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## Town of Veazie, Maine, Town Ordinances, November 2014

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## Section 00 - Charter

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For legal use refer to the Veazie Code Archive located in the Town Office.*

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## Town of Veazie Charter

*As approved by Voters on November 04, 2014*

### Section 00.01 Grants of Powers to the Town

#### 00.01.01 Powers of the Town

The Town of Veazie shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

#### 00.01.02 Construction

The powers of the Town of Veazie under this Charter shall be construed liberally to the end that the Town may have all powers necessary or convenient for the conduct of its municipal affairs. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this section.

#### 00.01.03 Intergovernmental Relations

The Town of Veazie may exercise any of its functions and may participate in the financing thereof,

jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

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## **Section 00.02 The Town Council**

### **00.02.01 Number, Election and Term**

The Town Council of the Town of Veazie shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town and will serve three (3) year staggered terms.

### **00.02.02 Qualifications**

Council members shall be qualified voters of the Town of Veazie and shall reside in the Town during their term of office. Council members shall hold no office of emolument or profit under the Town Charter or ordinance.

### **00.02.03 Compensation**

The compensation of the Council Chair and the Councilors shall be established annually at the annual Town Meeting as part of the annual Town budget. The compensation established by the annual Town Meeting shall be paid to the Councilors in equal quarterly payments; however, if a Councilor misses more than three regular or duly called Council meetings in a quarter, without an excuse approved by the Council, the pay for that quarter shall be forfeited.

### **00.02.04 Induction of Council into Office**

The Town Council shall meet at the usual place for holding meetings within 5 days following the regular Town election, and at said meeting council members-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or an official authorized to administer oaths of office. At its first meeting or as soon thereafter as practicable, the Council shall elect, by majority vote of the entire Council, one of its members as Chair for the ensuing year and the Council may fill, for an unexpired term, any vacancy in the office of Chair that may occur. The Chair shall preside at the meetings of the Council, shall be entitled to vote on all questions and shall be recognized as head of the Town Government for all ceremonial purposes, but shall have no administrative duties. In temporary absence or disability of the Chair, the Town Council, may elect a Chair pro tempore, from among its members, and the Chair pro tempore shall exercise the powers of Chair during the temporary absence or disability of the Chair.

### **00.02.05 Council to be the Judge of Qualification of its Members**

The Council shall be the judge of the election and qualifications of all officers elected by the voters under this Charter and of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, to administer oaths, and to require production of records and other evidence. An officer charged with conduct constituting grounds for forfeiture of the office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the municipality at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the Courts.

### **00.02.06 Regular Meetings**

The Town Council shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings and shall meet regularly at least once a month. The Council shall also provide at the first meeting or as soon thereafter as possible a method for calling special meetings. All meetings of the Town Council shall be open to the public. Executive sessions shall be conducted pursuant to Section 405 of M.R.S.A., Title 1, Chapter 13.

**00.02.07 Rules of Procedure; Journal**

The Town Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded into the journal by the Clerk or any other person so authorized by the Council.

**00.02.08 Quorum**

A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least 24 hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken.

**00.02.09 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

- Adopt or amend an administrative code, or establish, alter or abolish any Town Department, office or agency;
- Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- Grant, renew or extend a franchise;
- Regulate the rate charged for its services by a public utility;
- Authorize the borrowing of money;
- Convey or lease or authorize a conveyance or lease of any lands of the Town; and
- Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance, by order or by resolution. Nothing contained herein shall diminish the right of the citizens of the Town of Veazie to approve or disapprove at a Town Meeting acts of the Council, whether such acts be by ordinance or otherwise. Petitions to bring ordinances before Town Meeting shall be brought pursuant to section 00.10.03.01.

**00.02.10 Ordinances in General****00.02.10.01 Form**

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "the Town of Veazie hereby ordains . . . " Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance sections or sub-sections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

**00.02.10.02 Procedure**

An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each Council member and to the Town Manager, shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish the Ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall following the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it; but, if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a

newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Secretary to the Council shall have it published again together with a notice of its adoption.

#### **00.02.10.03 Vote**

Every ordinance shall require on passage the affirmative vote of a majority of the members of the Council.

#### **00.02.10.04 Effective Date**

Ordinances shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

#### **00.02.10.05 "Publish" Defined**

As used in this section the term "publish" means to print in at least one newspaper of general circulation in the Town:

- the ordinance or a brief summary thereof, and
- the places where copies of it have been filed and the times when these are available for inspection.

#### **00.02.11 Emergency Ordinances**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances. An emergency ordinance shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least the majority plus one member shall be required for adoption. After its adoption the ordinance shall be posted up in at least three public places in Veazie. It shall become effective upon adoption or at such later time as may be specified therein. Every emergency ordinance except one authorizing the issuance of emergency notes shall stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### **00.02.12 Authentication and Recording; Codification; and Printing**

##### **00.02.12.01 Authentication and Recording**

All ordinances adopted by the Council shall be authenticated by the signature of the Clerk of the Council and recorded in full by the Clerk in a properly indexed book kept for the purpose.

##### **00.02.12.02 Codification**

Within three years after adoption of this Charter and at least every ten years thereafter, the Council shall provide for the publication of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and other rules and regulations as the Council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Veazie Code. Copies of the code shall be available at the Town Office for the public and made available electronically via the Town's website.

##### **00.02.12.03 Printing of Ordinances and Resolutions**

The Council shall cause each ordinance and resolution having the force and effect of law and each amendment of this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices

to be fixed by the Council. Following publication of the first Veazie Code and at all times thereafter, the Ordinances, Resolutions, and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

### **00.02.13 Vacancies; Forfeiture of Office; Filling of Vacancies**

#### **00.02.13.01 Vacancies**

The office of Councilor shall become vacant upon the Councilor's nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within ten days after written demand by the Council, forfeiture of office or failure of the municipality to elect a person to the office.

#### **00.02.13.02 Forfeiture of Office**

A Council member shall forfeit the office if the member:

- lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law,
- violates any express prohibition of this Charter,
- is convicted of a crime or offense which is reasonably related to the member's inability to serve on the Council,
- is convicted of a felony or crimes of moral turpitude, or
- fails to attend three consecutive regular meetings of the Council without being excused by the Council.

#### **00.02.13.03 Filling of Vacancies**

If a seat on the Town Council becomes vacant more than six months prior to the next regular election, the Council shall call a special election to fill the unexpired term within sixty days from the date that the vacancy occurred. If a seat on the Council becomes vacant less than six months prior to the next regular election, the Council may call a special election.

#### **00.02.14 Secretary to the Council**

The Council shall appoint an official or employee of the Town who shall have the title of Secretary to the Council and shall fix the Secretary's compensation. The Secretary to the Council shall give notice of Council meetings to its members and the public, keep a journal of proceedings and perform such other duties as are assigned by this Charter or by the Council.

#### **00.02.15 General Powers and Duties**

All powers of the Town of Veazie shall be vested in the Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The Council shall be the municipal officers of the Town.

#### **00.02.16 Prohibitions**

Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the Manager or any of the Manager's subordinates are empowered to appoint; but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the Manager and neither the Council nor any member thereof shall give

orders to any subordinates of the Manager either publicly or privately.

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## **Section 00.03 Town Manager**

### **00.03.01 Appointment; Qualification**

The Town Council shall appoint a Town Manager for an indefinite term or a term defined by contract and fix the Manager's compensation. The Manager shall be appointed on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or State at the time of appointment, but may reside outside the Town while in office only with the approval of the Council.

### **00.03.02 Removal**

The Council may remove the Manager from office in accordance with the following procedures:

#### **00.03.02.01**

The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 30 days. A copy of the resolution shall be delivered within 96 hours to the Manager by person authorized to serve legal process within this State.

#### **00.03.02.02**

Within 7 days after receiving a copy of the resolution, the Manager may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 10 nor later than 20 days after the request is filed. The Manager may file with the Council a written reply not later than 5 days before the hearing.

#### **00.03.02.03**

The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time if the Manager has not requested a public hearing, or at any time after the public hearing, if the Manager has requested such hearing.

#### **00.03.02.04**

The Manager's salary shall continue to be paid until the effective day of final resolution or removal. In addition, the Manager shall receive severance pay and other allowances at the discretion of the Town Council.

### **00.03.03 Absence of the Town Manager**

By letter filed with the Secretary to the Council, the Manager shall designate, subject to the approval of the Council, a qualified Town administrative officer to exercise the powers and perform the duties of the Manager during the Manager's temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or the Manager's disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolve appoint any administrative officer of the Town to perform the duties of the Manager until the Manager shall return or the Manager's disability shall cease.

### **00.03.04 Powers and Duties of Town Manager**

The Town Manager shall be the chief administrative officer of the Town. The Manager shall be responsible to the Council for the administration of all Town affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

#### **00.03.04.01**

The Manager shall appoint, and, when deemed necessary for the good of the service, suspend or

remove all Town employees and appoint to the administrative offices provided for by or under this Charter, except as otherwise provided by law, by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

**00.03.04.02**

The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by the Charter or by law.

**00.03.04.03**

The Manager shall attend all Council meetings and shall have the right to take part in discussion, but may not vote.

**00.03.04.04**

The Manager shall see that all laws, provisions of the Charter and acts of the Council subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed.

**00.03.04.05**

The Manager shall prepare and submit the annual budget, the annual capital program and annual financial and administrative reports to the Council for the annual Town Report.

**00.03.03.06**

The Manager shall prepare and submit to the Council such reports and shall perform such duties as the Council may require and shall make such recommendation to the Council concerning the affairs of the Town as deemed desirable.

**00.03.04.07**

The Manager shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

**00.03.03.08**

The Manager shall perform the duties of the Town Treasurer, Tax Collector, Road Commissioner, and Overseer of the Poor.

**00.03.04.09**

The Manager shall perform such other duties as are specified in this Charter or may be required by the Council.

**00.03.05 Bond**

The Council may, in its discretion, require the Manager to secure a surety bond, performance bond, or other bond, prior to or subsequent to the assumption of the Office of Manager. The Council may, its discretion, pay the premium on such Bond.

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## **Section 00.04 Administrative Organization**

**00.04.01 General Administration****00.04.01.01 Creation of Departments**

The Council may establish, alter, or abolish town departments, offices or agencies in addition to



those created by this Charter and may prescribe the functions of all departments, offices and agencies by ordinance.

#### **00.04.01.02 Direction by Manager**

All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

#### **00.04.02 Personnel Administration**

##### **00.04.02.01 Equal Opportunity**

In its employment practices, the Town of Veazie and its officers, agents and employees, shall not discriminate against any person in accordance with the Maine Human Rights Act, 4 M.R.S.A. §4551-4634, as the same may be amended or replaced from time to time.

##### **00.04.02.02 Personnel Director**

The Manager shall be designated personnel director. The personnel director shall administer the personnel system of the Town.

##### **00.04.02.03 Personnel Rules**

The personnel director shall prepare personnel rules. These rules shall be proposed to the Council, and the Council may adopt them with or without amendment.

#### **00.04.03 School Administration**

##### **00.04.03.01 School Committee**

There shall be a Town School Committee of five members. Members shall be elected to serve staggered three year terms. At each regular municipal election, School Committee members shall be elected to fill the positions of those whose terms have expired.

##### **00.04.03.02 Qualifications**

Members of the School Committee shall be voters of the Town and shall reside in the Town during their term of office. They shall hold no office of emolument or profit under this Charter or ordinances. A Committee member shall forfeit the office if the member lacks at any time during the member's office any qualifications or the office prescribed by this Charter or by law, or upon final conviction of a felony.

##### **00.04.03.03 Vacancies; Forfeiture of Office; Filling of Vacancies**

###### **00.04.03.03.01 Vacancies**

The office of School Committee members shall become vacant upon nonacceptance, resignation, abandonment, death, permanent incompetency, forfeiture of office, or failure of the municipality to elect a person to the office.

###### **00.04.03.03.02 Forfeiture of Office**

A School Committee member shall forfeit the office if the member:

- at any time during the term of office lacks any of the qualifications for the office prescribed by this Charter or by law,
- violates any express prohibition of this Charter,
- is convicted of a crime or offense which is reasonably related to the member's ability to serve as a Committee member,
- is convicted of a crime of moral turpitude, or

- fails to attend three consecutive regular Committee meetings without being excused by the Committee.

#### **00.04.03.03 Filling of Vacancies**

If a vacancy on the School Committee shall exist, it shall be filled by a majority vote of the Town Council until the next municipal election.

#### **00.04.03.04 Organization; Qualification; Quorum**

The School Committee shall meet for organization no later than two weeks after the annual Town Meeting and at said meeting the member-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or an official authorized to administer oaths of office. The majority of the whole number of the School Committee shall be a quorum and the Committee shall elect its own Chair.

#### **00.04.03.05 Powers and Duties**

The School Committee shall have all the powers conferred and shall perform all the duties imposed by law upon School Committees in regard to the care and management of the public schools of the Town, except as otherwise provided in this Charter. The School Committee shall prepare budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools; and at least 75 days before the beginning of the budget year, the School Committee shall furnish copies of such estimates to the Budget Committee and Town Manager.

#### **00.04.03.06 Chair**

At the first meeting annually, or as soon thereafter as possible, the School Committee shall elect by majority vote of the entire committee one of its members as chair of the School Committee for the ensuing year, and the School Committee may fill for the unexpired term any vacancy in the office of chair that may occur. The chair shall preside at all meetings of the School Committee and shall have a vote as other members of said committee.

#### **00.04.03.07 Compensation**

The compensation of the School Committee members and Committee Chair shall be established annually at the annual Town Meeting as part of the annual school budget. The compensation established at the annual Town Meeting shall be paid to the Committee members in equal quarterly payments; however, if a Committee member misses two or more regular or duly called Committee meetings in a quarter, without an excuse approved by the Committee, the pay for that quarter shall be forfeited.

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### **Section 00.05 Tax Administration**

#### **00.05.01 Assessor**

The Town Council shall appoint a qualified Assessor for a term not exceeding two years and shall determine the compensation. The Assessor shall have such duties and be subject to such liabilities as are provided for such Assessors under the laws of the State of Maine.

#### **00.05.02 Board of Assessment Review; Appointment; Vacancies**

The Board of Appeals shall serve as the Board of Assessment Review.

#### **00.05.03 Board of Assessment Review; Powers; Duties**

The Board of Assessment Review shall have the power to:

- Hear and decide tax abatement appeals pursuant to 36 M.R.S.A. §843, as the same may be amended or placed from time to time.
  - Administer oaths.
  - Take testimony.
  - Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.
- 

## **Section 00.06 Board of Appeals**

### **00.06.01 Composition and Terms**

There shall be a Board of Appeals composed of five members appointed by the Council. Members shall be voters of the Town and shall reside in the Town during their term of office. The term of office shall be three years; except that initial appointments shall be two for three years, two for two years, and one for one year.

### **00.06.02 Jurisdiction**

The Board of Appeals shall act as the Zoning Board of Appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards. In addition, the Board of Appeals shall have the jurisdiction to hear appeals that may arise under the housing code, building code, or any other regulatory ordinance enacted pursuant to this Charter or the laws of the State of Maine, which provide therein for such appeals. The Board of Appeals may also serve as the Board of Assessment Review and General Assistance Fair Hearing Authority.

### **00.06.03 Vacancies; Removal from Office; Filling of Vacancies**

#### **00.06.03.01 Vacancies**

The office of Board of Appeals members shall become vacant upon the member's nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, or failure to qualify for the office within ten days after written demand by the Council.

#### **00.06.03.02 Removal from Office**

Board of Appeals members may be removed from office for cause after a hearing by the Council.

#### **00.06.03.03 Filling of Vacancies**

A vacancy in the membership of the Board of Appeals shall be filled by appointment by the Council for the remainder of an unexpired term.

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## **Section 00.07 Financial Procedures**

### **00.07.01 Fiscal Year**

The fiscal year of the Town shall be determined by the Council after a public hearing and ballot vote.

### **00.07.02 Budget Officer and Budget Committee**

The Town Manager shall be the Budget Officer. A Budget Committee of not less than five members shall be appointed by the Town Council. Members shall be voters of the Town and shall reside in the Town during their term of office. The Budget Committee shall meet at least quarterly throughout the fiscal year to review the fiscal status as it relates to revenue and expenditures. The Budget Committee shall endeavor to be present at the annual Town Meeting and at any Special Town

Meeting having a financial impact on the town. All Municipal Department heads shall submit a proposed budget to the Town Manager who will then present it to the Budget Committee. After review and recommendations by the Budget Committee, the Budget Officer shall prepare the Budget message, Budget summary, the Budget detail, the Capital Program for submission to the Council and shall administer the Budget.

### **00.07.03 Preparation and Submission of the Budget**

The Budget Committee, at least seventy-five (75) days prior to the beginning of each Budget year, shall submit Municipal Budget recommendations to the Budget Officer. The Town Manager at least 60 days prior to the beginning of each budget year, shall submit to the Council a Municipal budget and an explanatory budget message. The budget authority of the Council shall be limited to the final determination of the total appropriations to be made to each of the several offices, departments and agencies of the Town, including the School Committee. The Municipal Budget shall contain:

- A statement of the financial condition of the Town.
- An itemized statement of appropriation recommended for current expenses and for permanent improvements, with comparative statements in parallel columns of budgeted appropriations for the current year, actual expenditures for the year to date, and proposed appropriations for the next fiscal year. An increase or decrease in any item shall be indicated.
- Any itemized statement of estimated revenues from all sources, other than taxation, and a statement of taxes required, comparative figures in parallel columns of proposed and actual revenues to date for the current year and estimated revenues for the next fiscal year.
- Such other information as may be required by the Council.

The proposed budget prepared by the Town Manager shall be reviewed by the Town Council which shall approve the budget with or without amendment. The complete Town budget, including the School budget, as approved by the Council shall be published and the Council shall fix the time and place for holding a public hearing for the budget, and shall give public notice of such hearing. The Council shall then review the budget and recommend it, with or without change, to the annual Town Meeting.

