	PB	PB	PB ⁵
27. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
28. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
29. Signs	yes	yes	yes	yes	yes	yes
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 15(H)(4).

⁹Single 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.

¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹²Permit not required but must file a written "notice of intent to construct" with CEO.

¹³Option 3 towns only.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

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 or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

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

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Nontidal Areas	40,000	200

(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 General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.
- (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (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) Non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on July 22, 1992 and in continuous existence since that date.

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective filtration 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;

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

- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in

width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

- (7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (9) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- (10) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is

obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.

(b) Revegetation must occur in accordance with Section 15(S).

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

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, 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) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) 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, 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.
- (4) 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.
- (5) 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 (1000) square feet.

- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) 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 a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

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

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent 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 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 a 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 as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

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

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

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

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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 or 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) a holding tank is not 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) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The *State of Maine Solid Waste Laws*, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) 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 former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
 - (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond 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 to be a violation of this Ordinance.
 - (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
 - (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.
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O. Timber Harvesting-Repealed 1/1/2013

The Town of St. Albans chooses, to have the statewide standards apply to timber harvesting and timber harvesting activities in that municipality by authorizing the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas. The Bureau of forestry will administer the regulation of all forestry activities within the municipality.

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 hazard trees as described in section Q..

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, 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, or within a strip extending 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 single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline 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.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

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

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 is 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 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 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, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15. P (2).
- (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 applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities 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. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area

and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;
- (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of storm water; and
- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. 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. Drainage ways 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.

- U. 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.
- V. 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.
- W. 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 July 1st.
- (2) **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

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

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
 - (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
 - (3) All applications shall be dated, and the Code Enforcement Officer 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.
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- (5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
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- 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 and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) 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 and outside the velocity zone in areas subject to tides, 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 footprint, 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, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, 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. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)
- (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.
- (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 or 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 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 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.

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

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

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

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

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.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

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.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

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 footprint 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 footprint of a structure 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.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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, frost walls, 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, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

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

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

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

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

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

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot 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, lot coverage or footprint, 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.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal waters) - 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.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, 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 structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

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

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

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

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

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

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.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

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.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is salt marsh cord grass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cord grass (*Spartina patens*) and black rush; common three square occurs in fresher areas.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Significant River Segments - See Appendix A or 38 M.R.S.A. section 437.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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 , highest resolution version of the national

hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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.

Tidal waters – all waters affected by tidal action during the highest annual tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

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 coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. 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) feet) 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.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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 or coastal wetland.

Wind firm - the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

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

Resource Protection Areas:

Half Moon Pond - All areas of the shoreline designated by Inland Fisheries and Wildlife as high value waterfowl area.

Little Indian Pond - North and East shore designated by Inland Fisheries and Wildlife as high value waterfowl areas as follows: Starting 400 feet easterly of Ripley Road on the northerly shore of the

stream between Big and Little Indian and continuing easterly all the way around the pond to a point on the eastern shore of Little Indian to a point 800 feet northerly of the property line between land formerly owned by V. Parsons and land presently owned by Mower Brothers near Bog stream. In addition the Resource Protection District also extends 1000 feet starting 400 feet westerly of the property line between land formerly owned by V. Parsons and land formerly owned by R McLean and running in a westerly direction.

Indian Stream;

1. Starting at a point on the eastern side 300 feet southerly from the center line of the Palmyra Road and extending to the property formerly owned by Lewis McCleod.
2. Starting at a point on the western side marked by an iron post, which is the southerly line of the Springer Building Center property, and extending southerly 200 feet.

Weymouth Pond;

Beginning at the property line between Philip Nelson and Peter Brower and extending north 300 feet.

Game Management Area;

All of the area.

Big Indian Lake;

Beginning at a point 200 feet easterly of the property line between properties now or formerly owned by McGinness and Ivan Crocker and extending 2,000 feet in an easterly direction.

Limited Commercial District

Indian Stream;

Both sides of the stream from the upper bridge to the areas designated Resource Protection above.

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:

January 13, 1988 (filed as 06-101, Ch. 1)

AMENDED:

March 24, 1990 (filed as 06-096, Ch. 1000)

June 19, 1991 - Sections 15 and 17

July 14, 1992 - Sections 4, 8, 9, 12, 15, 16 & 17

August 7, 1994 - Sections 3, 14 & 16

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 5, 1996

NON-SUBSTANTIVE CORRECTIONS:

December 29, 1997 - minor spelling and formatting.

April 1, 1998 - minor renumbering and formatting.

06-096
Department of Environmental Protection
Chapter 1000

AMENDED:

February 6, 1999
February 13, 2000
May 1, 2006 – filing 2006-115
November 22, 2010 – filing 2010-581
May 5, 2012 – filing 2012-134
January 26, 2015 – filing 2015-009

Adopted at the Annual Town Meeting, Saturday, March 3, 2018.

Signed by the Board of Selectmen at the Regular Selectmen's Meeting Monday, March 26, 2018.

**AGREEMENT FOR A JOINT SOLID WASTE
DISPOSAL and/or TRANSFER FACILITY**

**FOR THE MUNICIPALITIES OF
DEXTER, EXETER, RIPLEY, ST. ALBANS and CORINNA**

**INCLUDING ARTICLES OF INCORPORATION OF THE
MID MAINE SOLID WASTE ASSOCIATION, INC.**

WHEREAS, Dexter, Exeter, Ripley, St. Albans and Corinna to this agreement have the duty to provide solid waste disposal facilities for domestic, industrial and farm solid wastes generated within their respective territories per Title 38, MRSA, Chapter 13, S 1305(1), et seq., as amended; and

WHEREAS, Dexter, Exeter, Ripley, St. Albans and Corinna to this agreement have determined that it will be a more efficient use to their powers and to their mutual advantage to enter into this agreement; and

WHEREAS, Dexter, Exeter, Ripley, St. Albans and Corinna are authorized to contract pursuant to the Maine Interlocal Co-operation Act, Title 30, MRSA, Chapter 203, S1951, et Seq., as amended; and

NOW THEREFORE, the municipalities of Dexter, Exeter, Ripley, St. Albans and Corinna, for, and in consideration of, the mutual promises and agreements hereinafter stated and the performance thereof do hereby promise and agree as follows:

PART 1 PURPOSE:

The purpose of this agreement is to provide for the disposal and/or transfer of solid waste generated within the territories of the parties.