### **00.07.04 Budget Established Appropriations**

From the date of adoption of the budget the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

### **00.07.05 Budget Establishes Amount to be Raised by Property Tax; Certification to Town Assessor.**

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Clerk and filed with the Tax Assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

### **00.07.06 Budget Summary**

At the head of the budget there shall appear a summary of a budget, which need not be itemized, further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be itemized also by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of detailed estimates of the budget. Copies of the proposed budget in detail shall be included with each Town Report.

### **00.07.07 Expenditures and Department Revenue**

The budget for all departments, including the School Department, shall include all proposed expenditures, and the Town Meeting shall make a gross appropriation for each department including the School Department, for the ensuing fiscal year. The gross appropriation for each department

shall not be exceeded. The school budget shall be expended under the direction and control of the School Committee.

#### **00.07.08 Work Program; Allotments**

Before the beginning of the budget year, the head of each office or department shall submit to the Town Manager when required by the Manager a work program of the year, which program shall show the requested allotments of appropriations for such office or department, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments of appropriations for such office or department, by stated periods, for the entire budget year, and present same to the Budget Committee. The Budget Committee shall review the requested allotments in the light of the work program of the office or department, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations available to said office or department for the Budget year appropriations available to said office or department of for the Budget year. The Budget Committee shall return the approved proposed budget to the Town Manager.

#### **00.07.09 Transfers of Appropriations**

At the request of the Manager with exception of the school budget, the Town Council may by resolution transfer any unencumbered appropriation balance or portion thereof, from one appropriation to another.

#### **00.07.10 Interim Expenditures**

In the period between the beginning of the fiscal year and the appropriation of funds, the Council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year when made in amounts sufficient to cover the necessary expenses of various departments.

#### **00.07.11 Lapse of Appropriations**

Every general fund appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except that an appropriation for a capital expenditure shall not lapse until the purpose for which it was made is accomplished or abandoned or until four years pass without any disbursement from or encumbrance of the appropriation.

#### **00.07.12 Payments and Obligations Prohibited**

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager first certifies that there is sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and that officer shall also be liable to the Town for any amount so paid. However, except where prohibited by law, nothing in this Chapter shall be construed to prevent the making of authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided such action is made or approved by ordinance.

#### **00.07.13 Capital Program**

The Manager shall prepare and submit to the Council a five year capital program at least three months prior to the final date for submission of the budget. The capital program shall include:

- A clear general summary of its contents;
- A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;

- Cost estimates, method of financing and recommended time schedules for each such improvement;
- The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

This information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. The proposed capital program shall be reviewed by the Council, which shall approve it with or without amendments. The Council shall fix the time and place for holding a public hearing on the capital program, and shall give public notice of such hearing. The Council shall approve the capital program with or without amendments after such public hearing.

#### **00.07.14 Independent Annual Audit**

Prior to the end of each fiscal year, the Town Council shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the Council and to the Manager. Such accountants shall not maintain any accounts or records of the town business, but shall post audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office or department of the town government including the school department.

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### **Section 00.08 Nominations and Elections**

#### **00.08.01 Municipal Elections**

The regular election for the choice of members of the Town Council and the School Committee shall be held from 8:00 a.m. to 8:00 p.m. on the second Tuesday in June

#### **00.08.02 Nomination**

Any qualified voter of the Town may be nominated for the Town Council or School Committee in accordance with Title 30 M.R.S.A. §2528, as the same may be amended or replaced from time to time.

#### **00.08.03 Election Provisions**

Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for conducting and management of elections so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

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### **Section 00.09 Town Meeting**

#### **00.09.01 Annual and Special Town Meeting**

An annual Town Meeting for the consideration of the budget to the extent herein provided and the transaction of other Town business which voters are authorized to vote upon shall be held on the second Tuesday in June, at 8:00 p.m. Special Town Meetings may be called by the Council.

#### **00.09.02 Purpose of the Town Meeting**

The Town Meeting is required for approval of the following:

- Annual Budget

- Any appropriation for any amount which exceeds one and one-half percent (1.5) of the most recently approved municipal annual budget, excluding the budget for the School Department
- The issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued.

The above appropriations shall become effective only after approval at a Town Meeting by the vote of a majority of those voting on the article at such meeting. The Town Meeting shall not increase or decrease the amount of any appropriation recommended by the Council by more than one and one-half percent [1.5], and shall not increase the amount of any bond issue above the amount recommended by the Council.

### **00.09.03 Method of Abolishing the Town Meeting**

At any time after the adoption of this Charter, not less than 10 percent of the registered voters of the Town may petition over their personal signature for a special Town Meeting to vote upon the question of submitting to a referendum vote on the ballot at a special Town election the proposition of abolishing the Town Meeting. The Council shall call a public hearing to be held within thirty days from the date of the filing of such petition with the Town Clerk, and shall within 14 days after said public hearing call a special Town Meeting for the purpose of submitting to a referendum vote the question of abolishing the Town Meeting in the Town of Veazie. If at such special election a majority of the voters of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Veazie, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Town Council.

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## **Section 00.10 Initiative and Referendum**

### **00.10.01 General Authority**

#### **00.10.01.01 Initiative**

The qualified voters of the Town shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to the appropriation of money, levy of taxes, or salaries of officers and employees.

#### **00.10.01.02 Referendum**

The qualified voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election provided that such powers shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to the appropriation on money, levy of taxes, or salaries of officers and employees.

#### **00.10.02 Commencement of Proceedings; Petitioners' Committee; Affidavit**

Any five registered voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form stating their names and street addresses and specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

### **00.10.03 Petitions**

**00.10.03.01 Number of Signatures**

Initiative and referendum petitions must be signed by qualified voters of the Town equal in number to at least 5% of the total number of qualified voters registered to vote at the last regular Municipal election.

**00.10.03.02 Form and Content**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and street address of the person signing. Petitions shall contain or have attached hereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

**00.10.03.03 Affidavit of Circulator**

Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had the opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

**00.10.03.04 Time for Filing Referendum Petitions**

Referendum petitions must be filed within 30 days after adoption by the Council of the Ordinance sought to be reconsidered.

**00.10.03.05 Time for Filing Initiative Petitions**

The petitioners' committee shall have 30 days from the filing of the affidavit with the Clerk to cause the petition to be signed by at least 5% of the total number of qualified voters registered to vote at the last Municipal election.

**00.10.03.06 Failure to Secure Necessary Signatures**

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. In the case of initiative, a request to initiate the same ordinance may not be accepted by the Clerk until 120 days after the expiration of the previous filing period.

**00.10.04 Procedure After Filing****00.10.04.01 Certificate of Clerk; Amendment**

Within 20 days after the petition is filed, the Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if a petitioners' committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of sections 00.10.03.02, 00.10.03.03, 00.10.03.05 and 00.10.03.06, and within five days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under section 00.10.04.02 within the time required, the Clerk shall promptly present the certificate to the Council and then the certificate shall then be a final determination as to the sufficiency of the petition.

**00.10.04.02 Council Review**

If a petition has been certified insufficient and the petitioners' committee does not file notice of



intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving a copy of such certificate, file a request that it may be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination as to the sufficiency of the petition.

#### **00.10.04.03 Court Review; New Petition**

A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **00.10.05 Referendum Petitions; Suspension of Effect of Ordinance**

When a referendum petition is filed with the Town Clerk, the ordinance to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- There is a final determination of insufficiency of the petition, or
- The petitioners' committee withdraws the petition, or
- The Council repeals the ordinance, or
- Thirty days have elapsed after a vote of the Town on the ordinance.

#### **00.10.06 Action on Petitions**

##### **00.10.06.01 Action by Council**

When an initiative or referendum petition has been determined sufficient, the Council shall within fourteen days hold a public hearing thereon, and thereafter shall consider the proposed ordinance or reconsider the referred ordinance. If the Council fails to adopt the proposed ordinance without any change in substance within 60 days, or fails to repeal the referred ordinance within 30 days, after the date the petition was determined sufficient, the Council shall submit to a vote the question of adopting or repealing such ordinance.

##### **00.10.06.02 Submission to Voters**

The vote on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon, or the date of the deadline for Council action set forth above, whichever is earlier. If no regular Town election is to be held within the period prescribed in this section, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

##### **00.10.06.03 Withdrawal of Petitions**

An initiative or referendum may be withdrawn at any time prior to the thirtieth day preceding the day scheduled for a vote of the voters by filing with the Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **00.10.07 Results of Election**

##### **00.10.07.01 Initiative**

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances of the same kind are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**00.10.07.02 Referendum**

If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

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**Section 00.11 Recall****00.11.01**

Any five qualified voters may begin at any time proceedings to recall a Council member or a School Committee member by requesting in writing to the Town Clerk for the appropriate petition blanks. These five registered voters shall be referred to as the Recall Committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the Recall Committee.

**00.11.02**

The Recall Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petition to be signed by 25 percent of the qualified voters of the Town. Each voter's signature shall be followed by the printed name and street address of the person signing.

**00.11.03**

Within seven days after the petition circulation period ends the Town Clerk shall certify to the Council that the petition has been signed by not less than 25 percent of the qualified voters of the Town, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for recall.

**00.11.04**

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same Councilman, Assessor or School Committeeman may not be accepted by the Clerk until 180 days after the expiration of the previous filing period.

**00.11.05**

Upon receipt of certification the Council shall within 30 days hold a municipal election for the purpose of submitting to vote the question of recall. A Council member or School Committee member shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The Council shall within 30 days after the voters have recalled a Council member or School Committee member hold a special election to fill the vacancy.

**00.11.06**

A Council member or School Committee member that is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the Town Clerk that the recalled official wishes to have that person's name appear on the ballot. The notice must be filed no later than the deadline to file nomination papers for the position. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file nomination papers with the Town Clerk. The nomination papers shall be made available by the Town Clerk no later than the second business day after the Town Council orders the election on the recall. Except as provided herein, the nomination process shall be in accordance with Section 00.08.02.

**00.11.07**

Pending action by the voters of the Town, the Council member or School Committee member that

recall proceedings have been initiated against shall continue to exercise all the privileges of the member's office.

### **00.11.08**

The ballot for recall shall contain the following question: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" Immediately below such question shall appear in the following order, the words "Yes" and "No" and to the right of each a square in which the voter may cast the vote.

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## **Section 00.12 General Provisions**

### **00.12.01 Elected Officers; Term**

The term of any elected officer shall begin the first business day following the final determination of the election of said officer. Any officer shall serve for the prescribed term or until the officer's successor is elected and qualified. If a person is elected to fill a vacancy in office, that term shall begin immediately upon taking the oath of office.

### **00.12.02 Swearing in Officers**

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon the officer or official according to the Constitution and Laws of the State of Maine and the Charter and ordinances of the Town and shall be sworn to support the Constitution of the United States and Constitution of the State of Maine.

### **00.12.03 Personal Financial Interest**

Any officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of any land, materials, supplies or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in the individual's capacity as an officer or employee in making of such sale or in the making or performance of such contract. Any officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Council.

### **00.12.04 Prohibitions**

#### **Activities Prohibited:**

#### **00.12.04.01**

No elected Town officer shall hold more than one elected Town office concurrently.

#### **00.12.04.02**

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office in accordance with the Maine Human Rights Act, 5 M.R.S.A. §4551-4634, as the same may be amended from time to time.

#### **00.12.04.03**

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

**00.12.04.04**

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

**00.12.04.05**

No person who holds a compensated appointive Town position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.

**00.12.05 Exceptions**

Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as the person chooses, to express privately and publicly opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

**00.12.06 Penalties**

The Council shall enact an ordinance prescribing penalties for the above. Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction or by the Council acting in a judicial capacity shall be ineligible for a period of five years thereafter to hold any Town office or employment and shall immediately forfeit the office or position.

**00.12.07 Separability**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

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## Section 03 - Floodplain Management

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The Town of Veazie, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance, established in the aforesaid Act, provides that areas of the Town 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 Veazie, Maine.

The areas of special flood hazard, Zones A, A1-A30, AE, AO, and AH, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - (Town/City) Town of Veazie, Maine, Penobscot County," dated November 1977 with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map," is hereby adopted by reference and declared to be a part of this Ordinance.

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### Section 03.02 - Permit Required

Before any construction or other development (as defined in Section 03.03), including the placement of manufactured homes, begins with any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Veazie Planning Board. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Veazie, Maine.

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## **Section 03.03 - Application for Permit**

The application for a Flood Hazard Development Permit shall be submitted to the Veazie Planning Board and shall include:

### **03.03.01**

The name and address of the applicant;

### **03.03.02**

An address and a map indicating the location of the construction site;

### **03.03.03**

A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;

### **03.03.04**

A statement of the intended use of the structure;

### **03.03.05**

A statement as to the type of sewage system proposed;

### **03.03.06**

Specification of dimensions of the proposed structure;

### **03.03.07**

The elevation in relation to Mean Sea Level, or to a locally established datum in Zone A only, of the:

#### **03.03.07.01**

base flood at the proposed site of all new or substantially improved structures, which is determined:

##### **03.03.07.01.01**

in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - (Town/City) Town of Veazie, Maine," as described in Section 03.01; or,

##### **03.03.07.01.02**

in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

##### **03.03.07.02**

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

##### **03.03.07.03**

lowest floor, including basement; and whether or not such structures contain a basement; and,

##### **03.03.07.04**

level, in the case of non-residential structures only, to which the structure will be floodproofed;

**03.03.08**

A description of a base flood elevation reference point established on the site of all new or substantially improved structures;

**03.03.09**

A written certification by a registered Maine surveyor that the elevations shown on the application are accurate;

**03.03.10**

Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 03.03, paragraph G.4; Section 03.06, paragraph G; and other applicable standards in Section 03.06;

**03.03.11**

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

**03.03.12**

A statement of construction plans describing in detail how each applicable development standard in Section 03.06 will be met.

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## **Section 03.04 - Application Fee and Expert's Fee**

A non-refundable application fee of \$50.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Veazie Planning Board 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 of the Veazie Planning Board may appeal that decision to the Board of Appeals.

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## **Section 03.05 - Review of Flood Hazard Development Permit Applications**

The Veazie Planning Board shall:

**03.05.01**

Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 03.06 (Development Standards) have, or will be met;

**03.05.02**

Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - (Town/City) Town of Veazie, Maine," as described in Section 03.01. In special flood hazard areas where base flood elevation data are not provided, the Veazie Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other sources, including information obtained pursuant to

Section 03.03, paragraph G.1.b.; Article Section 03.05, paragraph I; and Section 03.08, paragraph D, in order to administer Section 03.05 of this Ordinance;

**03.05.03**

Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 03.01 of this Ordinance;

**03.05.04**

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. 1334;

**03.05.05**

Notify adjacent municipalities, the Department of Environmental Protection, and the Maine 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;

**03.05.06**

Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Section 03.06, paragraphs F, G, or H. Following review of the application, which review shall take place within 72 hours of receipts 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; and,

**03.05.07**

Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 03.09 of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Section 03.08 of this Ordinance.

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## **Section 03.06 - Development Standards**

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

**03.06.01**

New construction or substantial improvement of any structure shall:

**03.06.01.01**

be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

**03.06.01.02**

use construction materials that are resistant to flood damage;

**03.06.01.03**

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



**03.06.01.04**

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 conditions of flooding.

**03.06.02**

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

**03.06.03**

All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floor waters into the system and discharges from the systems into flood waters.

**03.06.04**

On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**03.06.05**

All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any water course.

**03.06.06**

New construction or substantial improvement of any residential structure located within:

**03.06.06.01**

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

**03.06.06.02**

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

**03.06.06.03**

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

**03.06.06.03.01**

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

**03.06.06.03.02**

at least three feet if no depth number is specified.

**03.06.06.04**

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 Section 303, paragraph G.1.b.; Section 03.05, paragraph B; or Section 03.08, paragraph D.

**03.06.07**

New construction or substantial improvement of any non-residential structure located within:

**03.06.07.01**

Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

**03.06.07.01.01**

be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

**03.06.07.01.02**

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

**03.06.07.01.03**

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, paragraph J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

**03.06.07.02**

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

**03.06.07.03**

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

**03.06.07.03.01**

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

**03.06.07.03.02**

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

**03.06.07.03.03**

together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Section 03.06, paragraph G.1.

**03.06.07.04**

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 Section 03.03, paragraph G.1.b.; Section 03.05, paragraph B; or Section 03.08, paragraph D.

**03.06.08**

New or substantially improved manufactured homes located within:

**03.06.08.01**

Zones A1-30, AE, or AH shall:

**03.06.08.01.01**

be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation; and,

**03.06.08.01.02**

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:

**03.06.08.01.02.01**

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,

**03.06.08.01.02.02**

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).

**03.06.08.01.02.03**

All components of the anchoring system described in Section 03.06, paragraph H.1.b.(1)(2) shall be capable of carrying a force of 4800 pounds.

**03.06.08.02**

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

**03.06.08.03**

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

**03.06.08.03.01**

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

**03.06.08.03.02**

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

**03.06.08.03.03**

meet the requirements of Section 03.06, paragraph H.1.(a)(b).

**03.06.08.04**

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 Section 03.03, paragraph G.1.b.; Section 03.05, paragraph B; or Section 03.08, paragraph D.I.

**03.06.09 Floodways****03.06.09.01**

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

**03.06.09.02**

In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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:

**03.06.09.02.01**

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

**03.06.09.02.02**

is consistent with the technical criteria contained in Section 2-7 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/September, 1985, as amended).

**03.06.09.03**

In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Section 03.06, paragraph 1.2.