PART 2 DEFINITIONS:

2.1 Definitions as used in this Agreement:

(a). "Regular User" shall mean any resident, including summer residents, of Dexter, Exeter, Ripley, St. Albans or Corinna, depositing solid wastes at the joint solid waste disposal facility.

(b). "Irregular User" shall mean any person not a resident, or solid waste from any person not a resident of Dexter, Exeter, Ripley, St. Albans or Corinna. "Irregular User" shall further be defined as persons or industries depositing junk cars, appliances, brush, inert fill, septic sludge or similar wastes or industrial wastes not defined as "solid wastes" hereinbelow.

(c). "Solid Wastes" means solid materials with insufficient liquid content to be free flowing, including without limitation, rubbish, garbage, scrap materials, junk, refuse, inert material, landscape refuse, and septic sludge or similar wastes.

(d). "Joint Solid Waste Disposal Facility" means any land area or structure, or combination of land area and structures used for gathering for transfer, storing, salvaging, processing, reducing, incinerating, or disposing of solid wastes.

(e). "Municipalities" shall include each of the duly incorporated towns of Dexter, Exeter, Ripley, St. Albans and Corinna by and through their legislative bodies and/or their respective town officers and officials who represent each such town as members of the Joint Board under Section 3.1 hereinbelow..

(f). "Additional Parties" shall mean all other duly incorporated towns and their respective town officers and officials not mentioned in Section 2.1 (e) hereinabove.

PART 3 ADMINISTRATION

3.1 Incorporation

The operation and management responsibilities of the FACILITY shall be delegated to a corporation to be formed under the provisions of Title 13, Chapter 81, of the Maine Revised Statutes.

Upon the effective date of this Agreement, or as soon thereafter as possible, incorporators consisting of a majority of the municipal officers of each participating municipality shall hold an organizational meeting, appoint directors and elect officers and perform all acts necessary to incorporation. The corporation shall be governed by this Agreement and may not adopt By-laws inconsistent with this Agreement.

3.2 Joint Board

The Directors of the corporation shall be designated the "Joint Board", and shall be appointed by the Municipal Officers. Each Town shall have two Directors, *at least one of whom shall be a Municipal Officer or Town Manager*. In all matters to be decided by the "joint Board" the Towns of Dexter and Corinna shall each be entitled to three (3) votes; the Towns of St. Albans, Ripley, and Exeter shall each be entitled to two votes (A single Director from any Town shall be permitted to cast all the votes allocated to the Town he/she represents.) In the event a tie vote results in any matter, the Directors shall submit the matter to informal arbitration.

Informal arbitration shall consist of the selection of one arbitrator by each of the voting blocs, (said bloc being that group which has voted identically on that matter in which there exists a tie vote) and the arbitrators selected by each bloc shall then collectively select a third arbitrator and they shall then jointly cast a tie breaking vote. The vote to be cast by the three arbitrators shall be determined by a majority of said arbitrators and need not be unanimous. Arbitrators shall not be required to be Directors or Alternate Directors appointed to the Joint Board.

3.3 Officers

(a) *Term: Officers shall serve for a term of one year.*

(b) *Qualifications: The Chairman, Vice-Chairman, and Treasurer shall be elected by the Joint Board and shall be chosen from within the Joint Board. The Secretary shall be anyone so designated by the Joint Board.*

(c) *Duties:*

(1) *Chairman: The Chairman shall be the Chief Executive Officer and shall call meetings of the Board, shall preside at these meetings, except as otherwise provided, shall carry out the resolutions of the Board, and shall perform such other duties as are customary to the office.*

(2) *Vice-Chairman: The Vice-Chairman shall preside at meetings and perform the duties and exercise the power of the Chairman in his or her absence, or at the request of the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Chairman or the Board.*

(3) Treasurer: The Treasurer shall review all cash disbursements and be authorized to sign checks in the absence of the Facility Manager. He/she shall be part of all "finance committee" and shall be able to disburse such funds that are necessary in an emergency. The Treasurer and the Chairman may be authorized to sign all financial documents on behalf of the Board.

(4) Secretary: Shall take, file, and distribute minutes of meetings and other duties as assigned.

(d) Removal: Officers may be removed by a majority of all voting members

3.4 Meetings

(a) Joint Board meetings may be called by the Chairman or at least a minimum of three other Directors.

(b) A quorum for any meeting shall consist of at least a majority of the Joint Board.

(c) All members, including the Chairman, shall be voting members.

3.5 Powers.

The Joint Board shall have all the necessary and incidental powers granted to directors of non-capital stock corporations under Title 13, MRSA, Chapter 81, subject to such limitations as are required by law and this agreement. Provided, however, that the participating municipalities, acting jointly pursuant to this agreement, expressly reserve the right, power and authority to overrule or rescind acts and decisions of the Joint Board, or to remove said operation and management responsibilities from the corporation.