**03.06.10**

New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Section 03.06, including the elevation requirements of Section 03.06, paragraph F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspace less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

**03.06.10.01**

Walls, with the exception of crawlspace less than three feet in height, shall not be part of the structural support of the building; and,

**03.06.10.02**

Enclosed areas are not "basements" as defined in Section 03.08; and,

**03.06.10.03**

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

**03.06.10.03.01**

be certified by a registered professional engineer or architect; or,

**03.06.10.03.02**

meet or exceed the following minimum criteria:

**03.06.10.03.02.01**

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;

**03.06.10.03.02.02**

the bottom of all openings shall be no higher than one foot above the lowest grade; and,

**03.06.10.03.02.03**

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; and,

**03.06.10.04**

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

**03.06.10.05**

The enclosed area may be used for building maintenance, access, parking vehicles, or storing of

articles and equipment used for maintenance of the building.

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### **Section 03.07 - 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:

#### **03.07.01**

The applicant shall submit an Elevation Certificate completed by:

##### **03.07.01.01**

a registered Maine surveyor for compliance with Section 03.06, paragraphs F, G, or H; and,

##### **03.07.01.02**

a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Section 03.06, paragraph G.

#### **03.07.02**

The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

#### **03.07.03**

The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

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### **Section 03.08 - 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 acres, or in the case of manufactured home parks divided into two or more lots, assure that:

#### **03.08.01**

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

#### **03.08.02**

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

#### **03.08.03**

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

#### **03.08.04**

All proposals include base flood elevation and, in a riverine floodplain, floodway data.

#### **03.08.05**

Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Section 03.06 of this

ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed on 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.

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## **Section 03.09 - Appeals and Variances**

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

### **03.09.01**

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

### **03.09.02**

Variances shall be granted only upon:

#### **03.09.02.01**

a showing of good and sufficient cause; and,

#### **03.09.02.02**

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 and ordinances; and,

#### **03.09.02.03**

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

#### **03.09.02.04**

a determination that failure to grant the variance would result in "undue hardship" which in this subsection means:

##### **03.09.02.04.01**

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

##### **03.09.02.04.02**

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,

##### **03.09.02.04.03**

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

##### **03.09.02.04.04**

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

**03.09.03**

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

**03.09.04**

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

**03.09.04.01**

other criteria of Section 03.09 and Section 03.06-I are met; and,

**03.09.04.02**

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.

**03.09.05**

Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Section 03.09, paragraph A through D.

**03.09.06**

Any applicant who meets the criteria of Section 03.09, paragraph 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:

**03.09.06.01**

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;

**03.09.06.02**

such construction below the base flood level increases risks to life and property; and,

**03.09.06.03**

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.

**03.09.07**

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

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**Section 03.10 - Enforcement and Penalties****03.10.01**

It shall be the duty of the Code Enforcement Office to enforce the provisions of this Ordinance pursuant to 30 M.R.S.A. § 4966.

**03.10.02**

The penalties contained in 30 M.R.S.A. § 4966 shall apply to any violation of this ordinance.

**03.10.03**

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:

**03.10.03.01**

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

**03.10.03.02**

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

**03.10.03.03**

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

**03.10.03.04**

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

**03.10.03.05**

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

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**Section 03.11 - 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.

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**Section 03.12 - 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.

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**Section 03.13 - 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.

**03.13.01**

"Adjacent Grade" - means the natural elevation of the ground surface prior to construction next to



the proposed walls of a structure.

**03.13.02**

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

**03.13.03**

"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 Study cited in Section 03.01 of this Ordinance.

**03.13.04**

"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.

**03.13.05**

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

**03.13.06**

"Building" - see "structure".

**03.13.07**

"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.

**03.13.08**

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

**03.13.09**

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

**03.13.10**

Elevated Building" - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, posts, piers, or "stilts;" and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

**03.13.11**

"Elevation Certificate" - An official form (FEMA Form 81-31, SEP 83, as amended) that (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and (ii) is required as a condition for purchasing flood insurance.

**03.13.12**

"Flood" or "Flooding" - means:

**03.13.12.01**

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

**03.13.12.01.01**

The overflow of inland or tidal waters.

**03.13.12.01.02**

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

**03.13.12.02**

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 or 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.

**03.13.13**

"Flood Elevation Study" - means an examination, evaluation corresponding water surface elevations.

**03.13.14**

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

**03.13.15**

"Flood Insurance Study" see "Flood Elevation Study."

**03.13.16**

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

**03.13.17**

"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.

**03.13.18**

"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.

**03.13.19**

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

**03.13.20**

"Floodway" - "see Regulatory Floodway."

**03.13.21**

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

**03.13.22**

"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.

**03.13.23**

"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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**03.13.24**

"Locally Established Datum" - means, for purposes of this ordinance, an elevation established for a specific 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.

**03.13.25**

"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 Article VI of this ordinance.

**03.13.26**

"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.

**03.13.27**

"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.

**03.13.28**

"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.

**03.13.29**

"New Construction" - means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

**03.13.30**

"100-year flood" see "Base Flood."

**03.13.31**

"Regulatory Floodway" - (i) 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 (ii) in Zone A 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.

**03.13.32**

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

**03.13.33**

"Start of Construction" - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, 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.

**03.13.34**

"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.

**03.13.35**

"Substantial Improvement" - means any repair, reconstruction, or improvement of a structure, the value of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damaged occurred. For purposes of this definition "substantial improvement" is considered to occur at the time of the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**03.13.36**

"Variance" - means a grant of relief by a community from the terms of a floodplain management regulation.

**03.13.37**

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

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## **Section 03.14 - 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).

60.3C

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## Section 04 - Cable Television

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### Section 04.01 - General Provisions

#### 04.01.01 Title

This Ordinance shall be known and may be cited as the "TOWN OF VEAZIE Cable Television Ordinance."

#### 04.01.02 Purpose

The TOWN OF VEAZIE finds that the development of cable television systems has the potential of greatly benefiting and having a positive impact on the people of VEAZIE. Cable technology is rapidly changing, and cable is expected to play an essential role as part of the TOWN's basis infrastructure. Cable television systems extensively make use of scarce and valuable Public Rights-of-Way, in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those that provide services to the public, such as utility companies. The TOWN finds that public convenience, safety, and general welfare can best be served by

establishing regulatory powers vested in the TOWN or such Persons as the TOWN so designates to protect the public and to ensure that any Franchise granted is operated in the public interest. In light of the foregoing, the following goals and the State policies set forth at 30-A M.R.S.A. § 3008(1), among others, underlie the provisions set forth in this Ordinance:

- Cable should be available to as many TOWN residents as possible.
- A Cable System should be capable of accommodating both the present and reasonably foreseeable future cable-related needs of the community, to the extent economically feasible.
- A Cable System should be constructed and maintained during a Franchise term so that changes in technology may be integrated to the maximum extent that is economically feasible into existing system facilities.
- A Cable System should be responsive to the needs and interests of the local community.

The TOWN intends that all provisions set forth in this Ordinance be construed to serve the public interest and the foregoing public purposes, and that any Franchise issued pursuant to this Ordinance be construed to include the foregoing findings and public purposes as integral parts thereof.

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## 04.02 Definitions and Word Usage

For the purposes of this Ordinance, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. 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; and the masculine gender includes the feminine gender. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated, words not defined herein shall be given the meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A U.S.C. §§ 521 et seq., as amended, and, if not defined therein, their common and ordinary meaning.

**Affiliate:** Any Person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

**Basic Cable Service:** Any Service Tier that includes the retransmission of local television broadcast signals.

**Cable Act:** The Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521 et seq., as amended by the Cable Competition and Consumer Protection Act of 1992, the Telecommunications Act of 1996, and as it may be further amended from time to time.

**Cable Programming Service:** Any video programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than (A) video programming carried on the Basic Cable Service tier; and (B) video programming offered on a per-channel, or per-program basis.

**Cable Service:** This term shall have the meaning given it by the Cable Act, as amended.

**Cable System or System:** A facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable television service which includes video programming and which is provided to multiple Subscribers within the TOWN, but such term does not include (i) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (ii) a facility that serves Subscribers without

using any Public Right-of-Way; (iii) 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, except that such facility shall be considered a Cable System to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (iv) an open video system that complies with federal law; or (v) any facilities of any electric utility used solely for operating its electric utility system. A reference to a Cable System refers to any part thereof, including, without limitation, facilities located in the interior of a Subscriber's residence or other premises.

FCC: The Federal Communications Commission, its designee, or any successory governmental entity thereto.

Franchise: The non-exclusive authorization granted in accordance with this Ordinance to construct, operate, and maintain a Cable System along the Public Rights-of-Way within the TOWN. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the TOWN as required by the ordinances and laws of the TOWN, or for attaching devices to poles or other structures, whether owned by the TOWN or a private entity, or for excavating or performing other work in or along Public Rights-of-Way.

Franchise Agreement: A contract entered into in accordance with the provisions of this Ordinance between the TOWN and a Grantee that sets forth, subject to applicable state and federal law, the terms and conditions under which a Franchise will be exercised.

Franchise Area: The term "franchise area" for any Franchise granted under this Ordinance shall mean the whole of the TOWN OF VEAZIE. All new or renewal Franchise Agreements granted under this Ordinance shall require the Grantee, within a reasonable period after the effective date of the Franchise Agreement, to extend service to all areas of the TOWN that meet density requirements to be set out in the Franchise Agreement. No Franchise or renewal Franchise approved under this Ordinance shall contain density requirements that are less restrictive than the density requirements of Franchise Agreements with other Grantees that are then in force.

Grantee: The natural Person(s), partnership(s), domestic or foreign corporation(s), association(s), joint venture(s), or organization(s) of any kind which has or have been granted a cable television Franchise by the TOWN.

Gross Revenues: Those items within the scope of the term "gross revenues" as used in the Cable Act, as amended, including any and all cash, credits, or other consideration of any kind or nature received directly or indirectly by a Grantee, an Affiliate of a Grantee, or any Person in which a Grantee has a five percent (5%) or greater financial interest, or by any other entity that is a cable operator of a Cable System arising from, attributable to, or in any way derived from the operation of a Grantee's Cable System to provide Cable Service, including the facilities associated therewith.

Gross Revenues include, but are not limited to, monthly fees charged Subscribers for any basic, optional, premium, per-channel, or per-program service; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; late fees; payments, or other consideration received from programmers for carriage of programming on the System; revenues from converter rentals or Sales; advertising revenues; barter; revenues from program guides; and revenues from home shopping channels. "Gross Revenues" do not include reimbursed expenses unless the expense is separately claimed. Gross Revenues earned on a System-wide basis shall be allocated to the TOWN on the basis of the ratio of the subscribers in the TOWN to the total subscribers in all the franchising authorities served by the TOWN. Gross Revenues shall be the basis for computing the Franchise Fee under this Ordinance. Gross Revenues shall not include (i) to the extent consistent with generally accepted accounting principles, actual bad debt write-offs, provided, however, that all or part of any such actual bad debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; (ii) the value of free cable services



provided to Grantee's employees or to the TOWN; (iii) revenues received by an Affiliate from the Grantee on which the Grantee has already paid the Franchise Fee; (iv) any taxes on services furnished by a Grantee which are imposed directly on any Subscriber or user by the state, TOWN, or other governmental unit and which are collected by a Grantee on behalf of said governmental unit; and (v) revenues from the provision of telecommunications services.

**Person:** An individual, partnership, association, joint stock company, organization, corporation, or any lawful successor thereto or transferee thereof, but such term does not include the TOWN.

**Public Right-of-Way:** The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the TOWN now or hereafter holds any property interest, or may lawfully grant the use of, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a Cable System. No reference herein, or in any Franchise Agreement, to a "Public Right-of-Way" shall be deemed to be a representation or guarantee by the TOWN that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a Grantee shall be deemed to gain only those rights to use as are properly in the TOWN and as the TOWN may have the undisputed right and power to give.

**Sale:** Any sale, exchange, or barter transaction.

**Service Tier:** A package of two or more Cable Services for which a separate charge is made by the Grantee, other than a package of premium and pay-per-view services that may also be sold on a true a la carte basis.

**Subscriber:** Any Person who legally receives Cable Service, whether or not a fee is paid for such service.

**TOWN:** The TOWN OF VEAZIE, Maine, and any agency, department, or agent thereof.

**Transfer:** Any transaction in which (i) an ownership or other interest in a Grantee, its Cable System, or any Person that is a cable operator of the Cable System is transferred from one Person or group of Persons to another Person or group of Persons so that control of a Grantee is transferred; or (ii) the rights or obligations held by a Grantee under a Franchise Agreement are transferred or assigned to another Person or group of Persons. Control for these purposes means working control, in whatever manner exercised. By way of illustration and not limitation, the addition, deletion, or other change of any general partner of a Grantee, any person who owns or controls a Grantee, or a cable operator of a Cable System is such a change of control.

**User:** A Person or organization utilizing a channel or equipment and facilities for purposes of producing or transmitting material, as contrasted with the receipt thereof in the capacity of a Subscriber.

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## **04.03 Grant of Franchise**

### **04.03.01 Grant of Franchise**

The TOWN may grant one or more cable television Franchises, and each such Franchise shall be awarded in accordance with and subject to the provisions of this Ordinance. In no event shall this Ordinance be considered a contract between the TOWN and a Grantee.

**04.03.02 Franchise Required**

No Person may construct or operate a Cable System without a Franchise granted by the TOWN unless otherwise authorized by law, and no Person may be granted a Franchise without having entered into a Franchise Agreement with the TOWN pursuant to this Ordinance.

**04.03.03 Franchise Characteristics****04.03.03.01 Authority Granted by Franchise**

A Franchise authorizes use of Public Rights-of-Way for installing cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of a Cable System within a Franchise area, but does not expressly or implicitly authorize a Grantee to provide service to, or install a Cable System on private property without owner consent (except for use of compatible easements pursuant to Section 621 of the Cable Act, 47 U.S.C. § 541(a)(2), or to use publicly or privately owned conduits without a separate agreement with the owners.

**04.03.03.02 Term of Franchise**

The term of a Franchise may not exceed fifteen (15) years.

**04.03.03.03 Non-exclusivity**

A Franchise is non-exclusive and will not explicitly or implicitly preclude the issuance of other Franchises to operate Cable Systems within the TOWN, affect the TOWN's right to authorize use of Public Rights-of-Way by other Persons to operate Cable Systems or for other purposes as it determines appropriate; or affect the TOWN's right to itself construct, operate, or maintain a Cable System, with or without a Franchise.

**04.03.03.04 Franchise Agreement Constitutes Contract**

Once a Franchise Agreement has been accepted and executed by the TOWN and a Grantee, such Franchise Agreement shall constitute a contract between the Grantee and the TOWN, and the terms, conditions, and provisions of such Franchise Agreement, subject to the Ordinance in effect as of the effective date of such Franchise Agreement and all other duly enacted and applicable laws, shall define the rights and obligations of the Grantee and the TOWN relating to the Franchise.

Nothing in this Ordinance or a Franchise Agreement shall be deemed a waiver of or restriction on the TOWN's police powers, or a waiver of any of the terms of any TOWN ordinance regarding the use or management of the Public Rights-of-Way or intended to protect the public's safety.

**04.03.03.05 Use of Public Rights-of-Way**

All privileges prescribed by a Franchise shall be subordinate to any prior lawful occupancy of the Public Rights-of-Way, and the TOWN reserves the right to reasonably designate where a Grantee's facilities are to be placed within the Public Rights-of-Way. The rights and privileges granted pursuant to a Franchise shall not be in preference or hindrance to the right of the TOWN, or other governmental agency, improvement district or other authority having jurisdiction, to perform or carry on any public works or public improvement, and should a Cable System in any way interfere with the construction, maintenance, or repair of such public works or improvements, the Grantee shall promptly, at its own expense, protect or relocate its System or part thereof, as directed by the TOWN or other authority having jurisdiction.

**04.03.03.06 Franchise Personal to Grantee**

A Franchise shall be a privilege that is in the public trust and personal to the original Grantee. No Transfer of a Franchise shall occur without the prior consent of the TOWN and unless application is made by the Grantee and TOWN approval obtained, pursuant to this Ordinance and the Franchise Agreement; which approval shall not be unreasonably withheld, provided, however, that the Grantee may make assignments of collateral to a lender upon reasonable prior notice to the TOWN. No such assignment of collateral shall be deemed to permit any person to avoid any obligations under this Ordinance or a Franchise Agreement.

**04.03.03.07 Exclusive Contracts Unenforceable**

A Franchise holder may not enter into or enforce any exclusive contract with a Subscriber as a condition of providing or continuing service.

**04.03.04 Grantee Subject to Other Laws, Police Power****04.03.04.01 Compliance with Laws**

A Grantee shall at all times be subject to and shall comply with all applicable federal, state, and local laws. A Grantee shall at all times be subject to all lawful exercise of the police power of the TOWN, including all rights the TOWN may have under 47 U.S.C. § 552.

**04.03.04.02 No Waiver of TOWN Rights**

No course of dealing between a Grantee and the TOWN, nor any delay on the part of the TOWN in exercising any rights hereunder, shall operate as a waiver of any such rights of the TOWN or acquiescence in the actions of a Grantee in contravention of rights except to the extent expressly waived by the TOWN or expressly provided for in a Franchise Agreement, or other applicable laws, rules or regulations.

**04.03.04.03 TOWN Has Maximum Regulatory Authority**

The TOWN shall have the maximum plenary authority to regulate Cable Systems, Grantees, and Franchises as may now or hereafter be lawfully permissible; except where rights are expressly waived by a Franchise Agreement, they are reserved, whether expressly enumerated or not.

**04.03.05 Interpretation of Franchise Terms****04.03.05.01 Provision to TOWN's Benefit Controlling**

In the event of a conflict between this Ordinance as effective on the effective date of a Franchise Agreement and that Franchise Agreement, the terms of this Ordinance as effective on the effective date of that Franchise Agreement shall control, except as otherwise provided in a Franchise Agreement.

**04.03.05.02 Liberal Construction**

To the extent permitted by law, the provisions of this Ordinance and a Franchise Agreement will be liberally construed in favor of the TOWN in order to effectuate their purposes and objectives and to promote the public interest, except as otherwise provided in a Franchise Agreement.

**04.03.05.03 Governing Law**

Except as to matters that are governed solely by federal law or regulation, a Franchise Agreement will be governed by and construed in accordance with the laws of the State of Maine.

**04.03.06 Operation of a Cable System Without a Franchise**

Any Person who occupies Public Rights-of-Way for the purpose of operating or constructing a Cable System and who does not hold a valid Franchise from the TOWN shall be subject to all provisions of this Ordinance, including but not limited to its provisions regarding construction and technical standards and Franchise fees. In its discretion, the TOWN at any time may require such Person to enter into a Franchise Agreement within thirty (30) days of receipt of a written notice by the TOWN that a Franchise Agreement is required; require such Person to remove its property and restore the area to a condition satisfactory to the TOWN within such time period; remove the property itself and restore the area to a satisfactory condition and charge the Person the costs thereof; and/or take any other action it is entitled to take under applicable law, including filing for and seeking damages under trespass. In no event shall a Franchise be created unless it is issued by action of the TOWN and subject to a Franchise Agreement.

**04.03.07 Right of Condemnation Reserved**

Nothing in this Ordinance or any Franchise Agreement shall limit any right the TOWN may have to

acquire by eminent domain or otherwise any property of Grantee.

#### **04.03.08 Acts of Grantee's Expense**

Any act that a Grantee is or may be required to perform under this Ordinance, a Franchise Agreement, or applicable law shall be performed at the Grantee's expense, unless expressly provided to the contrary in this Ordinance, the Franchise Agreement, or applicable law.

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### **04.04 Applications For Grant, Renewal, or Modification of Franchises**

#### **04.04.01 Written Application**

##### **04.04.01.01 Application Requirement**

A written application shall be filed with the TOWN for (i) grant of an initial Franchise; (ii) renewal of a Franchise under 47 U.S.C. § 546(a)-(g); or (iii) modification of a Franchise Agreement pursuant to this Ordinance or a Franchise Agreement. An application shall demonstrate in its application compliance with all requirements of this Ordinance, any existing Franchise Agreement held by the applicant and all applicable laws.

##### **04.04.01.02 Acceptability for Filing**

To be acceptable for filing, a signed original of the application shall be submitted together with twelve (12) copies. The TOWN Manager may, in combination with neighboring communities, establish a joint application procedure, provided that any such procedure conforms with the standards of this Ordinance. The application must be accompanied by the required application filing fee as set forth in Section 04.04.06, conform to any applicable request for proposals, and contain all required information. All applications shall include the names and addresses of Persons authorized to act on behalf of the applicant with respect to the application.

##### **04.04.01.03 Applications Available for Public Inspection**

All applications accepted for filing shall be made available by the TOWN for public inspection in the office of the TOWN Clerk during normal business hours.

##### **04.04.01.04 TOWN May Waive**

The TOWN may waive any of the provisions of this Section 04.04 by resolution, where application of the rule would cause manifest injustice, except for those provisions required by state or federal law. Any waiver granted shall explain the basis for the waiver and shall not unduly discriminate against any applicant.

#### **04.04.02 Application for Grant of a Franchise, Other Than a Cable Act Renewal Franchise**

##### **04.04.02.01 Application**

A Person may apply for an initial Franchise by submitting an application containing the information required in Section 04.04.04 and requesting an evaluation of that application pursuant to Section 04.04.02.02. Prior to evaluating the application, the TOWN shall conduct such reasonable investigations as are necessary to determine whether the application satisfies the standards set forth in Section 04.04.02.02 and may seek additional applications.

##### **04.04.02.02 Factors in Evaluating Application for Franchise or Renewal of Existing Franchise**

In evaluating an application for a Franchise, the TOWN shall consider, among other things, the following factors:

##### **04.04.02.02.01**

Whether the applicant has substantially complied with the applicable law and the material terms of

any existing Cable Franchise from the TOWN.

#### **04.04.02.02.02**

Whether the quality of the applicant's service under an existing Franchise from the TOWN, including signal quality, response to customer complaints, billing practices, and the like, has been reasonable in light of the needs and interests of the communities served.

#### **04.04.02.02.03**

Whether the applicant has the financial, technical, and legal qualifications to provide Cable Service.

#### **04.04.02.02.04**

Whether the application satisfies any minimum requirements established by the TOWN and is otherwise reasonable to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

#### **04.04.02.02.05**

Whether, to the extent not considered as part of Section 04.04.02.02.04, the applicant will provide adequate Public, Educational, and Governmental Access Channel capacity, facilities, or financial support, consistent with community needs and interests.

#### **04.04.02.02.06**

Whether issuance of a Franchise is warranted in the public interest considering the immediate and future effect on the Public Rights-of-Way and private property that would be used by the Cable System, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services, or use of the Public Rights-of-Way; the effect of granting a Franchise on the ability of the applicant and its proposed facilities to meet the cable-related needs and interests of the community.

#### **04.04.02.02.07**

Whether the applicant or an Affiliate of the applicant owns or controls any other Cable System in the TOWN, or whether grant of the application may eliminate or reduce competition in the delivery of Cable Service in the TOWN.

#### **04.04.02.03 TOWN Determination**

If the TOWN finds that it is in the public interest to issue a Franchise after considering the factors set forth above, and subject to the applicant's entry into an appropriate Franchise Agreement, it shall issue a Franchise. If the TOWN denies a Franchise, it will issue within 30 days a written decision explaining why the Franchise was denied. Prior to deciding whether or not to issue a Franchise, the TOWN may hold one or more public hearings or implement other procedures under which comments from the public on an applicant may be received. The TOWN also may grant or deny a request for a Franchise based on its review of an application without further proceedings and may reject any application that is incomplete. This Ordinance is not intended and shall not be interpreted to grant any applicant or existing Grantee standing to challenge the issuance of a Franchise to another, except as provided by applicable State or Federal laws or regulations.

#### **04.04.02.04 Joint Review**

The TOWN may elect to delegate review of an application to a consortium of local governments or a formally constituted interlocal body of which the TOWN is a member. Any such entity shall review the application in accordance with the standards of Section 04.04.02.02 and make a recommendation to the TOWN. In such a case, the VEAZIE TOWN COUNCIL shall review the recommendation of the designated body and approve or reject it in accordance with the terms of Section 04.04.02.03.

#### **04.04.03 Application for Grant of a Cable Act Renewal Franchise**

Applications for renewal under the Cable Act shall be received and reviewed in a manner consistent

with Section 626 of the Cable Act, 47 U.S.C. §546. If neither a Grantee nor the TOWN activates in a timely manner or can activate the renewal process set forth in 47 U.S.C. § 546(a)-(g) (including, for example, if the provisions are repealed), and except as to applications submitted pursuant to 47 U.S.C. §(h), the provisions of Section 04.04.02 shall apply and a renewal request shall be treated the same as any other request for a Franchise. The following requirements shall apply to renewal requests properly submitted pursuant to the Cable Act:

#### **04.04.03.01 Issuance of RFP**

If the provisions of 47 U.S.C. § 546(a)-(g) are properly invoked, the TOWN may issue an RFP after conducting a proceeding to review the applicant's past performance and to identify future cable-related community needs and interests. The TOWN Administrator, or the Administrator's designee, shall establish deadlines and procedures for responding to the RFP, may seek additional information from the applicant, and shall establish deadlines for the submission of that additional information. Following receipt of the application responding to the RFP (and such additional information as may be provided in response to requests), the TOWN will determine that the Franchise should be renewed, or make a preliminary assessment that the Franchise should not be renewed. That determination shall be accordance with the time limits established by the Cable Act. The preliminary determination shall be made by Order. If the TOWN determines that the Franchise should not be renewed, and the applicant that submitted the renewal application notifies the TOWN, either in its RFP response or within ten (10) working days of the preliminary assessment, that it wishes to pursue any rights to any administrative proceeding it has under the Cable Act, then the TOWN shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. If the TOWN decides preliminarily to grant renewal, it shall prepare a final Franchise Agreement that incorporates, as appropriate, the commitments made by the applicant in the renewal application. If the applicant accepts the Franchise Agreement, and the final agreement is ratified by the TOWN, the Franchise shall be renewed. If the Franchise Agreement is not so accepted and ratified within the time limits established by 47 U.S.C. § 546(c)(1), renewal shall be deemed preliminarily denied, and an administrative proceeding commenced if the applicant that submitted the renewal application requests it within ten (10) days of the expiration of the time limit established by 47 U.S.C. § 546(c)(1).

#### **04.04.03.02 Administrative Hearing**

If an administrative hearing is commenced pursuant to 47 U.S.C § 546(c), the applicant's renewal application shall be evaluated considering such matters as may be considered consistent with federal law. The following procedures shall apply:

##### **04.04.03.02.01**

The VEAZIE TOWN COUNCIL shall, by order, appoint an administrative hearing officer or officers (referred to hereafter as "hearing officer"). The VEAZIE TOWN COUNCIL may appoint itself as hearing officer.

##### **04.04.03.02.02**

The hearing officer shall establish a schedule for proceeding which allows for documentary discovery and interrogatory responses, production of evidence, and cross-examination of witnesses. Depositions shall not be permitted unless the party requesting the deposition shows that documentary discovery and interrogatory responses will not provide it an adequate opportunity to require the production of evidence necessary to present its case. The hearing officer shall have the authority to require the production of evidence as the interests of justice may require, including to require the production of evidence by the applicant that submitted the renewal application and any entity that owns or controls or is owned or controlled by such applicant directly or indirectly. The hearing officer may issue protective orders to the extent permitted under applicable State law. Any order may be enforced by a court of competent jurisdiction or by imposing appropriate sanctions in the administrative hearing.

**04.04.03.02.03**

The hearing officer may conduct a pre-hearing conference and establish appropriate prehearing procedures. Intervention by non-parties is not authorized except to the extent permitted by the Cable Act.

**04.04.03.02.04**

The hearing officer may require the TOWN and the applicant to submit prepared testimony prior to the hearing. Unless the parties agree otherwise, the applicant shall present evidence first, and the TOWN shall present evidence second.

**04.04.03.02.05**

Any reports or the transcript or summary of any proceedings conducted pursuant to 47 U.S.C. § 546(a) shall for purposes of the administrative hearing be regarded no differently than any other evidence. The TOWN and the applicant must be afforded full procedural protection regarding evidence related to these proceedings, including the right to refute any evidence introduced in those proceedings or sought to be introduced by the other party. Both shall have the opportunity to submit additional evidence related to issues raised in the proceeding conducted pursuant to 47 U.S.C. § 546(a).

**04.04.03.02.06**

Following completion of any hearing, the hearing officer shall require the parties to submit proposed findings of fact with respect to the matters that the TOWN is entitled to consider in determining whether renewal should be granted. Based on the record of hearing, the hearing officer shall then prepare written findings with respect to those matters, and submit those findings to the TOWN COUNCIL and to the parties (unless the hearing officer is the TOWN COUNCIL, in which case the written findings shall constitute the final decision of the TOWN, if permitted by applicable laws or rules.

**04.04.03.02.07**

If the hearing officer is not the VEAZIE TOWN COUNCIL, the parties shall have thirty (30) days from the date the findings are submitted to the TOWN COUNCIL to file exceptions to those findings. The TOWN COUNCIL shall thereafter issue a written decision granting or denying the application for renewal, consistent with the requirements of the Cable Act and based on the record of such proceeding. A copy of that decision of the TOWN COUNCIL shall be provided to the applicant.

**04.04.03.02.08**

The proceeding shall be conducted with due speed.

**04.04.03.02.09**

In conducting the proceeding, and except as inconsistent with the foregoing, the hearing officer will follow the Maine Administrative Procedures Act or the successor statutes thereto unless otherwise governed by Federal law or regulations. The hearing officer may request that the TOWN COUNCIL adopt additional procedures and requirements as necessary in the interest of justice.

**04.04.03.03 Informal Renewal Applications**

This Article does not prohibit any Grantee from submitting an informal renewal application pursuant to 47 U.S.C. § 546(h), which application may be granted or denied in accordance with the provisions of 47 U.S.C. § 546(h).

**04.04.03.04 Consistency With Cable Act**

The provisions of this Ordinance shall be read and applied so that they are consistent with Section 626 of the Cable Act, 47 U.S.C. § 546.

**04.04.04 Contents of Applications**

If issued by the TOWN, an RFP for the grant of a renewal Franchise under 47 U.S.C. § 546(c) shall

require, and any application for an initial or renewal franchise (other than an application submitted pursuant to 47 U.S.C. § 546(h)) shall contain, at a minimum, the following information:

#### **04.04.04.01 Identification of Applicant and Its Ownership and Control**

Name and address of the applicant and identification of the ownership and control of the applicant, including: the names and addresses of the ten (10) largest holders of an ownership interest in the applicant and controlling Affiliates of the applicant, and all Person with five (5) percent or more ownership interest in the applicant and its Affiliates; the Persons who control the applicant and its Affiliates; all officers and directors of the applicant and its Affiliates; and any other business affiliation and Cable System ownership interest of each named Person.

#### **04.04.04.02 Statement of Applicant's Technical Ability**

A demonstration of the applicant's technical ability to construct and/or operate the proposed Cable System, including identification of key personnel.

#### **04.04.04.03 Statement of Applicant's Legal Qualifications**

A demonstration of the applicant's legal qualifications to construct and/or operate the proposed Cable System, including but not limited to a demonstration that the applicant meets the following criteria:

##### **04.04.04.03.01**

The applicant must not have submitted an application for an initial or renewal Franchise to the TOWN, which was denied on the ground that the applicant failed to propose a System meeting the cable-related needs and interests of the community, or as to which any challenges to such licensing decision were finally resolved adversely to the applicant, within one (1) year preceding the submission of the application.

##### **04.04.04.03.02**

The applicant must not have had any cable television Franchise validly revoked by any licensing authority within three (3) years preceding the submission of the application.

##### **04.04.04.03.03**

The applicant must have the necessary authority under Maine law to operate a Cable System within Maine.

##### **04.04.04.03.04**

The applicant shall not be issued a Franchise if it may not hold the Franchise as a matter of federal law. An applicant must have, or show that it is qualified to obtain, any necessary federal approvals or waivers required to operate the System proposed.

##### **04.04.04.03.05**

The applicant shall not be issued a Franchise if, at any time during the ten (10) years preceding the submission of the application, the applicant was convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the TOWN and the Subscribers of the Cable System, or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering, or other similar conduct.

##### **04.04.04.03.06**

The applicant shall not be issued a Franchise if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

##### **04.04.04.03.07**

The applicant shall not be issued a Franchise if an elected official of the TOWN holds a controlling interest in the applicant or an Affiliate of the applicant.



**04.04.04.03.08**

Notwithstanding the foregoing, the TOWN shall provide an opportunity to an applicant to show that it would be inappropriate to deny it a Franchise under Sections 04.04.04.03.02 or 04.04.04.03.05, by virtue of the particular circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of cable television systems.

**04.04.04.04 Statement of Applicant's Financial Qualifications**

A statement prepared by a certified public accountant regarding the applicant's financial ability to complete the construction and operation of the Cable System proposed.

**04.04.04.05 Description of Prior Experience**

A description of the applicant's prior experience in the Cable system ownership, construction, and operation, and identification of communities in which the applicant or any of its principals have, or have had, a cable Franchise or license or any interest therein, provided that, an applicant that holds a Franchise for the TOWN and is seeking renewal of that Franchise need only provide this information for other communities where its Franchise was scheduled to expire in the two (3) calendar years prior to and after its application was submitted.

**04.04.04.06 Identification of Area To Be Served**

Identification of the area of the TOWN to be served by the proposed Cable System, including a description of the proposed Franchise area's boundaries. All Grantees shall be bound and required to serve the same areas within the TOWN.

**04.04.04.07 Description of Physical Facilities**

A detailed description of the physical facilities proposed, including channel capacity, technical design, performance characteristics, headend, and access facilities.

**04.04.04.08 Description of Construction of Proposed System**

Where applicable, a description of the construction of the proposed System, including an estimate of plant mileage and its location, the proposed construction schedule, a description, where appropriate, of how services will be converted from existing facilities to new facilities, and information on the availability of space in conduits including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities.

**04.04.04.09 Proposed Rate Structure**

The proposed rate structure, including projected charges for each Service Tier, installation, converters, and other equipment or services.

**04.04.04.10 Demonstration of How Future Community Needs and Interests Will Be Met**

A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the TOWN, and how the applicant will provide adequate Public, Educational, and Governmental Access Channel capacity, facilities, or financial support to meet the community's needs and interests. The Town Manager may, in coordination with neighboring communities, establish procedure for conducting a joint needs assessment.

**04.04.04.11 Pro Forma Financial Projections**

Pro forma financial projections for the proposed Franchise term, including a statement of projected income, and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.

**04.04.04.12 Identification of Area of Overbuild**

If the applicant proposes to provide Cable Service to an area already served by an existing cable Grantee, the identification of the area where the overbuild would occur, the potential Subscriber density in the area that would encompass the overbuild, and the ability of the Public Rights-of-Way and other property that would be used by the applicant to accommodate an additional System.

**04.04.04.13 Other Information**

Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this Ordinance.

**04.04.04.14 Information Requested by Town**

Information that the Town may reasonably request of the applicant that is relevant to the Town's consideration of the application.

**04.04.04.15 Certification of Accuracy**

An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all federal and state law requirements.

**04.04.05 Application for Modification of a Franchise**

An application for modification of a Franchise Agreement shall include, at minimum, the following information:

- The specific modification requested;
- The justification for the requested modification, including the impact of the requested modification on Subscribers, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, inter alia, submission of financial pro formas;
- A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. § 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. § 545;
- Any other information that the applicant believes is necessary for the Town to make an informed determination on the application for modification; and
- An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application is consistent with all federal and state law requirements.