PART 4 FINANCE

4.1 Apportionment

Cost of acquisitions, improvements, and operations, and items incidental thereto, shall be paid for by fees collected from irregular users, grants, donations and appropriations. Appropriations shall be allocated between municipalities in accordance with the following:

(a). Initial Period Appropriations. During the initial two fiscal years, total operating capital and other costs, to be raised by appropriations, will be apportioned between the municipalities on the following basis: one-half of each member town's assessment shall be based on the percentage of population of that Town to the entire population of the associated towns and one-half shall be based upon the percentage of estimated tonnage of that Town to the entire estimated tonnage of the associated towns. For the purposes of this Agreement, the following totals and percentages will be utilized during the initial fiscal years:

<u>Town</u>	<u>Population(%)</u>	<u>Estimated Tonnage (%)</u>
Dexter	4299(48%)	3633(60.6%)
Exeter	826(9%)	213.8(3.6%)
Ripley	439(5%)	129.5(2.2%)
St. Albans	1573(17%)	476.7(8.0%)
Corinna	1400(21%)	1527.5(25.6%)

(b) Subsequent Appropriations: Prior to the end of the second fiscal year, *and at any time thereafter*, this apportionment procedure *may* be reviewed and amended by the Joint Board to conform with future populations and/or actual solid waste generation and costs.

(c) The manner in which appropriations are financed shall be at the sole discretion of the municipalities.

(d) As PERC distributes rebate funds to the Member Municipalities as part of their contract, each Town hereby agrees to return the PERC rebates to MMSWA within 45-days of their receipt from PERC. These rebates are to be included in the MMSWA annual budget as estimated revenues, to reduce the cost of solid waste disposal.

4.2 In-Kind Contributions

(a) Subject to prior approval by the Joint Board, credit shall be given to municipalities for in-kind contributions to the Corporation. Credit amounts shall be based on actual costs and shall be limited to administrative overhead, office space, telephone equipment and supplies, and to costs of acquisition of real property taken by eminent domain by a municipality for a facility site.

(b) The Corporation agrees to provide annually, in lieu of taxes, a payment to the Town of an amount equal to the annual real estate property tax revenue list as a result of the tax exempt status of the corporation; provided, however, that the real estate property tax revenue shall be deemed to include only that sum attributable to the assessed value of the land and not any improvements made thereto.

4.3 Financial Procedures

(a) Budget. The Joint Board shall prepare a budget, establish irregular user fees, determine shares of costs, and transmit in writing the same to the parties on or prior to January 1 each year.

(b) Fiscal Year. The fiscal year shall be from January 1 to December 31. The parties shall make quarterly payments to the Corporation, with the first payment due on the first of each year, or the first day of that month in which the Corporations is established.

(c) Audit. The Board shall engage a qualified public accountant to conduct an annual audit of the corporation's accounts. The audit shall be conducted on a basis of auditing standards and procedures prescribed by the State Auditor for municipalities.

PART 5 PROPERTY:

5.1 Title

The corporation shall hold title to all real and personal property acquired pursuant to the purposes for which it is formed, subject to the following:

(a) In the event a site for any facility is acquired through exercise of the power of eminent domain by any one of the municipalities, then the municipality so taking shall retain title to the property taken and shall lease the property to the Corporation. The term of the lease shall be the term of this Agreement of the useful life of the site as a solid waste disposal facility, whichever shall first occur.

(b) The lessor municipality may elect to receive in-kind contribution and credit for the costs of the acquisition. If the lessor municipality does not so elect, the other municipalities shall pay amounts which in sum equal the costs of the taking less the lessor municipality's proportionate share, such

payments shared in accordance with the provisions of Section 4.1 hereinabove, or such other method as the municipalities shall agree to.

5.2 Improvements

The Corporation shall develop and construct all improvements, keep the same in good repair, and shall insure all properties acquired by or leased to it. The Corporation may, at its own discretion, lease portions of site to others not defined as "Municipalities" in Section 2.1(e) or as "additional parties in Section 2.1(f), both hereinabove.

5.3 Distribution of Assets

Assets of the Corporation remaining at the time of termination of this agreement shall be divided among the municipalities according to their proportionate payments or contributions to the Corporation during the full term of this agreement, subject to the following:

(a) Upon termination of this agreement, all property, real and personal, acquired by the Corporation shall be offered for sale to the municipalities at the market value of such property. Property not purchased by the member municipalities shall be sold at public auction and proceeds of the sale shall be according to the paragraph 5.2 hereinabove.

(b) Upon termination of any lease under Section 5.1 (a) hereinabove member municipalities shall retain a claim against the owner municipality for a share of the proceeds of any resale of such land, or, should owner municipality elect to retain the land for other public or non-public uses, it shall pay the other municipalities for their proportionate interest in the land as appraised by a qualified appraiser or appraisers accepted by the corporation according to a payment schedule as established by some readily available third party chosen by the Joint Board.

PART 6 PERSONNEL

6.1 Employment Status

The Board may employ such persons as it deems necessary to accomplish the purposes of this agreement. Any such employees shall be the

employees of the Corporation and shall not be deemed to be employees or subject to procedures, supervision or rules of any of the municipalities. The Corporation shall be solely liable to any such employee for any liability for compensation or indemnity for injury or sickness arising out of or in the course of their employment.

Staff time may be contributed to the Corporation by the municipalities. Persons performing the work under such contribution arrangements shall be under the supervision of the Board or its designated supervisory personnel, but shall otherwise retain the status of an employee of the contributing municipality.

6.2 Salaries and Benefits

The Board shall have the power to fix compensation and determine any benefits for its employees.

6.3 Rules

The Board shall establish rules and regulations to govern its employees in the performance of their duties, to include job descriptions and grievance procedures.

6.4 Hiring and Termination Procedures

(a) The Board shall cause advertisements to be placed in local and/or regional publications for a period not less than 15 days prior to application deadlines for any position created or opened. Applicants shall provide such references and other information as the Board may require. Applicants shall be considered without regard to race, color, creed, national origin, political affiliation, sex or age over 18. Applicants shall possess such qualifications as the Board shall establish.

(b) There shall be an initial probationary period of six months. During this period of employment, termination can be for any cause. After the six months probationary period, termination of employment shall be for good cause, and shall follow notice and opportunity for hearing.