**04.04.06 Filing Fees**

To be acceptable for filing, an application submitted after the effective date of this Ordinance shall be accompanied by a filing fee in the following amount to cover costs incidental to the awarding or enforcement of the Franchise, as appropriate:

- For an initial Franchise: \$500
- For renewal of a Franchise: \$500
- For modification of a Franchise Agreement: \$500

The Town may also elect to share the costs of reviewing an application with other communities served by the system of which an existing or proposed cable system in the Town is a part. In that case, the filing fees shown above shall not apply, and shall be replaced with combined filing fees for all communities with whom the Town is sharing expenses. The combined filing fees shall be \$7,000 for an initial grant or a modification, and \$7,000 for a renewal. Combined filing fees shall be prorated among the participating communities on the basis of the number of residents in each community as of the most recent U.S. Census, or allocated according to some other mutually agreeable method.

Application fees for franchise renewals may be increased as necessary to recover the Town's additional cost of conducting any hearings required under 47 U.S.C. § 546(a) through (g), if the Grantee has invoked that procedure in its renewal application.

#### **04.04.07 Public Hearings**

An applicant shall be notified in writing at least 10 calendar days in advance of any public hearings held in connection with the evaluation of its application and shall be given an opportunity to be heard. In addition, prior to the issuance of a Franchise, the Town shall provide for the holding of a public hearing within the proposed Franchise Area, following reasonable notice to the public, at which every applicant and its applications shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard. Reasonable notice to the public shall include causing notice of the time and place of such hearing to be published in a newspaper of general circulation in the proposed Franchise Area once a week for two consecutive weeks. The first publication shall be not less than fourteen (14) days before the day of the hearing. Nothing herein shall be deemed to prevent or limit communities in which the applicant has requested grant or renewal of a franchise from holding joint public hearings in a location reasonably accessible to residents of each community which is the subject thereof.

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### **04.05 INSURANCE AND INDEMNITY**

#### **04.05.01 Insurance Required**

A Grantee shall maintain, and by its acceptance of a Franchise specifically agrees that it will maintain, throughout the entire length of the Franchise period, such insurance as will protect the Town and elected officials, employees and agents from any claims that may arise directly or indirectly or result from its acceptance of the Franchise or its activities under the Franchise, whether such activities are performed by the Grantee, or by anyone for whose acts the Grantee may be liable, including, but not limited to, the following:

- Workers' compensation, including disability benefits and any other legally required employee benefits, meeting all statutory amounts;
- Property insurance, all risk, replacement cost basis, on all of the Grantee's assets;
- General liability insurance, in the following minimum amounts:
  - Bodily injury or death
    - Primary insurance: \$1,000,000 per person; \$1,000,000 per occurrence
    - Umbrella insurance: \$5,000,000
  - Property Damage: \$1,000,000

The Town may review these amounts no more than once a year and may require reasonable adjustments to them consistent with the public interest. The Franchise Agreement may specify the procedures to be followed in the event that the Grantee objects to an increase in a policy limit and the parties are unable to agree on a mutually acceptable amount.

#### **04.05.02 Qualifications of Sureties**

All insurance policies shall be with sureties qualified to do business in the State of Maine, with an A or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form acceptable to the Town.

#### **04.05.03 Evidence of Insurance**

A Grantee shall keep on file with the Town current certificates of insurance. A Grantee shall provide the Town with copies of all insurance policies in effect during the franchise period upon the written request of the Town.

**04.05.04 Additional Insureds; Prior Notice of Policy Cancellation**

All general liability insurance policies shall name the Town, elected officials, officers, boards, commissions, commissioners, agents, and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless thirty (30) days prior written notice thereof has been given to the Town. A Grantee shall not cancel any required insurance policy without submission of proof that the Grantee has obtained alternative insurance satisfactory to the Town which complies with this Ordinance.

**04.05.05 Indemnification****04.05.05.01 Indemnification for Damages and Equitable Relief**

A Grantee shall, at its sole cost and expense, indemnify, hold harmless, and defend the Town, its inhabitants, elected officials, officers, boards, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its Cable System; copyright infringements or a failure by the Grantee to secure consents from the owners, authorized distributors, or Grantees of programs to be delivered by the Cable System; the conduct of the Grantee's business in the Town; or in any way arising out of the Grantee's enjoyment or exercise of a Franchise granted hereunder, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this Ordinance or a Franchise Agreement.

**04.05.05.02 Indemnification for Cable Act Claims**

A Grantee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the Town, and in its capacity as such, the officers, agents, and employees thereof, from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. § 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its System, including but not limited to any claim against the Grantee for invasion of the right of privacy, defamation of any Person, firm or corporation, or the violation or infringement of any copyright, trade mark, trade name, service mark, or patent, or of any other right of any Person, firm or corporation. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels leased pursuant to 47 U.S.C. § 532, unless the Grantee was in any respect engaged in determining the editorial content of the program, or adopts a policy of prescreening programming for the purported purpose of banning indecent or obscene programming.

**04.05.05.03 Attorneys' Fees**

The indemnity provision includes, but is not limited to, the Town's reasonable attorney's fees incurred in defending against any such claim, suit, action or proceeding.

**04.05.06 No Limit of Liability**

Neither the provisions of this Article nor any damages recovered by the Town shall be construed to limit the liability of a Grantee for damages under any Franchise issued hereunder.

**04.05.07 No Recourse**

Without limiting such immunities as it may have under applicable law, the Town shall not be liable to the Grantee for any damages or loss that the Grantee may suffer as the result of the Town's exercise of its lawful authority pursuant to this Ordinance, a Franchise Agreement, or other applicable law.

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**04.06 PERFORMANCE BOND**

**04.06.01 Requirement of Bond**

Prior to any construction, rebuild or upgrade of the Cable System requiring work in the Public Rights-of-Way other than installation of aerial facilities and utility poles, a Grantee shall establish in the Town's favor an irrevocable performance bond in an amount specified in the Franchise Agreement or otherwise determined as reasonable by municipal officers as necessary to ensure the Grantee's faithful performance of the construction, upgrade, or other work. The amount of such performance bond shall not exceed the lesser of ten (10) percent of the total cost of the work being done in the Public Right-of-Way other than installation of aerial facilities and utility poles, or Fifty Thousand Dollars (\$50,000.00).

**04.06.02 Recovery Under Performance Bond**

In the event that a Grantee subject to such a performance bond fails to complete the Cable System construction, upgrade, or other work in the Public Rights-of-Way in a safe, timely (subject to the force majeure provision of Section 04.17.02, and competent manner in accordance with the provisions of a Franchise Agreement, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Grantee, or the cost of completing or repairing the System construction, upgrade, or other work in the Public Right-of-Way, plus a reasonable allowance for attorney's fees, up to the full amount of the bond. The Town may also recover against the bond any amount recoverable against the security fund required under Section 04.07 of this Ordinance, where such amount exceeds that available under the security fund.

**04.06.03 Elimination or Reduction of Bond**

Any performance bond shall remain in place for one full year after completion to the satisfaction of the Town of the work in the Public Right-of-Way.

**04.06.04 New Bond for New Project**

The Town may subsequently require a new bond, for any subsequent construction, or other work in the Public Rights-of-Way other than installation of aerial facilities and utility poles, whose cost exceeds an amount specified in a Franchise Agreement. In the event a Grantee fails to complete the work secured by such a new performance bond in a safe, timely and competent manner, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Grantee, or the cost of completing or repairing the System construction, upgrade, or other work in the Public Rights-of-Way, plus a reasonable allowance for attorney's fees, up to the full amount of the bond. The Town may also recover against the bond any amount recoverable against the security fund required under Section 04.07 of this Ordinance, where such amount exceeds that available under the security fund. In any event, the total amount of the bond shall not exceed the lesser ten (10) percent of the cost of the working being done in the Public Right-of-Way, or Fifty Thousand Dollars (\$50,000).

**04.06.05 Issuance of Bond; Notice of Cancellation Required**

Any performance bond shall be issued by a surety qualified to do business in the State of Maine, and having an A-1 or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the Town; and shall contain the following endorsement:

*"This bond may not be canceled, or allowed to lapse, until sixty (60) days after notice to the Town, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."*

**04.06.06 Forfeiture**

The total amount of any outstanding bond shall be forfeited in favor of the Town in the event that:

- The Grantee abandons the Cable System or any part thereof at any time during the term of the Franchise; or
  - The Grantee fails to purchase and maintain insurance as required by Section 04.05 hereof; or
  - The Franchise is revoked as provided in Section 04.08.02 hereof.
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## **04.07 SECURITY FUND**

### **04.07.01 Establishment of Security Fund**

#### **04.07.01.01**

A Franchise Agreement may provide that, prior to the Franchise's becoming effective, the Grantee shall post with the Town a cash security deposit to be used as a security fund to ensure the Grantee's faithful performance of and compliance with all provisions of this Ordinance, the Franchise Agreement, and other applicable laws, and compliance with all orders, permits, and directions of the Town or any agency thereof having jurisdiction over the Grantee's acts or defaults under the Franchise, and the payment by the Grantee of any claims, liens, fees, or taxes due the Town which arise by reason of the construction, operation or maintenance of the System. The amount of any security fund shall be specified in a Franchise Agreement.

#### **04.07.01.02**

In lieu of a cash security fund, a Grantee may agree to file and maintain with the Town an irrevocable letter of credit with a bank having an office in the State of Maine in the amount specified in the preceding paragraph to serve the same purposes as set forth therein. Said letter of credit shall remain in effect for the full term of the Franchise plus an additional six (6) months thereafter.

The Grantee and its surety shall be jointly and severally liable under the terms of the letter of credit for the Grantee's failure to enforce its faithful performance of and compliance with all provisions of this Ordinance, the Franchise Agreement, and other applicable law, and compliance with all orders, permits, and directions of the Town, and the payment by the Grantee of any claims, liens, fees, or taxes due the Town which arise by reason of the construction, operation, or maintenance of the System. The letter of credit shall provide for thirty (30) days' prior written notice to the Town of any intention on the part of the Grantee to cancel, fail to renew, or otherwise materially alter its terms.

Neither the filing of a letter of credit with the Town, nor the receipt of any damages recovered by the Town thereunder, shall be construed to excuse faithful performance by the Grantee or limit the liability of the Grantee under the terms of its Franchise for damages, either to the full amount of the letter of credit or otherwise.

#### **04.07.02 Use of Fund**

If a Grantee fails to make timely payment to the Town of any amount due as a result of Franchise requirements, fails to make timely payment to the Town of any amounts due under a Franchise Agreement or applicable law, fails to make timely payment to the Town of any taxes lawfully due, or fails to compensate the Town for any damages, costs, or expenses the Town suffers or incurs by reason of any act or omission of the Grantee in connection with its Franchise Agreement, the Town may withdraw the amount thereof from the security fund. To invoke the provisions of this Article, the Town shall give the Grantee written notice of the default in the Grantee's performance. If within thirty (30) calendar days following such written notice from the Town to the Grantee, the Grantee has not remedied the default to the satisfaction of the Town, and the Town may proceed to withdraw the amount in question from the security fund, provided that, if by its nature the default cannot be remedied within thirty (30) days and the Grantee has demonstrated to the satisfaction of the Town that it is making a continuing good faith effort to remedy the default, the Town shall not draw on the security fund.

**04.07.03 Notification**

Within ten (10) business days of a withdrawal from the security fund, the Town shall mail, by certified mail, return receipt requested, written notification of the amount, date, and purpose of such withdrawal to the Grantee.

**04.07.04 Inadequate Fund Balance**

If at the time of a withdrawal from the security fund by the Town, the amount of the fund is insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of the Grantee to the Town until it is paid.

**04.07.05 Replenishment**

No later than thirty (3) days after mailing of notification to the Grantee by certified mail, return receipt requested, of a withdrawal under the security fund, the Grantee shall deliver to the Town for deposit in the security fund an amount equal to the amount so withdrawn. Failure to make timely delivery of such amount to the Town shall constitute a material violation of the Franchise.

**04.07.06 Disposition**

Upon termination of the Franchise under conditions other than those stipulating forfeiture of the security fund, the balance remaining in the security fund shall be withdrawn by the Town and paid to the Grantee within ninety (90) days of such termination, provided that there is then no outstanding material default on the part of the Grantee.

**04.07.07 Grantor Rights**

The rights reserved to the Town with respect to Sections 04.05, 04.06, and 04.07 hereof are in addition to all other rights of the Town, whether reserved by this Ordinance or authorized by other law or a Franchise Agreement, and no action, proceeding, or exercise of a right with respect to such sections shall affect any other right the Town may have.

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**04.08 REMEDIES****04.08.01 Available Remedies**

In addition to any other remedies available at law or equity, the Town may pursue the following remedies in the event a Grantee or any other person violates this Ordinance, its Franchise Agreement, or applicable state or federal law.

**04.08.01.01**

Seek a determination from a court of competent jurisdiction that a provision of this Ordinance has been violated. If such a violation is found to exist by the Court the minimum fine imposed shall be \$50 and the maximum fine imposed per violation shall be \$250. Each day the violation is found to exist shall constitute a separate violation for which the above-indicated fine may be assessed. Any violation found to exist on the day of trial may be found, at a minimum, to have existed from the filing date of the complaint until the day of trial and the fine assessed accordingly, unless Grantee affirmatively proves that said violation did not exist during any part of or all of the aforementioned time period. If the Grantee is found by the Court to have been adjudicated in violation of any provision of this Ordinance on more than one occasion within two years, whether or not a violation of the same provision of this Ordinance, the minimum fine per violation shall be \$100 and the maximum fine per violation shall be \$500.

**04.07.01.02**

Seek legal or equitable relief from any court of competent jurisdiction.

**04.07.01.03**

Apply any remedy provided for in a Franchise Agreement, including enforcing provisions, if any.

## **04.08.02 Revocation or Termination of Franchise**

### **04.08.02.01 Town Right to Revoke Franchise**

The Town shall have the right to revoke the Franchise for a Grantee's substantial failure to construct or operate the Cable System as required by this Ordinance or a Franchise Agreement, for defrauding or attempting to defraud the Town or Subscribers, if the Grantee is declared bankrupt, or for any other material violation of this Ordinance or material breach of a Franchise Agreement. To invoke the provisions of this Article, the Town shall give the Grantee written notice of the default in its performance. If within thirty (30) calendar days following such written notice from the Town to the Grantee, the Grantee has not taken corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the Town, the Town may give written notice to the Grantee of its intent to revoke the Franchise, stating its reasons; provided that no opportunity to cure shall be provided where the Grantee has defrauded or attempted to defraud the Town or its Subscribers, or in the event the Grantee is declared bankrupt. In the case of a fraud or attempted fraud, the Franchise may be revoked after the hearing required under Section 04.08.02.03.

### **04.08.02.02 Public Hearing**

Prior to revoking a Franchise, the Town shall hold a public hearing, on thirty (30) calendar days' written notice, at which time the Grantee and the public shall be given an opportunity to be heard.

Following the public hearing, the Town may determine to revoke the Franchise based on the information presented at the hearing, and other information of record. If the Town determines to revoke a Franchise, it shall issue a written decision setting forth the reasons for its decision. A copy of such decision shall be transmitted to the Grantee.

### **04.08.02.03 Revocation After Assignment for Benefit of Creditors or Appointment of Receiver or Trustee**

To the extent provided by law, any Franchise may, at the option of the Town following a public hearing, be revoked one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the Grantee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding, unless within that one hundred twenty (120) day period:

- Such assignment, receivership, or trusteeship has been vacated; or
- Such assignee, receiver, or trustee has fully complied with the material terms and conditions of this Ordinance and a Franchise Agreement and has executed an agreement, approved by a court of competent jurisdiction, assuming and agreeing to be bound by the terms and conditions of this Ordinance and a Franchise Agreement, and such other conditions as may be established or as are required under Section 04.13 of this Ordinance; or
- In the event of foreclosure or other judicial sale of any of the facilities, equipment, or property of a Grantee, the Town may revoke the Franchise, following a public hearing before the Town, by serving notice on the Grantee and the successful bidder at the sale, in which event the Franchise and all rights and privileges of the Franchise will be revoked and will terminate thirty (30) calendar days after serving such notice, unless the Town has approved the Transfer of the Franchise to the successful bidder, and the successful bidder has covenanted and agreed with the Town to assume and be bound by the terms and conditions of the Franchise Agreement and this Ordinance, and such other conditions as may be established or as are required pursuant to Section 04.09 of this Ordinance.

### **04.08.02.04 Procedures on Revocation, Abandonment, and Termination**

If the Town revokes a Franchise, or if for any other reason a Grantee abandons, terminates, or fails to operate or maintain service to its Subscribers, the following procedures and rights are effective:

- The Town may require the former Grantee to remove its facilities and equipment located in the Public Rights-of-Way and on public premises at the former Grantee's expense. If the former Grantee fails to do so within a reasonable period of time, the Town may have the



removal done at the former Grantee's and/or surety's expense. The foregoing provisions shall not apply if, within three (3) months after expiration, termination or revocation of the Franchise, the Grantee obtains certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications services.

- In the event of revocation, the Town, by written order, may acquire ownership of the Cable System at not less than fair market value, determined on the basis of the cable system valued as a going concern, but with no value allocated to the franchise itself, as specified at 47 U.S.C. § 547(a)(1).
- If a Cable System is abandoned by a Grantee or the Franchise otherwise terminates, the ownership of all portions of the Cable System in the Public Rights-of-Way shall revert to the Town and the Town may sell, assign, or transfer all or part of the assets of the System. If a Grantee abandons a portion of its System, the ownership of the abandoned portions of the Cable System in the Public Rights-of-Way shall revert to the Town and the Town may sell, assign or transfer the abandoned facilities. A Cable System or a portion thereof shall be deemed "abandoned" if a Grantee (i) gives the Town written notice of its decision to abandon the System or the portion in question; or (ii) fails to provide Cable Service to Subscribers served by the System or the relevant portion thereof on a continuous basis for a period of thirty (3) consecutive calendar days or more.

#### **04.08.02.05 Forfeiture for Failure to Comply With Franchise Obligation**

Notwithstanding any other provision of this Ordinance other than the force majeure clause of Section 04.17.02, where the Town has issued a Franchise specifically conditioned in the Franchise Agreement on the completion of construction, System upgrade, or other specific obligation by a specified date, failure of the Grantee to complete such construction or upgrade, or to comply with such other specific obligations as required, will result in the automatic forfeiture of the Franchise without further action by the Town where it is so provided in the Franchise Agreement, unless the Town, at its discretion and for good cause demonstrated by the Grantee, grants an extension of time.

#### **04.08.03 Obligation of Compliance**

The Town's exercise of one remedy or a Grantee's payment of liquidated damages or penalties shall not relieve a Grantee of its obligations to comply with its Franchise. In addition, the Town may exercise any rights it has at law or equity.

#### **04.08.04 Relation to Insurance and Indemnity Requirements**

Recovery by the Town of any amounts under insurance, the performance bond, the security fund or letter of credit, or otherwise does not limit a Grantee's duty to indemnify the Town in any way; nor shall such recovery relieve a Grantee of its obligations under a Franchise, limit the amounts owed to the Town, or in any respect prevent the Town from exercising any other right or remedy it may have; provided that this section shall not be interpreted as permitting the Town to recover twice for the same damage. In addition, any civil fine imposed pursuant to Section 04.08.01 or other applicable law shall not be treated as a recovery for purposes of this section.

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### **04.09 TRANSFERS**

#### **04.09.01 Town Approval Required**

No Transfer shall occur without prior approval of the Town; provided, however, that not such approval shall be required for Transfers resulting from the transfer of ownership interests between existing holders of ownership interests in a Grantee, where such holders were also holders of ownership interests in the Grantee at the time of the original grant of the Franchise to the Grantee.

**04.09.02 Application**

An application for a Transfer shall provide complete information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the transferee, and on the potential impact of the Transfer on Subscriber rates and services. At a minimum, the information required under federal law and in Article 04.04.04.01-04, 04.04.04.09-11, 04.04.04.13, and 04.04.04.15 of this Ordinance shall be provided with respect to the proposed transferee.

**04.09.03 Determination by Town**

In making a determination as to whether to grant, deny, or grant subject to conditions as application for a Transfer of a Franchise, the Town shall not unreasonably withhold its consent, but shall first consider (i) the legal, financial, and technical qualifications of the transferee to operate the System; (ii) whether the incumbent cable operator is in compliance with its Franchise Agreement and this Ordinance and , if not, the proposed transferee's commitment to cure such noncompliance; (iii) whether the transferee owns or controls any other Cable System in the Town, or whether operation by the transferee may eliminate or reduce competition in the delivery of Cable Service in the Town; and (iv) whether operation by the transferee or approval of the Transfer would adversely affect Subscribers, the Town's interest under this Ordinance, the Franchise Agreement, or other applicable law, or make it less likely that the future cable-related needs and interests of the community would be satisfied at a reasonable cost. The Town reserves the right to review the purchase price of any Transfer or assignment of a Cable System. To the extent permitted by applicable law, any negotiated sale value which the Town deems unreasonable will not be considered in the rate base for any subsequent request for rates increases.

**04.09.04 Transferee's Agreement**

No application for a Transfer of a Franchise shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this Ordinance and the Franchise Agreement, and that it will assume the obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous Grantee under this Ordinance and the Franchise Agreement for all purposes, including renewal, unless the Town, in its sole discretion, expressly waives this requirement in whole or in part.

**04.09.05 Approval Does Not Constitute Waiver**

Approval by the Town of a Transfer of a Franchise shall not constitute a waiver or release of any of the rights of the Town under this Ordinance or a Franchise Agreement, whether arising before or after the date of the Transfer.

**04.09.06 Processing Fee**

As a condition of considering a Transfer, the Town may impose a fee on the transferee to cover its estimated out-of-pocket expenses in considering the application for Transfer of a Franchise. Any amount collected in excess of the estimated amount shall be returned to the transferee.

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**04.10 FRANCHISE FEE****04.10.01 Finding**

The Town finds that the Public Rights-of-Way of the Town, county, and state to be used by a Grantee for the operation of a Cable System are valuable public property acquired and maintained by the county, state, and Town at great expense to the taxpayers. The Town further finds that the grant of a Franchise to use Public Rights-of-Way is a valuable property right without which a Grantee would be required to invest substantial capital.

**04.10.02 Payment to Town**

As compensation for use of the Public Rights-of-Way and in light of the scope of any Franchise, in

addition to providing channels, facilities and other support for public, educational and governmental use of the Cable System, a Grantee shall pay the Town a Franchise fee. The amount of the fee shall be specified in a Franchise Agreement. The franchise fee shall be paid annually, provided that the provisions for more frequent payments may be specified in a Franchise Agreement. At least once a year the Grantee shall provide the Town a report setting forth the total of Gross Revenues for the year or other period in question and identifying the amount of revenues attributable to each category of Gross Revenues received by the Grantee, including non-Subscriber Gross Revenues, and the number of Subscribers receiving each category of Cable Service offered by the Grantee.

#### **04.10.02.01 Town Right to Request Audit**

The Town shall have the right to retain an independent auditor to (i) audit the records of a Grantee to verify the computation of amounts payment under this Ordinance or a Franchise Agreement; and (ii) recompute any amounts determined to be payable under this Ordinance or a Franchise Agreement, whether the records are held by the Grantee, an Affiliate, or any other entity that collects or receives funds related to the Grantee's operation in the Town, including, by way of illustration and not limitation, any entity that sells advertising on the Grantee's behalf. The Grantee shall be responsible for all reasonable costs associated with any such audit, including the auditor's fees, as a cost incidental to the enforcement of the Franchise, and shall have no control over the identity or selection of the auditor. The Town shall have sole discretion in selecting the auditor and shall not be responsible for any costs associated with the audit. The Town shall have the right to review the auditor's report and methodology, including the right to obtain an explanation of all of the auditor's assumptions and calculations, and the right to challenge and request changes to any such assumptions and calculations. The Town shall not, however, be permitted to obtain copies of documents received by the auditor, with the exception of documents voluntarily provided by the Grantee to the Town, or subject to copying by the Town pursuant to Section 04.15.01. The Grantee shall be responsible for providing all such records to the auditor, without regard to by whom they are held. The records shall be maintained for at least three (3) years. Any additional amounts due to the Town as a result of an audit shall be paid within thirty (30) days following written notice to the Grantee by the Town of the underpayment, which notice shall include a copy of the audit report.

The Town may exercise its audit right no more frequently than once per year, and only upon written notice to the Grantee.

#### **04.10.02.02 Maintenance of Records**

A Grantee shall maintain its fiscal and financial records and have all relevant fiscal and financial records maintained by others on its behalf in such a manner as to enable the Town to (i) determine the cost of assets of the Grantee which are used in providing services within the Town for purposes of assessing any personal property or other taxes and for purposes of verifying any filings that may be made in connection with any cost of service proceedings, and (ii) to determine Gross Revenues.

For purposes of assessing state and local taxes, the cost of assets shall be determined in accordance with any applicable provision of state law. For purposes of any cost of assets shall be determined in accordance with FCC rules pertaining to cost of service proceedings.

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### **04.11 CONSTRUCTION PROVISIONS**

#### **04.11.01 System Construction Schedule**

Every Franchise Agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the Cable System.

#### **04.11.02 Construction Standards**

##### **04.11.02.01 Construction Shall Be In Accordance With All Applicable Laws**

The construction, operation, maintenance, and repair of a Cable System shall be in accordance with

all applicable sections of the Occupational Safety and Health Act of 1970, as amended, the National Electrical Safety Code, the National Electric Code, other applicable federal, state, or local laws and regulations that may apply to the operation, construction, maintenance, or repair of a Cable System, including, without limitation, local zoning and construction codes, and laws and accepted industry practices, all as hereafter may be amended or adopted.

#### **04.11.02.02 Wires to Cause Minimum Inconvenience**

All wires, cable lines, and other transmission lines, equipment, and structures shall be installed and located to cause minimum interference with the rights and convenience of property owners.

#### **04.11.02.03 Installation of Equipment To Be of Permanent Nature**

All installation of electronic equipment shall be a permanent nature, using durable components.

#### **04.11.02.04 Antennae**

Without limiting the foregoing, to the extent applicable, antennae and their supporting structures (towers) shall be painted, lighted, erected, and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local laws, codes, and regulations, all as hereafter may be amended or adopted.

#### **04.11.02.05 Good Engineering Practices**

Without limiting the foregoing, all of a Grantee's plant and equipment, including, but not limited to, the antennae site, headend and distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fiber optic cable, fixtures, and apparatuses shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced and properly trained maintenance and construction personnel so as not to endanger or interfere with improvements the TOWN shall seem appropriate to make or to interfere in any manner with the Public Rights-of-Way or legal rights of any property owner or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.

#### **04.11.02.06 Safety Practices**

All safety practices required by law shall be used during construction, maintenance, and repair of a Cable System. A Grantee shall at all times employ reasonable care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public.

#### **04.11.02.07 No Interference With Other Utilities**

A Grantee shall not place facilities, equipment, or fixtures where they will interfere with any gas, electric, telephone, water, sewer, or other utility facilities, or obstruct or hinder in any manner the various utilities serving the residents of the TOWN of their use of any Public Rights-of-Way.

#### **04.11.02.08 Repair of Rights-of-Way**

Any and all Public Rights-of-Way, public property, or private property that is disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, or construction of a System or otherwise, including installation, repair, maintenance or replacement of a Grantee's equipment shall be promptly repaired by the Grantee.

#### **04.11.02.09 Removal of System Due To Conditions in Rights-of-Way**

A Grantee shall, by a time specified by the TOWN, protect, support, temporarily disconnect, relocate, or remove any of its property when required by the TOWN by reason of traffic conditions; public safety; Public Right-of-Way construction; Public Right-of-Way maintenance or repair (including resurfacing or widening); change of Public Right-of-Way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned communications system, public work or improvement or any government-owned utility; Public Right-of-Way vacation; or for any other purpose where the convenience of the TOWN

would be served thereby; provided, however, that the Grantee shall, in all such cases, have the privilege of abandoning any property in place.

#### **04.11.02.10 Removal by TOWN Due To Emergency**

In the event of an emergency, or where a Cable System creates or is contributing to an imminent danger to health, safety, or property, the TOWN may remove, relay, or relocate that portion of the Cable System. Unless the nature of the emergency or danger is such that immediate action is necessary to preserve life or property or to prevent physical harm to any individual, the TOWN shall provide telephonic notice to the Grantee prior to removing, relaying or relocating any portion of a Grantee's Cable System.

#### **04.11.02.11 Raising or Lowering Wires To Permit Moving of Buildings**

A Grantee shall, on the request of any person holding a building moving permit issued by the TOWN, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the Person requesting same, and the Grantee shall have the authority to require such payment in advance, except in the case where the requesting person is the TOWN, in which case no such payment shall be required. The Grantee shall be given reasonable advance notice to arrange for such temporary wire changes, as provided in 35-A M.R.S.A. § 2516.

#### **04.11.02.12 Authority to Trim Trees**

A Grantee shall have the authority to trim trees that overhang a Public Right-of-Way of the TOWN so as to prevent the branches of such trees from coming in contact with the wires, cables and equipment of the Grantee. Except in emergencies, a Grantee shall notify the TOWN at least one business day prior to performing any such trimming. At the option of the TOWN, such trimming may be done by the TOWN or under the TOWN's supervision and direction, at the expense of the Grantee.

#### **04.11.02.13 Use of Existing Utility Facilities**

A Grantee shall use, with the owner's permission, existing underground conduits or overhead utility facilities whenever feasible and may not erect poles or support equipment in Public Rights-of-Way without the express permission of the TOWN. Copies of agreements for use of conduits or other facilities shall be filed with the TOWN as required by a Franchise Agreement or upon the Town's written request.

#### **04.11.02.14 Undergrounding of Cable**

In Public Rights-of-Way or other places where electrical and telephone utility wiring is located underground, either at the time of initial construction of a Cable System or at any time thereafter, a Grantee's Cable System also shall be located underground. Between a Public Right-of-Way and a Subscriber's residence, if either electric or telephone utility wiring is aerial, a Grantee may install aerial cable except where a property owner or resident requests underground installation and agrees to bear the additional cost of aerial installation. Where existing subdivision approvals, deed covenants, municipal zoning or other legal restrictions require underground location of utilities, Grantee's cable shall be located underground, and the Subscriber shall bear the additional cost of such installation on their property as a condition of receiving cable service.

#### **04.11.2.15 TOWN Use of Grantee's Poles**

The TOWN shall have the right to install and maintain free of charge upon the poles owned by a Grantee any wire and pole fixtures that do not materially interfere with the Cable System operations of the Grantee.

#### **04.11.02.16 TOWN Approval of Construction**

Prior to erection of any towers, poles, or conduits or the construction, upgrade, or rebuild of a Cable system authorized under this Ordinance or a Franchise Agreement, a Grantee shall first submit to the TOWN and other designated parties for approval a concise description of the Cable System

proposed to be erected or installed, including engineering drawings, if required, together with a map and plans indicating the proposed location of all such facilities. No erection or installation or any tower, pole, underground conduit, or fixture or any rebuilding or upgrading of a Cable System shall be commenced by any Person until the Grantee has obtained all building permits, street operating permits or other approvals required by the TOWN under any ordinance, regulation or procedure generally applicable to such activities.

#### **04.11.02.17 Contractors and Subcontractors**

Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of System equipment must be properly licensed under laws of the State and all applicable local ordinances. The Grantee must ensure that contractors, subcontractors and all employees who will perform work for its are trained and experienced. Each contractor and subcontractor must perform work in compliance with all applicable provision of law and a Franchise Agreement, and the Grantee shall implement a quality control program to ensure that the work is so performed.

#### **04.11.03 Publicizing Proposed Construction Work**

Except in emergencies or to restore outages, Grantee shall publicize proposed construction work prior to commencement of that work by causing written notice of such construction work to be delivered to the TOWN and by notifying those Person's most likely to be affected by the work in at least two (2) of the following ways: by telephone, in person, by mail, by distribution of flyers to residences, by publication in local newspapers, or in any other manner reasonably calculated to provide adequate notice, including use of local informational channels. Whenever practicable, such notice shall be given at least one (1) week prior to commencement of the work concerned.

#### **04.11.04 Continuity of Service**

##### **04.11.04.01 Subscriber Right**

It is the right of all Subscribers in a Grantee's Franchise Area to receive all services that a Grantee is then providing under the terms of a valid Franchise as long as their financial and other obligations to the Grantee are satisfied; provided, however, that to the extent a Grantee's agreements with its programming providers prohibit the Grantee from providing certain Cable Services to nonresidential subscribers, the Grantee may exclude such services from its offerings to nonresidential Subscribers.

##### **04.11.04.02 Assurance of Continuous Uninterrupted Service**

A Grantee shall ensure that all Subscribers receive continuous uninterrupted service. To this end, Grantee shall: (a) In the event of a Sale or Transfer of its Franchise, cooperate with the TOWN to assure an orderly transition from it to another Grantee and take all steps necessary to maintain service to Subscribers until the Sale or Transfer has been completed; (b) not abandoned service to the entire TOWN without having given 12 months' prior notice to the TOWN; and (c) not abandon service to any portion of TOWN (excepting termination of service to individual subscribers as otherwise permitted) without having given 6 months' prior written notice to the TOWN. Following such notice, the Grantee shall continue to be obligated to comply with the terms and conditions of its Franchise Agreement and applicable laws and regulations and shall cooperate with the TOWN to assure an orderly transition from it to another Grantee.

##### **04.11.04.03 Abandonment of System**

If a Grantee abandons its System during the Franchise term, or fails to operate its System in accordance with this Section 04.11 during any Transition Period, the TOWN, at its option, may operate the System, designate another entity to operate the System temporarily until the Grantee restores service under conditions acceptable to the TOWN or until the Franchise is revoked and a new Grantee selected by the TOWN is providing service, or obtain an injunction requiring the Grantee to continue operations. If the TOWN is required to operate or designate another entity to operate the Cable System, the Grantee shall reimburse the TOWN or its designee for all reasonable costs and damages incurred that are in excess of the revenues from the Cable System. In addition,

any abandonment of a System shall be subject to all of the provisions of 30-A M.R.S.A. § 3008(3) (B).

#### **04.11.04.04 Injunctive Relief**

The TOWN shall be entitled to injunctive relief under the preceding paragraph if:

- The Grantee fails to provide Cable Service in accordance with its Franchise over a substantial portion of the Franchise Area for ninety-six (96) consecutive hours, unless the TOWN authorizes a longer interruption of service or as permitted pursuant to the force majeure clause of Section 04.15.02; or
  - The Grantee, for any period, willfully and without cause refuses to provide Cable Service in accordance with its Franchise over a substantial portion of the Franchise Area.
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## **04.12 SYSTEM FACILITIES, EQUIPMENT, AND SERVICES**

In addition to satisfying such requirements as may be established through the application process, every Cable System shall be subject to the following conditions, except as prohibited by federal law:

### **04.12.01 Provisions of Service**

Each Franchise Agreement shall contain a line extension policy that shall govern a Grantee's obligation to extend service. Unless otherwise specified in a Franchise Agreement, after Cable Service has been established by activating trunk distribution cable for an area specified in a Franchise Agreement, a Grantee shall provide Cable Service to any household requesting Cable Service within that area, including each multiple dwelling unit in that area, except for multiple dwelling units to which it cannot legally obtain access. In providing services to multiple dwelling units, a Grantee shall comply with all applicable provisions of 14 M.R.S.A. § 6041.