PART 7 REMEDIES:

7.1 Breach

A party shall be deemed to be in breach of this agreement if it fails to appropriate or make timely payments of its share of costs, or if it fails to perform or comply with any of the terms, provisions, or conditions of this agreement. The Board shall give a municipality written notice of specific acts or omissions which constitute breach. The municipality so notified shall have thirty (30) days to conform. If the municipality fails to conform within the above mentioned time period, or if the party waives the time period, then the Board shall have the power to submit the question of breach to the arbitration procedure established in Section 7.2, hereinbelow.

7.2 Arbitration

In the event the Board or municipality under notice of breach elects to submit a question of breach to arbitration, the following provisions shall govern:

(a) The Board and the party under notice of breach shall each select a representative and the two persons so elected shall choose a third neutral person, and the three persons so selected shall constitute an arbitration board. If either party does not select its representative, or if the two representatives fail to agree upon, select and name a third neutral and available person within 10 days from the day the Board or municipality elects to submit a question of breach to arbitration, either party may request the American Arbitration Association to utilize its procedure for making such selection.

(b) The Arbitration Board's jurisdiction shall be limited to the interpretation or application of the terms of this Agreement and/or share of the costs, Section 6.1(a) hereinabove.

(c) As soon as possible after the selection of the neutral person, the three arbitrators and the American Arbitration Association if desired, shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, make inquiries and investigations, hold hearings, or take such other steps as they deem appropriate. Hearings shall be informal, and rules of evidence prevailing in judicial proceedings shall not be binding.

(d) The arbitration board shall by majority vote make written findings and shall render a written decision which, with the exception of fraud, shall

be binding upon the Corporation and the parties. In the event the arbitration board finds the breaching party to have made a withdrawal, the remedy shall be provided in Section 7.3, hereinbelow. This paragraph shall also apply to the American Arbitration Association if such association is used.

(e) The cost of arbitration proceedings, including the fees of the arbitrators, shall be shared equally by the Corporation and the party under notice of breach.

7.3 Withdrawal

Any party may withdraw from this agreement subject to the following:

(a) The withdrawing municipality shall give written notice of its intent to withdraw to the Corporation prior to July 1 of any year. The effective date of such withdrawal shall be June 30 of the following year. The municipality shall make any payments due during such period.

(b) In the event the municipality is deemed to have withdrawn by breach of payment of its share of cost of arbitration or fails to comply with Subsection 7.3(a) hereinabove, it shall pay to the Corporation an amount equal to its share of costs through December 31 of the following year.

(c) The withdrawing municipality shall pay to the Corporation the entire amount of its share of any outstanding debts of the Corporation and of any outstanding lease payments outside leasing or renting municipalities.

Any other contract for land to be used under this Agreement shall require the lessor to have obtained, and keep in full force and effect, all necessary licenses and permits and any other document forms applicable from federal, state, regional and local agencies regarding the operation of such a facility.

7.4 Indemnification in Case of Liability to Third Parties

The municipalities agree to indemnify each other for any liability which a party or parties may incur over and above any applicable insurance coverage as a result of suit or settlement against the Corporation arising out of activities performed by it for the benefit of its corporate scope and purposes. Any such indemnification shall be shared in accordance with the provisions of Section 4.1, hereinabove, or such other method as the municipalities shall agree unanimously to.

PART 8 SPECIAL OPERATING REQUIREMENTS

8.1 Law Enforcement

Member municipalities recognize the fact that there may be situations arise which require support from appropriate law enforcement authorities. Although the facility abuts the Town of Dexter, it is physically located in the Town of Corinna. Because the Town of Corinna does not have a police force, and the time element involved for a response from county or state authorities may be prohibitive, the member communities hereby authorize the Dexter Police Department to have jurisdiction at the site along with county and state authorities.

PART 9 ADOPTION, AMENDMENT

9.1 Duration

This agreement shall continue in force until either of the following occurs:

- (a) All parties withdraw or mutually agree to dissolve the Corporation.
- (b) For a term of forty (40) years from its effective date.

9.2 Adoption

This agreement shall not take effect with respect to municipalities signatory unless the following occurs:

- (a) There has been approval by legislative bodies of all parties hereto authorizing each of their respective municipal officers to enter into this agreement, and a majority of the municipal officers thereto have affixed their signature hereinbelow; and
- (b) It has been approved by the Attorney General and by the Department of Environmental Protection and the State Planning Office; and
- (c) It has been filed with the clerk of each of the municipalities and with the Secretary of State.

9.3 Amendment.

This agreement may be amended by the municipalities in the same manner as that provided in Section 8.2 hereinabove, provided however, that additional municipalities may be admitted to this agreement if three-fourths of

the Joint Board votes to admit such additional party, and the legislative body of the additional party accepts by appropriate action the terms and any amendment and any further terms and conditions placed upon such entry of the additional party by the Joint Board as specified in Section 8.2, hereinabove.

TOWN OF

ST. ALBANS

SUBDIVISION REVIEW

REGULATIONS

ADOPTED BY ST. ALBANS PLANNING BOARD

DATE : MARCH 18, 2003

Amended : June 21, 2005

Section 1 General

A. Title:

This document shall be known as the Town of St. Albans Subdivision Review Regulations and will be referred to as "these Regulations".

B. Authority:

These Regulations have been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4403.

C. Purpose:

The purpose of these Regulations is :

- To provide for an expeditious and efficient process for the review of proposed subdivisions.
- To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
- To preserve and enhance the rural character of the community.
- To assure the safety, health, and welfare of the people of the Town of St. Albans.
- To provide adequate recreational opportunities.
- To protect the natural resources of the Town of St. Albans.
- To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.
- To promote the development of an economically sound and stable community.

D. Applicability:

The provisions of these Regulations shall apply to all development considered to be a subdivision as defined by Title 30 -A, M.R.S.A Section 4401 and these Regulations.