### **04.12.02 Full Video Service to Municipal Buildings; Facilities and Equipment**

A Franchise Agreement may require a Grantee to install, at no charge, at least one service outlet at all municipal buildings within the Franchise Area that can be reached by a standard drop, and may provide that the Grantee shall charge only its time and material costs for any additional service outlets to such facilities. A Franchise Agreement may also require a Grantee to provide Basic Cable Service and the lowest tier of Cable Programming Services to such buildings free of charge. Finally, a Franchise Agreement may provide that such service outlets shall be capable of providing the full range of non-cable electronic data and telecommunication services provided by a Grantee, and may require other facilities and equipment and channel capacity in accordance with the Cable Act, at rates and terms set out in the Franchise Agreement.

### **04.12.03 Technical Standards**

#### **04.12.03.01 FCC Standards**

Any Cable System within the TOWN shall meet or exceed the technical standards set forth in 47 C.F.R. § 76.601 and any other applicable technical standards, including any such standards as hereafter may be amended or adopted by the TOWN in a manner consistent with federal law.

#### **04.12.03.02 Facilities Shall Not Interfere With Others' Signals or Facilities**

A Grantee shall not design, install, or operate its facilities in a manner that will interfere with the signals of any broadcast station, the facilities of any public utility, the Cable System of another Grantee, or individual or master antennae used for receiving television or other broadcast signals.

#### **04.12.04 Proof of Performance Tests**

At the times specified in a Franchise Agreement or as required by FCC rules, a Grantee shall

perform proof of performance tests, and such other tests as may be specified in a Franchise Agreement, designed to demonstrate compliance with this Article, the Franchise Agreement, and FCC requirements. The Grantee shall provide the results of proof of performance tests promptly to the TOWN, upon the Town's written request. The TOWN shall have the right to inspect the Cable System during and after its construction to ensure compliance with this Article, the applicable Franchise Agreement, and applicable provisions of local, state and federal law, and may require the Grantee to perform additional tests based on the Town's investigation of Cable System performance or on Subscriber complaints.

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## **04.13 CONSUMER PROTECTION PROVISIONS**

### **04.13.01 Telephone and Office Availability**

#### **04.13.01.01 Office; Hours of Operation; Telephone**

Each Grantee shall maintain an office at a location reasonably convenient to Subscribers that shall be open at least 50 hours each week, including, during the house of 8:30 a.m. to 5 p.m. Monday through Friday and 8:30 a.m. to 12 p.m. Saturday exclusive of all State and Federal holidays, to allow Subscribers to request service and conduct other business. Each Grantee shall ensure that its office shall meet all applicable access requirements of the Maine Human Rights Act and the Americans with Disabilities Act, and all other applicable federal and state laws and regulations.

Each Grantee shall perform service calls, installations, and disconnects during at least the hours for which its office is open for business, provided that a Grantee shall respond to outages twenty-four (24) hours a day, seven (7) days a week. Each Grantee shall establish a publicly listed toll-free telephone number, and shall either ensure that its telephone service has TTY and TDD capabilities, or contract with a third party to provide Grantee with such services. The phone must be answered by customer service representatives at least during the hours for which the Grantee's office is open for business, for the purpose of receiving requests for service, inquiries, and complaints from Subscribers; after those hours a Grantee shall arrange for the phone to be answered so that customers can register complaints and report service problems on a twenty-four (24) hour per day, seven (7) day per week basis, and so that the Grantee can respond to service outages as required herein.

#### **04.13.01.02 Telephone Answering Time**

Telephone answering time shall not exceed thirty (30) seconds or four (4) rings, and the time to transfer the call to a customer service representative (including hold time) shall not exceed an additional thirty (3) seconds. This standard shall be met ninety (90) percent of the time, measured quarterly. When the business office is closed, an answering machine or service capable of receiving and recording service complaints and inquiries shall be employed. Any after-hours answering service used shall comply with the same telephone answer time standard set forth in this Section 04.13.01. If required by its Franchise Agreement, a Grantee shall supply statistical data to verify it has met the standards set forth herein.

#### **04.13.01.03 Staff**

A Grantee must hire sufficient staff so that it can adequately respond to customer inquiries, complaints, and requests for service in its office, over the phone, and at the Subscriber's residence.

### **04.13.02 Scheduling Work**

#### **04.13.02.01 Appointments**

All appointments for service, installation, or disconnection shall be specified by date. Each Grantee shall offer a choice of morning, afternoon, or all-day appointment opportunities. If at any time an installer or technician believes it impossible to make a scheduled appointment time, an attempt to



contact the customer will be made prior to the time of appointment and the appointment rescheduled.

#### **04.13.02.02 Missed Appointments**

Subscribers who experience a missed installation appointment due to the fault of a Grantee shall receive standard installation free of charge. If the installation was to have been provided free of charge, or for other appointments, the Subscriber shall receive one (1) month of the subscribed to Service Tier free of charge, or a credit of \$20.00, whichever is greater.

#### **04.13.02.03 Mobility-Limited Customers**

With regard to mobility-limited customers, upon Subscriber request, each Grantee shall arrange for pickup and/or replacement of converters or other Grantee equipment at the Subscriber's address or by a satisfactory equivalent (such as the provision of a postage-prepaid mailer).

#### **04.13.02.04 Acknowledgment of and Response to Customer Requests**

Requests for service, repair, and maintenance must be acknowledged by a Grantee within twenty-four (24) hours, or prior to the end of the next business day. A Grantee shall respond to all other inquiries (except billing inquiries) within five (5) business days of the inquiry or complaint. A Grantee shall acknowledge receipt of billing inquiries within five (5) days and provide a detailed response within thirty (30) days.

#### **04.12.02.05 Completion of Work**

Repairs and maintenance for service interruptions and other repairs not requiring in-unit work must be initiated within twenty-four (24) hours and must be completed within sixty-two (62) hours. All other requests for service must be completed within three (3) days from the date of the initial request, except installation requests, provided that a Grantee shall complete the work in the shortest time possible where, for reasons beyond the Grantee's control, the work could not be completed in those time periods even with the exercise of all due diligence; the failure of a Grantee to hire sufficient staff or to properly train its staff shall not justify a Grantee's failure to comply with this provision. Except as federal law requires, no charge shall be made the Subscriber for this service, except for the cost of repairs to the Grantee's equipment or facilities where it can be documented that the equipment or facility was damaged by a Subscriber.

#### **04.13.02.06 Work Standards**

The standards of Sections 04.13.02.04 and 04.13.02.05 shall be met ninety-five (95) percent of the time, measured on a quarterly basis.

#### **04.13.03 Notice to Subscribers**

##### **04.13.03.01 Provision of Information to Subscribers**

A Grantee shall provide each Subscriber at the time Cable Service is installed, and at least annually thereafter, written instructions for placing a service call, filing a complaint, or requesting an adjustment. Each Grantee shall also provide a notice informing subscribers of how to communicate their views and complaints to the cable company, the proper municipal official and the State Attorney General; stating the responsibility of the State Attorney General to receive consumer complaints concerning matters other than channel selection and rates; and stating the policy regarding and method by which subscribers may request rebates or pro-rata credits as provided in this Ordinance or applicable federal or state law or regulation. In addition, all Grantees shall provide Subscribers to their services a schedule of rates and charges, a copy of the service contract, delinquent Subscriber disconnect and reconnect procedures, and a description of any other of the Grantee's policies in connection with its Subscribers. Copies of these notices shall be provided to the TOWN. A Grantee shall provide the TOWN and each Subscriber at least thirty (30) days advance notice of any significant changes in any of the information required by this section.

**04.13.03.02 Disclosure of Price Terms**

All Grantee promotional materials, announcements, and advertising of residential Cable Services to Subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials must clearly and accurately disclose price terms and in the case of telephone orders, a Grantee shall take appropriate steps to ensure that the customer service representative clearly and accurately disclose price terms to potential customers in advance of taking the order.

**04.13.03.03 Public File**

Each Grantee shall maintain a public file containing all notices provided to Subscribers under these customer service standards, as well as all written promotional offers made to Subscribers by the Grantee. Material in the file shall be retained for at least one year after the later of the date of mailing or public announcement of the information contained in a notice.

**04.13.04 Interruptions of Service**

A Grantee may intentionally interrupt service on the Cable System only for good cause and for the shortest time possible and, except in emergency situations, only after a minimum of forty-eight (48) hours prior notice to Subscribers and the TOWN of the anticipated service interruption; provided, however, that planned maintenance that does not require more than two (2) hours' interruption of service and that occurs between the hours of 12:00 a.m. and 6:00 a.m. shall not require such notice to Subscribers, and notice to the TOWN may be given no less than twenty-four (24) hours prior to the anticipated service interruption.

**04.13.05 Billing****04.13.05.01 Proration of First Billing Statement**

A Grantee's first billing statement after a new installation or service change shall be prorated as appropriate and shall reflect any security deposit, made or given by the Subscriber to the Grantee.

**04.13.05.02 Itemization**

A Grantee's billing statement must itemize each category of service and equipment provided to the Subscriber and state clearly the charge therefore.

**04.13.05.03 Payment Due Date**

A Grantee's billing statement must show a specific payment due date not earlier than ten (10) days after the date the statement is mailed. Any balance not received within thirty (3) days after the due date may be assessed a late fee not exceeding one and one-half percent (1.5%) of the amount due or any higher amount allowed by State law. The late fee shall appear on the following month's billing statement.

**04.13.05.04 In Person Payments**

A Grantee must notify the Subscriber that he or she can remit payment in person at the Grantee's office in the greater Bangor area and inform the Subscriber of the address of that office.

**04.13.05.05 No Late Fees for Failures by Grantee**

Subscribers shall not be charged a late fee or otherwise penalized for any failure by a Grantee, including a failure to timely or correctly bill the Subscriber, or failure to properly credit the Subscriber for a payment timely made.

**04.13.05.06 Credit for Lack or Impairment of Service**

Upon request, the account of any Subscriber shall be credited a prorated share of the monthly charge for the service if said Subscriber is without service or if service is substantially impaired for any reason for a period exceeding six (6) hours during any twenty-four (24) hour period, except where it can be documented that a Subscriber seeks a refund for an outage or impairment which

that Subscriber caused, or in the case of a planned outage occurring between the hours of 12:00 midnight and 6:00 a.m. of which the Subscriber had prior notice.

#### **04.13.06 Disconnection/Downgrades**

##### **04.13.06.01 Subscriber Termination**

A Subscriber may terminate service at any time.

##### **04.13.06.02 Prompt Disconnection or Downgrade on Request; Charges**

A Grantee shall promptly disconnect or downgrade any Subscriber who so requests from the Grantee's Cable System, unless the Subscriber unreasonably hinders access by the Grantee to equipment of the Grantee or the Subscriber's premises to which the Grantee must have access to complete the requested disconnection. No period of notice prior to voluntary termination or downgrade of service may be required of Subscribers by any Grantee. No charge may be imposed for any voluntary disconnection, and downgrade charges must comply with the requirement of federal law. So long as the Subscriber returns equipment necessary to receive a service within five (5) business days of the disconnection, no charge may be imposed by any Grantee for any Cable Services delivered after the date of the request to disconnect.

##### **04.13.06.03 Subscriber Return of Equipment**

A Subscriber may be asked, but not required, to disconnect a Grantee's equipment and return it to the business office; provided that if a Subscriber requests that a Grantee pick up the equipment, the Subscriber shall provide reasonable access to the Subscriber's premises during Grantee's business hours to allow the Grantee to retrieve the equipment.

##### **04.13.06.04 Refund of Security Deposit**

Any security deposit and/or other funds due the Subscriber shall be refunded on disconnected accounts after the converter has been recovered by the Grantee. The refund process shall take a maximum of thirty (30) days or the next billing cycle from the date disconnection was completed as required herein to the date the customer receives the refund.

##### **04.13.06.05 Disconnection for Failure to Pay Fee**

If a Subscriber fails to pay a monthly Subscriber or other fee or charge, a Grantee may disconnect the Subscriber's service outlet; however, such disconnection shall not be effected until at least forty-five (45) days after the due date of the monthly Subscriber fee or other charge and, after ten (10) days' advance written notice of intent to disconnect is given to the Subscriber in question. If the Subscriber pays all amounts due, including late charges before the date scheduled for disconnection, the Grantee shall not disconnect service. Subject to Section 04.13.06.02, after disconnection, upon payment by the Subscriber in full of all proper fees or charges, including the payment of the reconnection charge, if any, Grantee shall promptly reinstate service.

##### **04.13.06.06 Disconnection for Damage to System or Equipment**

A Grantee may immediately disconnect a Subscriber if the Subscriber is damaging or destroying the Grantee's Cable System or equipment. After disconnection, the Grantee shall restore service after the Subscriber provides adequate assurance that it has ceased the practices that led to disconnection, and paid all proper fees and charges, including reconnect fees, a reasonable security deposit, and amounts owed the Grantee for damage to its Cable System or equipment.

##### **04.13.06.07 Disconnection for Signal Leakage**

A Grantee may also disconnect a Subscriber that in any way, intentionally or otherwise, causes signal leakage in excess of federal limits. It may do so in accordance with Federal rules and requirements or, if the Subscriber fails to take steps to correct the problem. It may also do so without notice in the event of a danger to the public safety, provided that the Grantee shall immediately notify the Subscriber of the problem and, once the problem is corrected, reconnect the Subscriber without charge.

**04.13.06.08 Removal of Grantee Property**

Except as federal law may otherwise provide, if a Subscriber terminates service, a Grantee may offer the Subscriber the opportunity to acquire any wiring located on the premises that is the property of Grantee at replacement cost. If the Subscriber declines to purchase the wiring, the Grantee must remove its property from the Subscriber's premises within seven (7) days, if requested by the Subscriber. If a Grantee fails to remove the wiring in that period, the Grantee shall make no further attempt to remove the wiring or restrict its use.

**04.13.07 Changes in Service**

In addition to rights reserved by the TOWN, Subscribers shall have rights with respect to alterations in service. The Grantee may not alter the service being provided to a class of Subscribers (including by retiering, restructuring or otherwise) without the express permission of each Subscriber, unless it complies with this Article. At the time the Grantee alters the service it provides to a class of Subscribers, it must provide the Subscriber the right within the thirty (30) day period following notice to opt to receive any combination of services offered by Grantee. Except as federal law otherwise provides, Subscribers may not be required to pay any charge (other than properly noticed rates), including an upgrade or downgrade charge, in order to receive the services selected. No charge may be made for any service or product for which there is a separate charge that a Subscriber has not affirmatively indicated it wishes to receive. Payment of the regular monthly bill does not in and of itself constitute such an affirmative indication.

**04.13.08 Deposits**

A Grantee may require a reasonable, non-discriminatory deposit on equipment provided to Subscribers. Deposits shall be placed in an interest-bearing account, and the Grantee shall return the deposit, plus interest earned to the date repayment is made to the Subscriber. Interest will be calculated at the prevailing commercial savings rate on all late payments.

**04.13.09 Recording Subscriber Complaints**

A Grantee shall maintain a record of subscribed complaints in accordance with 30-A M.R.S.A. § 3010(4);

- Every franchisee shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee attitude and similar matters. These records shall be maintained for a period of 2 years.
- The record shall contain the following information for each complaint received:
  - Date, time and nature of the complaint;
  - Name, address and telephone number of the person complaining;
  - Investigation of the complaint;
  - Manner and time of resolution of the complaint;
  - If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and
  - Consistent with subscriber privacy provisions contained in the Cable Act and applicable FCC regulations, every Grantee shall make the logs or records of complaints available to any authorized agent of any franchising authority having a franchise with that Grantee or any authorized agent of a municipality considering a franchise with that Grantee upon request during normal business hours for on-site review.

**04.13.10 Remedies for Violators**

In addition to the remedies set forth elsewhere in this Ordinance and in the Franchise Agreement, subscribers shall have available the remedies provided by 30-A M.R.S.A. § 3010(7).

**04.14 RATE REGULATION**

**04.14.01 TOWN May Regulate Rates**

The TOWN may regulate all rates and charges except to the extent it is prohibited from doing so by law, and if the TOWN does exercise its rate regulatory authority, no rate or charge may be imposed or increased without the prior approval of the TOWN except such rates and charges that the TOWN is prohibited from regulating. Subject to the foregoing, any change made without prior approval is an illegal change, and a Grantee is prohibited from requesting or requiring a Subscriber to pay an illegal rate as a condition of providing service. This section shall be construed to mean that any Grantee has consented or will consent to subject itself to rate regulation.

**04.14.02 Authority to Adopt Regulations**

All rates that are subject to regulation by the TOWN must be reasonable. The TOWN may adopt such regulations, procedures, and standards as it deems necessary to implement rate regulation and may regulate rates by amendment to this Ordinance, by a separate resolution or ordinance, by amendment to a Franchise Agreement, or in any other lawful manner. This section shall not be construed to mean that any Grantee has consented or will consent to subject itself to rate regulation.

**04.14.03 Rate Change****04.14.03.01 Advance Notice of Rate Changes**

At least thirty (30) days prior to implementing an increases in rates, or changes in channel positions, programming, or service terms or conditions, a Grantee shall provide the TOWN and each Subscriber with written notice describing any such changes it plans to make and the proposed effective dates for the changes. A Grantee shall not be required to provide thirty (30) days' notice of rate decreases or temporary promotional offers that result in lower rates for Subscribers, provided that it has given the TOWN notice of such decreases and offers prior to implementation.

**04.14.03.02 Explanation of Rate Change**

In addition to the required notice, before it alters services or service terms or conditions, a Grantee must provide a reasonably simple and clear written notice explaining the substance and full effect of the alteration, including the effect on rates and service options and the effect of the change on the use of other consumer electronic equipment. Such written notice shall be provided to the TOWN at least thirty (30) days, before the change.