E. Effective Date:

The effective date of these Regulations shall be the date of the adoption by the Town of St. Albans Planning Board.

F. Conflicts with other Ordinances:

Whenever a provision of these Regulations conflict with or are inconsistent with another provision of these Regulations or any other ordinance, regulation or statute, the more restrictive provision shall control.

G. Validity and Severability:

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

H. Availability:

A certified copy of these Regulations shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at no cost to the person making the request. Notice of availability of these Regulations shall be posted in the Town Office.

I. Application Forms:

The Town of St. Albans Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.

J. Application Fee:

All applications for subdivision approval shall be accompanied by the following fees:
The fee for filing a preliminary plan shall be \$100.00 plus \$25.00 per lot and/or unit.

All fees are non-refundable and shall be paid to the Town of St. Albans upon filing the appropriate subdivision application.

K. Amendments:

An amendment to these Regulations may be adopted by a majority vote of the Town of St. Albans Planning Board.

L. Amendment were made to these Regulations on the following dates:

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under these Regulations; a person whose land abuts land for which a permit 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 a permit.

Applicant: The person applying for subdivision approval under these Regulations.

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by these Regulations, or by a vote to waive certain submission or performance standards by a vote of the Planning Board.

Direct Watershed of a Pond: That portion of the watershed which drains directly to the pond without first passing through an upstream pond or river.

Final Plan: The final drawings and other required materials on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the registry of Deeds.

Person: includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

Property Owner: The owner of land shall be determined to be that person listed on the Town of St. Albans property tax assessment records.

Public Improvements: The term shall include all roads proposed for public acceptance; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Subdivision: As defined in Title 30 - A, M.R.S.A. Section 4401; in addition, lots of 40 or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as designated by the St. Albans Shoreland Zoning Ordinance.

Section 3 Review Criteria

Review criteria shall include those minimum requirements found in Maine State Law, and the Planning Board shall consider that criteria and the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - The elevation of the land above sea level and its relation to the floodplain,
 - The nature of the soils and subsoils and their ability to adequately support waste disposal,
 - The slope of the land and its effect upon effluents, and,
 - The applicable state and local health and water resources rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. The proposed subdivision conforms with all the applicable standards and requirements of these Regulations, the comprehensive plan, and other local ordinances. In making this determination, the planning Board may interpret these ordinances and plans.
- J. The subdivider has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in these Regulations.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.

- N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. Review criteria shall include those minimum requirements found in Maine state law.

Section 4 Administration and General Procedures

A. Administration:

1. The Planning Board shall administer these Regulations and review all subdivision applications according to the applicable review criteria and standards.
2. The Planning Board shall provide the Code Enforcement Officer a copy of its decision on a subdivision application including all application materials.

B. Decisions:

1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing and begins a review of the application.
2. After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria contained in Section 3 of these Regulations. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in these Regulations only when the Planning Board finds it necessary to further the purposes of these Regulations. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan..
4. The Planning Board shall list any waivers approved by the Board in its decision and on the final subdivision plan and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in these Regulations.

D. Additional Studies:

1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit the estimated cost of any consultant or additional study which shall be placed in an escrow account.

E. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

F. Site Inspection:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.
2. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site inspection.

G. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
 - a. One or more of the review criteria and /or Ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
 - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until such time that the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

H. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three tier review process as follows:
 - Sketch Plan Review
 - Preliminary Plan Review
 - Final Plan Review

I. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 7 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. For lesser modifications, the Planning Board may consider the request at the meeting.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 7 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.
4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted in order to ensure that the review criteria are met.
5. After approval of a plan for subdivision by the Planning Board, any additional division of land by the sub-divider contiguous to that plan, or any additional division or divisions of any lot or lots created in that plan by whomever accomplished, shall be classified as a subdivision and shall be subject to the full requirements of these regulations.

J. As Built-Plans:

Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

K. Appeals:

1. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements.
- b. The Board of Appeals shall not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
- (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (iii) That the granting of a variance will not alter the essential character of the locality; and
- (iv) That the hardship is not the result of action taken by the applicant or a prior owner.

2. Appeal Procedure

Making an Appeal

- a. 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. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (i) A concise written statement indicating what relief is requested and why it should be granted.
 - (ii) A sketch, drawn to scale, showing lot lines, location of any existing structures, and other physical features of the property pertinent to the relief sought.
- c. 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 being appealed.
- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

3. Decision by Board of Appeals

- a. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of these Regulations from its stated terms. The Board of Appeals may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of these Regulations.
- c. The person filing the appeal shall have the burden of proof.
- d. The Board of Appeals shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

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 thirty (30) days from the date of any decision of the Board of Appeals.

L. Public Hearing Requirements:

1. The Planning Board shall hold a public hearing on all preliminary plan applications. The Planning Board may vote to hold a public hearing on a final application.
2. The public hearing notice shall be made as follows:
 - a. The Planning Board shall hold a public hearing within 30 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
 - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
 - (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Joint Meetings:

If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

N. Performance Guarantee:

1. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee may include one of the following:
 - a. Funds, in an amount equal to the expense of installing the public improvements, to be deposited in the applicant's escrow account.
 - b. A performance bond, in an amount equal to the expense of installing the public improvements, issued by a surety company.
 - c. A written conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements.
3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectmen and decide on the contents of the performance guarantee.
4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in these Regulations and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.

5. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

O. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
 - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems.
(All roads proposed for public acceptance shall also be inspected by a professional engineer as per the road performance standards contained in these Regulations)
 - b. The Local Plumber Inspector shall inspect the installation of all subsurface waste water treatment systems.
 - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer . The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exist and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

Section 5 Sketch Plan Review

A. Purpose:

The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

B. Procedure:

1. The applicant shall submit a complete sketch plan application to the Planning Board at least 7 days before a scheduled meeting of the Planning Board.
2. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.
3. Following the applicant's presentation, the Planning Board may ask questions of the applicant regarding the application.

C. Submissions:

1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.
2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
 - a. A copy of the Tax Assessors map of the site and surrounding area.
 - b. A copy of the U.S.G.S. - 7.5min. topographic map of the area showing the outline of the proposed subdivision.
 - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

Section 6 Preliminary Plan Review

A. Procedure:

1. The applicant shall, at least 7 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Office, Town Clerk, and/or the Planning Board Secretary. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 3 complete copies including all maps and related attachments. The Planning Board shall receive 2 copies and one shall be placed in the Town Office for public review.
3. Within 3 days of the Planning Board's receipt of the preliminary plan, the applicant shall notify by certified mail return receipt required all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by certified mail return receipt required, specifying the date the notice was mailed along with certification numbers.
4. Within 30 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board shall hold a public hearing within 30 days of determining that it has received a complete application.
6. Within 30 days of the public hearing, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of these Regulations and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in these Regulations. The preliminary plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A preliminary plan application form and all required attachments and maps.
 - c. Waiver request form, if applicable.
 - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties.

The map shall show the following:

 - (1) Existing subdivisions in the proximity of the proposed subdivision.
 - (2) Locations and names of existing and proposed roads.
 - (3) Boundaries and designations of all shoreland zoning and other land use districts.
 - (4) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.
 - e. The following general information:

- (1) Name and address of the applicant and applicant's agent.
 - (2) Verification of right, title or interest in the property.
 - (3) A copy of the most recently recorded deed for the parcel.
 - (4) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - (5) The book and page and Map and lot information of the property.
 - (6) The names of all property owners abutting the property.
 - (7) Acreage of the proposed subdivision and acreage of any land not included in the subdivision.
- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
- (1) Name of the subdivision.
 - (2) Number of lots.
 - (3) Date, north point, graphic scale.
 - (4) Proposed lot lines with dimensions.
 - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
 - (6) Contour intervals.
 - (7) The location of all wetlands regardless of size.
 - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - (9) The location of all slopes in excess of 20% slope.
 - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - (11) The location of any significant sand and gravel aquifers,
 - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - (13) The boundaries of all shoreland zoning districts.
 - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - (16) The location of all scenic areas and rare and endangered plants as identified in the Town's Comprehensive Plan.
 - (17) The location of all subsurface wastewater disposal system test pits and test data and appropriate documentation.
 - (18) The location of all existing and proposed wells and appropriate documentation.
 - (19) All erosion control features proposed for the site.
 - (20) All stormwater control features proposed for the site.
 - (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
 - (22) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.
 - (23) Road plans and specifications and appropriate documentation.
 - (24) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
 - (25) The type and location of any proposed fire control features, and appropriate documentation.
- g. A statement indicating how the solid waste from the subdivision will be handled.
- h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of these Regulations.
- i. Any other data necessary in order to meet the requirements of these Regulations.

Section 7 Final Plan Review

A. Procedure:

1. The applicant shall, at least 7 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Planning Board Secretary. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for Public review.
3. Within 30 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board may decide to hold a public hearing on the proposed final plan. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 30 days of determining that it has received a complete application.
5. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time period shall be re-submitted to the Board according to the requirements of Section 7 of these Regulations.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in these Regulations.
The final plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application has been paid.
 - b. A final plan application form and all required attachments and maps.
 - c. All the submission materials required for a preliminary plan.
 - d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
 - e. All waivers approved by the Planning Board shall be shown on the final plan.
 - f. All additional studies and/or materials required by the Planning Board, as applicable.
 - g. A signature block shall be provided on the final plan.
 - h. A performance guarantee, if applicable.
 - i. The location and type of all permanent markers set at all lot corners.
 - j. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.
 - k. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.

Section 8 Performance Standards

A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of St. Albans.

B. General Lot Requirements:

1. The following general lot requirements shall be considered as minimum standards and shall not be eligible for a waiver.
 - a. All lots shall meet the following dimensional standards:

Minimum Lot Size	2 acres
Minimum Road Frontage	200 feet
Minimum Lot Depth to Width Ratio	2 : 1
Side Property Line Setback	15 feet
Rear Property Line Setback	15 feet
Front Setback (measured from the road center-line)	75 feet
Multi-Family Density Standards	2 acre plus 20,000 Square Feet for each dwelling unit.

- b. Land located in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town's Shoreland Zoning Ordinance; slopes in excess of 25%; areas within the floodway as defined in the Town's Floodplain Management Ordinance; and, areas within public and private rights-of way.

C. Monuments:

No person may sell or convey any land in an approved subdivision unless :

1. At least one permanent marker is set at one corner of the lot sold or conveyed. The term "permanent marker" shall mean : a.) a granite monument, or, b.) a concrete monument
2. All other subdivision boundary corners and angle points as well as lot boundary corners and angle points shall be marked by suitable Monumentation as required by the Maine Board of Registration of Land Surveyors.

D. Water Supply:

1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
2. The water supply for the subdivision and each lot shall be adequate to supply all the potable and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.

E. Fire Protection:

1. The subdivision shall be designed so that the Town of St. Albans Fire Department shall have unrestricted access to all developed areas within the subdivision and adequate provisions are made for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire protection measures. This statement shall be submitted with the preliminary plan application.

2. The Fire Chief in making his/her determination that adequate provisions are made for fire protection shall consider the following:
 - a. The road is adequate for the passage of fire equipment.
 - b. An adequate water supply is available near or within the subdivision to serve the density of the development.

The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations the Fire Chief may recommend that the Planning Board require the installation of fire ponds or other similar features

F. Subsurface Wastewater Disposal Systems:

1. As proof that each lot in the proposed subdivision will sustain its own separate subsurface wastewater disposal system the applicant shall submit evidence of site suitability for a subsurface wastewater disposal system in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine, prepared by a State Licensed Site Evaluator. Common or shared subsurface wastewater disposal systems shall not be allowed. All test pit locations shall be shown on the subdivision plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils data.
2. The applicant shall submit the test pit data to the Town of St. Albans LPI for review. The LPI shall review the data for conformance with State Law and these Regulations and issue the applicant a written statement. The LPI shall state whether that the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.

G. Erosion Control:

1. All activities which involve filing, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
 - a. The site shall be developed so as to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the "Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices", published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, March 1991.
 - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Phosphorus Control:

1. The following standards for phosphorus shall apply to all subdivisions located in the direct watershed of the following waterbodies: Indian Pond, Little Indian Pond, Game Management Pond, Halfmoon Pond, Weymouth Pond, and Great Moose Lake.
2. A phosphorus control plan shall be developed in accordance with the design criteria contained in the "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development", published by the Maine Department of Environmental Protection, revised September, 1992.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained in order to reduce runoff and encourage infiltration. A storm water control plan shall be developed for the site according to the following standards:
 - a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management

practices equivalent to those described in the "Stormwater Management for Maine: Best Management Practices", published by the Maine Department of Environmental Protection, 1995.

- b. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.
- c. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management, and Chapter 502, Direct Watersheds of Waterbodies Most at Risk from New Development, shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternative exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
 - a. A description of the proposed development including the reasons why this is the only alternative.
 - b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
 - c. A list of state and federal permits required, if applicable.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan, shall be designed and constructed so as not to cause any pollution or contamination of the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan be required, shall consider the density of the development, and existing conditions or problems within the area .

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:
 - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
 - b. If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program of the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
 - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist

and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

- (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
- (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
- (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

- a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
- b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
- c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

N. Conformity With All Other Applicable Local Ordinances:

1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning and Floodplain Management.

O. Road and Traffic Access Standards:

1. The purpose of the road and traffic access standards are to:

- a. To establish minimum specifications for all public and private roads.
- b. To establish procedures and standards for the acceptance of a public road.
- c. To establish a review and inspection procedure for public and private roads.
- d. To establish design and construction standards for safe traffic access.
- e. To establish minimum standards for traffic safety and the carrying capacity of roads.
- f. To establish standards for roadway drainage systems.
- g. To establish standards for road durability and a reasonable service life.

2. General Requirements

- a. Access to a maximum of 2 dwelling units may be provided by a driveway meeting the following requirements:
 - (1) The driveway shall serve not more than 2 dwelling units.
 - (2) The driveway shall have a minimum travel way of 12 feet.
 - (3) A turn-around area shall be provided for every portion of the driveway in excess of 800 feet.
 - (4) The driveway shall provide the necessary road frontage requirement for the dwelling units served by the driveway, as specified in Section 8.B.1. of these Regulations.

- (5) The driveway shall be considered a private way and shall not be considered for public acceptance.

- b. A road meeting one of the road categories shall be constructed to access 3 or more dwelling units.
- c. All roads shall be considered as public improvements and shall require a performance guarantee as per the requirements of Section 4.N of these Regulations.
- d. All roads shall be constructed according to the standards and requirements listed in this section.
- e. A dead-end road, defined as having only one access to an existing public road, shall not serve more than 20 dwelling units. A road shall have at least two access points to an existing public road in order to serve more than 20 dwelling units.
- f. Cul-de-sac and dead-end streets shall have a minimum turning radius of 35 feet. Use of a T-shaped turnaround will be permitted as an alternative, in which case the turnaround shall be at least 24 feet wide, 40 feet long, and shall be located between 50 and 100 feet from the end of the street. Dimensions are for the traveled way.
- g. To be eligible for public acceptance all roads shall have a bituminous pavement surface. Roads proposed for public acceptance shall also meet the inspection requirements of this section.

3. Road Drainage Requirements

- a. All roads shall have adequate drainage structures which shall be designed in accordance with the stormwater management plan as specified in sub-section I Stormwater Control of this Section.

4. Road Access Standards

- a. A privately owned road used to provide access to the proposed development shall meet the road standards as required by these Regulations. All necessary improvements shall be made at the expense of the subdivider.
- b. Roads that access onto a State Road shall comply with all applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a letter or other documentation to the planning Board that the MDOT has approved the road access design.
- c. The road access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of the shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement. A minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be provided.
- d. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3% or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.
- e. Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

- f. The curb radii will vary depending if the access has a one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with the preferred radius of 30 feet. On one-way access, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.
- g. On a two-way access the width shall be 26 feet. On a one-way access the width shall be 16 feet.
- h. On a two-way access the curb-cut width shall be a minimum of 86 feet. On a one-way access the curb-cut width shall be a minimum of 51 feet.
- i. Appropriate traffic control signage and road name signage shall be erected at the intersection of the access and the street, as determined by the Road Commissioner.
- j. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. The maximum corner clearance, based upon site conditions should be provided. The minimum corner clearance shall be 50 feet.
- k. All roads with access onto an existing paved state or local road shall be paved with bituminous pavement a minimum distance of 75 feet as measured from the edge of the existing road onto the proposed road.

5. Road Design Standards

- a. The road design standards for each road are listed in Appendix A. These standards shall be considered as minimum requirements.
- b. The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road. The plan shall be at a scale of one inch equals no more than 50 feet. The vertical scale shall be one inch equals no more than 5 feet. The plan shall include the following information:
 - (1) Date, scale and north point.
 - (2) Intersections of the proposed road with existing roads.
 - (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
 - (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - (5) Complete curve data shall be indicated for all horizontal and vertical curves.
 - (6) Turning radii at all intersections.
 - (7) Centerline gradients.
 - (8) Size, type and locations of all existing and proposed utilities.
- c. Before any clearing is started in the right-of-way, the centerlines and sidelines of the road shall be flagged or staked at 50 foot intervals. The entire travel way including shoulders shall be cleared of all stumps, roots, brush and other unsuitable materials. All organic and unsuitable materials shall be removed from the road sub-grade. All rocks and boulders visible at the subgrade and exceeding 6 inches in size shall be removed. Except in a ledge cut all side slopes shall be no greater than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed and seeded.

6. Inspection Requirements for Roads Proposed for Public Acceptance

- a. In addition to the inspection requirements listed in Section 4, sub-section O, of these Regulations, all roads proposed to be considered for public acceptance shall meet the following inspection requirements:
 - (1) The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the subdivision plans and the requirements of these Regulations.
 - (2) The applicant shall submit to the Selectmen and the Planning Board, the engineer's report certifying that the road meets or exceeds the subdivision plan and Ordinance requirements.
 - (3) Upon receipt of the engineer's certification and the inspection report from the Code Enforcement Officer and the Road Commissioner, the Selectmen may consider presenting to the Town meeting a warrant for public acceptance of the road.

P. Rural Design and Landscape Standards

1. Each subdivision proposal shall include a landscape plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The *landscape* plan shall incorporate the following standards into the overall development of the subdivision:
 - a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
 - b. Road and lot layout shall be adapted to the existing topography.
 - c. Existing trails shall be preserved.
 - d. Enough vegetation along front, side and rear lot property lines shall be incorporated into the landscape plan to prevent erosion.
 - e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
 - f. Trees located along the roads shall be preserved to the greatest extent practicable in order to maintain a rural roadscape.
 - g. Existing vegetation along all lakes, streams, pond, and wetlands shall be preserved in accordance with the requirements of the Town of St. Albans Shoreland Zoning Ordinance.
 - h. Prime farmland soils as identified in the comprehensive plan are preserved to the greatest extent possible.

SECTION 9. ENFORCEMENT

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of these Regulations.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with these Regulations.
- C. A person shall not convey or offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings, which require a plan approved as provided in these Regulations and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with these Regulations up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punishable in accordance with the provisions of Title 30-A, M.R.S.A., Section 4452.

Appendix A

1 1

Road Construction Standards

	Collector Road	Local Road	Rural Road
Right of way width	60 ft.	50 ft.	50 ft.
Travel way width	22 ft.	20 ft.	20 ft.
Shoulder width	4 ft.	3 ft.	3 ft.
Minimum grade	0.50%	0.50%	0.50%
Maximum grade	5%	8%	10%
Minimum centerline radius w/o superelevation	280 Ft.	280 Ft.	175 Ft.
Minimum centerline radius with superelevation	175 ft.	175 ft.	110 ft.
Roadway crown	1/4 ft.	1/4 ft.	1/4 ft.
Minimum angle of road intersection	90 degree	60 degree	60 degree
Maximum grade within 75 ft. of intersection	3%	3%	3%
Culverts	minimum 18 inch dia.	minimum 15 inch dia.	minimum 15 inch dia.
Minimum fill slope	3/1	3/1	3/1
Shoulder grade	1/4 ft.	1/4 ft.	1/4 ft.
Bottom of all ditches	32 in. below centerline	32 in. below centerline	32 in. below centerline

Table 2

Road Construction Materials - Minimum Requirements

	Collector Road	Local Road	Rural Road
Aggregate Base - Total Inches	24 inches	18 inches	15 inches
Sub-base course	18 inches	15 inches	15 inches
Base course	6 inches	3 inches	3 inches
Surface course of a gravel road	4 inches	3 inches	3 inches
Surface course for a			
Bituminous Pavement - Total Inches	3 inches	3 inches	3 inches
Sub-base course	1 3/4	1 3/4	1 3/4
Base course	1 1/4	1 1/4	1 1/4

**TOWN OF ST. ALBANS
TRAFFIC AND PARKING ORDINANCE**

Section 1: Authority: This ordinance is enacted in accordance with the provisions of Title 30A M.R.S.A. sec. 3009 and 3009-A.

Section 2: Purpose: The purpose of this ordinance is for the safety and general welfare of the Inhabitants of St. Albans and the general public.

Section 3: General Regulations:

- a. No Parking Zones Shall Exist in the Following Areas:
 - 1. At or between No Parking signs, Fire Zone signs, or by fire hydrants.
 - 2. Within 10' of center of any publicly traveled way within the Town of St. Albans or so as to interfere with snow removal and normal traffic.
 - 3. Any vehicle or motorcycle parked in a parking space clearly marked as a disability parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a fine of not less than \$200 and not more than \$500. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.
 - 4. No vehicle shall be parked in the area designated as a 'No Parking' zone adjacent to the boat ramp at the Public Landing, which is defined as part of Map 23 Lot 79 of St. Albans Tax Maps as of April 1, 2004.
 - 5. No person shall park a vehicle in such a manner as to obstruct the entrance to any public or private property.
- b. Traffic and Parking During Town Events
Traffic and Parking shall be prohibited upon designated roads or streets during designated Town events to ensure pedestrian safety.

Section 4: Enforcement: Any violation of the provisions of this ordinance is a civil violation. Civil actions are prosecuted in District Court, and the municipality must be represented either by an attorney or by a law enforcement officer certified to represent the town in accordance with M.R.S.A Title 30-A, section 2671. Any law enforcement officer may enforce these provisions and may have any vehicle removed and placed in a suitable parking place, at the expense of the person in whose name the vehicle is registered. In addition to any fine imposed on a violator, the town is entitled to recover reasonable attorney's fees and court costs incurred in the prosecution of a violation. For the amount of the fine, court action may be waived provided the offender pays a fee in the amount of \$25 directly to the Town within 30 days of being cited of the offense. For 2nd and subsequent offenses, a fee of up to \$50 may be assessed.

Effective date: This ordinance, replaces the ordinance, which was adopted by the Board of Selectmen on August 22, 2005 and becomes effective as of the vote taken by the Board of Selectmen on August 26, 2013.