**04.14.03.03 Changes Made Without Required Notice Invalid**

Any change made without the required 30 days' notice shall be of no force or effect, and a Grantee shall be obligated to refund any increased amount collected without the required 30 days' notice, and to restore service to the prior existing status, at least until the require notice is provided. This subsection shall not limit the right of a Grantee to implement any rate decreases or temporary promotional offers that result in lower rates for Subscribers immediately upon providing written notice of these rate changes to the TOWN. This subsection shall not be interpreted to limit the Town's right to exercise its rate regulation authority under Section 04.14.01 of this Ordinance, the availability of remedies under applicable laws or regulations, or rights under the customer service standards set forth in Section 04.13 of this Ordinance.

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**04.15 RECORDS AND REPORTS****04.15.01 Open Books and Records**

The TOWN shall have the right to inspect and copy at any time after reasonable notice during normal business hours at a Grantee's local office, all materials and records of the Grantee relevant to the Town's management of the Public Rights-of-Way and regulation of customer service and consumer affairs including all maps, plans, service complaint logs, performance test results, records

of requests for service, computer records, codes, programs, and discs or other storage media and other like material which the TOWN reasonably deems appropriate in order to monitor compliance with the terms of this Ordinance, a Franchise Agreement, or applicable law. A Grantee shall make available to the TOWN, to the best of its ability, the same types of materials which the TOWN deems relevant and which are held by an Affiliate, a cable operator of the Cable System, and any contractor, subcontractor or any person holding any form of management contract for the Cable System. The Grantee is responsible for collecting, to the best of its ability, such requested information and producing it at its offices in the greater Bangor area, and as part of its application it must affirm that it can and will do so. The TOWN shall preserve the confidentiality on proprietary business information of a Grantee or another party provided to the TOWN by the Grantee, to the extent permissible under Maine law. To that end, the Grantee shall clearly identify any proprietary business information that it believes to be entitled to confidential treatment, so that the TOWN may establish appropriate safeguards against improper disclosure. The TOWN shall also have the right to inspect at any time after reasonable notice during normal business hours at a Grantee's local office all materials relevant to the financial condition of the Grantee, including all books, records, receipts, contracts, financial statements, computer records, codes, programs, and discs or other storage media and other like material which the TOWN reasonably deems appropriate in order to monitor compliance with the terms of this Ordinance, a Franchise Agreement, or applicable law. A Grantee shall make available for inspection by the TOWN, to the best of its ability, the same types of materials that the TOWN deems relevant and that are held by an Affiliate, a cable operator of the Cable System, and any contractor, subcontractor or any person holding any form of management contract for the Cable System. The Grantee is responsible for collecting, to the best of its ability, such requested information and producing it at its offices in the greater Bangor area, and as part of its application it must affirm that it can and will do so. The TOWN shall preserve the confidentiality of proprietary business information of a Grantee provided for inspection by the TOWN by the Grantee, to the extent permissible under Maine law. To that end, the Grantee shall clearly identify any proprietary business information that it believes to be entitled to confidential treatment, so that the TOWN may establish appropriate safeguards against improper disclosure.

#### **04.15.02 Required Reports**

A Grantee shall file the following with the TOWN in a form acceptable to the TOWN:

##### **04.15.02.01 Annual Construction Report**

An annual report setting forth the physical miles of plant construction and plant in operation during the fiscal year shall be submitted to the TOWN. Such report also shall contain any revisions to the System "as built" maps filed with the TOWN. The annual report shall be provided at the time specified in the Franchise Agreement.

##### **04.15.02.02 Notices Instituting Civil or Criminal Proceedings**

A Grantee shall provide the TOWN with copies of any notice of deficiency, forfeiture, or other document issued by any state or federal agency instituting any investigation or civil or criminal proceeding regarding the Cable System, the Grantee, or any Affiliate of the Grantee, to the extent the same may affect or bear on operations in the TOWN. A notice that an Affiliate that has a management contract for the Cable System was not in compliance with FCC EEO requirements within the work unit serving the TOWN would be deemed to affect or bear on operations in the TOWN. This material shall be submitted to the TOWN at the time it is filed or within five (5) days of the date it is received.

##### **04.15.02.03 Bankruptcy Declarations**

Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by the Grantee or by any partnership or corporation that owns or controls the Grantee directly or indirectly. This material shall be submitted to the TOWN at the time it is filed for within five (5) days of the date it is received.

#### **04.15.03 Reports To Be Provided on Request**

**04.15.03.01 Reports Required by FCC**

Upon the Town's written request, a Grantee shall deliver to the TOWN copies of all reports required by the FCC, including, but not limited to, any proof or performance tests and results, Equal Employment Opportunity reports, and all petitions, pleadings, notices, and applications regarding the Cable System, or a group of Cable Systems of which the Grantee's Cable System is a part, submitted or received by the Grantee, an Affiliate, or any other Person on behalf of the Grantee, either to or from the FCC, or any other federal or state regulatory commission or agency having jurisdiction over any matter affecting operation of the Grantee's System, for the time period specified in the Town's request.

**04.15.03.02 Financial Reports**

The TOWN may request the following financial reports for the Franchise Area once per calendar year:

- An ownership report, indicating all Persons who at any time during the preceding year did control or benefit from an interest in the Franchise of five (5) percent or more.
- An annual income statement showing Subscriber revenue from each category of service and every source of non-Subscriber revenue.
- A current annual statement of all capital expenditures, including the cost of construction and of equipment, used or placed within the TOWN.
- An annual list of officers and members of the Board of Directors of the Grantee and any Affiliates.
- An organizational chart showing what corporations or partnerships with more than a five (5) percent interest own the Grantee, and the nature of that ownership interest (limited partner, general partner, preferred share holder, etc.); and showing the same information for each corporation or partnership so identified and so on until the ultimate corporate and partnership interests are identified.
- An annual report of each entity identified in Section 04.15.03.02. above which issues an annual report.

**04.15.03.03 System and Operational Reports**

The following System and operational reports shall be submitted annually upon request of the TOWN:

- An annual summary of the previous year's activities including, but not limited to, Subscriber totals for each category of service offered, including number of pay units sold, new services offered, and the amount collected annually from other Users of the System and the character and extent of the service rendered thereto.
- An annual projection of System and service plans for the future.

**04.15.04 Additional Reports**

The Grantee shall prepare and furnish to the TOWN, at a time reasonably prescribed by the TOWN, such additional reports with respect to its operation, affairs, transactions, or property as the TOWN may reasonably deem necessary and appropriate to the performance of any of the rights, functions, or duties of the TOWN in connection with this Ordinance or the Franchise Agreement.

**04.15.05 Records Required****04.15.05.01 Records To Be Maintained**

A Grantee shall at all times maintain and shall deliver to the TOWN upon request, the following records:

- Records of all complaints maintained pursuant to Section 04.13.09.
- A full and complete set of plans, records, and "as built" maps showing the exact location of all System equipment installed or in use in the TOWN, exclusive of Subscriber service drops.

- Records of outages, indicating date, duration, area, and the estimated number of Subscribers affected, type of outage, and cause.
- Records of service calls for repair and maintenance indicating the date and time service was required, the date of acknowledgment and date and time of service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved.
- Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time services was extended.

#### **04.15.05.02 Additional Information**

The TOWN may request and a Grantee shall promptly provide additional information, reports, records, and documents as may be reasonably required from time to time for the performance by the TOWN of any of its rights, functions, or duties in conversations with this Ordinance or a Franchise Agreement.

#### **04.15.06 Performance Evaluation**

##### **04.15.06.01 TOWN Discretion To Hold Public Sessions**

The TOWN may, at its discretion, hold scheduled performance evaluation sessions. All such evaluation sessions shall be open to the public.

##### **04.15.06.02 Announcement of Sessions**

All evaluation sessions shall be open to the public and announced in a newspaper of general circulation.

##### **04.15.06.03 Discussion Topics**

Topics that may be discussed at any scheduled or special evaluation session may include, but are not limited to, system performance and construction, Grantee compliance with this Ordinance and a Franchise Agreement, customer service and complaint response, Subscriber privacy, services provided, programming offered, service rate structures, if applicable, Franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings, and line extensions.

##### **04.15.06.04 Grantee Cooperation**

During the review and evaluation by the TOWN, a Grantee shall fully cooperate with the TOWN and shall provide such information and documents as the TOWN may need to reasonably perform its review.

#### **04.15.07 Voluminous Materials**

If the books, records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then a Grantee may request that the inspection take place at some other location, provided that (i) the Grantee must make necessary arrangements for copying documents selected by the TOWN after review; and (ii) the Grantee must pay reasonable travel and additional copying expenses incurred by the TOWN in inspecting those documents or having those documents inspected by its designee, if done outside the greater Bangor area.

#### **04.15.08 Retention of Records; Relation to Privacy Rights**

Each Grantee shall take all steps required, if any, to ensure that it is able to provide the TOWN all information which must be provided or may be requested under this Ordinance or a Franchise Agreement, including by providing appropriating Subscriber privacy notice. Nothing in this Article shall be read to require a Grantee to violate 47 U.S.C. § 551. Each Grantee shall be responsible for blacking out any data that federal or state law prevents it from providing to the TOWN.



## **04.16 RIGHTS OF INDIVIDUALS PROTECTED**

### **04.16.01 Discriminatory Practices Prohibited**

#### **04.16.01.01 Discrimination Prohibited**

A Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers, programmers, or residents of the TOWN on the basis of race, color, religion, national origin, sex, age, physical handicap, or on any other basis prohibited by federal or state law. This provision is not intended to require a Grantee to provide any equipment or service free of charge to any Subscriber, unless such equipment or service is provided free in a manner that discriminate among Subscribers in a manner that is prohibited by state or federal law, or unless the provision of free equipment or service is required by state or federal law.

#### **04.16.01.02 Discrimination for Exercise of Rights Prohibited**

A Grantee shall not discriminate among Persons or take any retaliatory action against a Person because of that Person's exercise of any right it may have under federal, state, or local law, nor may the Grantee require a Person to waive such rights as a condition of taking service.

#### **04.16.01.03 Differential Rates Based on Subscriber Income Prohibited**

A Grantee shall not deny access or levy different rates and charges on the residents of any particular geographical area because of the income of the residents of that geographical area.

#### **04.16.01.04 Rate Preferences Prohibited**

Except to the extent the TOWN may not enforce such a requirement, a Grantee is prohibited from discriminating its rates or charges or from granting undue preferences to any Subscriber, potential Subscriber, or group of Subscribers or potential Subscribers, provided, however, that a Grantee may offer temporary, bona fide promotional discounts in order to attract or maintain Subscribers, so long as such discounts are offered on a non-discriminatory basis to similar classes of Subscribers throughout the TOWN; a Grantee may offer discounts for the elderly, the handicapped, or the economically disadvantaged, and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner, and a Grantee may enter into bulk service agreements with multiple dwelling unit owners, if the rates under such agreements are established and applied in a uniform and consistent manner. A Grantee shall comply at all times with all applicable federal, state, and TOWN laws, and all executive and administrative orders relating to non-discrimination.

### **04.16.02 Equal Employment Opportunity**

A Grantee shall not refuse to employ, discharge from employment, or discriminate against any Person in compensation or in terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, age, or any other basis prohibited by federal or state law. A Grantee shall comply with all federal, state, and local laws and regulations governing equal employment opportunities.

### **04.16.03 Subscriber Privacy**

#### **04.16.03.01 Grantee Shall Protect Subscriber Privacy**

A Grantee shall at all times protect the privacy of all Subscribers pursuant to the provisions of Section 631 of the Cable Act, 47 U.S.C. U 551, and 30-A M.R.S.A. § 3010(6-A). A Grantee shall not condition Subscriber service on the Subscriber's grant of permission to disclose information which, pursuant to federal or state law, cannot be disclosed without the Subscriber's explicit consent.

**04.16.03.02 Selling Subscriber Information Prohibited**

Neither a Grantee nor its agents or employees shall, without the prior and specific written authorization of the Subscriber involved, sell or otherwise make available for commercial purposes the names, addresses, or telephone numbers of any Subscriber or Subscribers, or any information that identifies the individual viewing habits of any Subscriber or Subscribers.

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**04.17 MISCELLANEOUS PROVISIONS****04.17.01 Compliance With Laws**

A Grantee shall comply with all applicable federal, state, and local laws and regulations as they become effective, unless otherwise stated.

**04.17.02 Force Majeure**

A Grantee shall not be deemed in default with provisions of its Franchise where performance was rendered impossible by war or riots, civil disturbances, floods, or other natural catastrophes beyond the Grantee's control, and a Franchise shall not be revoked or a Grantee penalized for such noncompliance, provided that the Grantee takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible under the circumstances with its Franchise without unduly endangering the health, safety, and integrity of the Grantee's employees or property, or the health, safety, and integrity of the public, Public Rights-of-Way, public property, or private property.

**04.17.03 Connections to System; Use of Antennae****04.17.03.01 Subscriber Right to Attach Devices**

Subscribers shall have the right to attach devices to a Grantee's System to allow them to transmit signals or services for which they have paid to VCR's receivers, and other terminals provided that such terminals are located within the Subscriber's premises, and provided that such transmissions do not result in interference with the operations of Grantee's System, or violations of signal leakage compliance standards. Subscribers also shall have the right to use their own legally acquired remote control devices and tuners, and other similar equipment, and a Grantee shall provide information to consumers which will allow them to adjust such devices so that they may be used with the Grantee's System.

**04.17.03.02 Requiring Disconnection of Antennae Prohibited**

A Grantee shall not, as a condition of providing service, require a Subscriber or potential Subscriber to remove any existing antenna, or disconnect an antenna except at the express direction of the Subscriber or potential Subscriber, or prohibit or discourage a Subscriber from installing an antenna switch, provided that such equipment and installations are consistent with applicable codes.

**04.17.04 Calculation of Time**

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required hereunder and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration time.

**04.17.05 Severability**

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the TOWN and shall thereafter be binding on the Grantee and the TOWN.

**04.17.06 Captions**

The captions and headings of this Ordinance are for convenience and reference purposes only and shall not affect in any way the meeting and interpretation of any provisions of this Ordinance.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-04-cable-television>



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## Section 05 - Street Disruption

Section 05.02 - Permits

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### Section 05.02 - Permits

#### 05.02.01 Permit Required

It shall be unlawful for any person, firm, corporation, or other entity to tunnel under, make an excavation in, construct an entrance to, or install a culvert in any street, alley, road, or other public place in the Town of Veazie without first having obtained a permit therefor from the Town. It shall also be unlawful to undertake any such activity without complying with the provisions of all applicable laws and ordinances and the terms and conditions of the permit.

#### 05.02.02 Permitting Authority

The Town Manager, or his or her duly authorized designee, is hereby authorized to issue all permits hereunder, except where the application seeks a permit to tunnel under or excavate a street or road for a lineal distance greater than thirty (30) feet and/or a surface area greater than three hundred (300) square feet, in which case the Town Council, in its capacity as the municipal officers of the Town of Veazie, is hereby authorized to issue the permits required hereunder.

#### 05.02.03 Applications

Written application for a permit shall be made on forms furnished by the Town. In addition, for applications seeking to tunnel under or excavate a street or road for a lineal distance greater than thirty (30) feet and/or a surface area greater than three hundred (300) square feet, the written application shall be accompanied by:

##### 05.02.03.01

a plan, prepared by a registered professional engineer, depicting the scope of the work, including but not limited to:

- location, size, and depth of the intended tunnel or excavation

- location of existing buildings or structures located within one hundred (100) feet thereof
- location of existing and proposed utilities,
- elevations, cross-sections, and profiles of the work

**05.02.03.02**

a traffic control plan

**05.02.03.03**

a construction schedule, and

**05.02.03.04**

a cost estimate certified by a registered professional engineer, which estimate shall contain a separate and distinct estimate of the costs to restore the street or road to its original condition.

**05.02.04 Fees**

The application fee for permits which may be issued by the Town Manager shall \$25.00. The application fee for permits which may be issued by the Town Council shall be 15% of the total cost estimate prepared by an engineer under 05.02.03. The Town Council may retain the services of independent professionals to provide assistance in the evaluation of applications subject to its review. The Town shall return any portion of the fee not expended for costs incurred in the review, oversight and inspection of the permittee's project.

**05.02.05 Issuance**

Permits shall be issued in accordance with the provisions of this Ordinance and applicable state laws. No permit shall be issued, and no tunnel or excavation work shall be undertaken, during the period commencing on November 15th and ending on April 15th, except for bona fide emergencies under Section 05 Emergencies.

**05.02.06 Permit Conditions**

The permitting authority is hereby authorized to attach reasonable conditions to the permit to ensure adequate protection of public convenience and safety.

**05.02.07 Permit Expiration**

A permit shall expire if the work authorized thereby is not commenced within thirty (30) days and completed within sixty (60) days after its issuance. A new application and permit shall be required before beginning or completing the work.

**05.02.08 Permit Revocation**

The permitting authority, after written notice and an opportunity for a hearing, may suspend or revoke a permit issued hereunder for the following causes:

- violation of this Ordinance
- violation of any applicable state or local law, ordinance, code or regulation which relates directly to the work authorized by the permit
- violation of any permit provisions or conditions, or
- falsehoods, misrepresentations, or omissions in the permit application.

**05.02.09 Insurance**

No permit shall be issued for tunneling or excavation in the travelled portion of a public way unless and until the applicant therefor has filed with the Town Manager a certificate of insurance evidencing the existence of a comprehensive liability policy, with the Town of Veazie named as an additional insured, in an amount of coverage not less than \$300,000.00, to indemnify, defend, and hold the Town harmless for any loss, liability, or damage to persons or property that may result or accrue from or because of the making, existence or manner of guarding or constructing any tunnel or excavation.

**05.02.10 Town Work**

A permit shall not be required for work undertaken for municipal purposes by the Town.

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**Section 05.03 - Completion of the work**

The permittee shall prosecute with diligence and expedition all work authorized by the permit and shall promptly complete such work and restore the street to its original condition, or as near as may be. All work shall be accomplished in a good and workmanlike manner and with suitable materials. If any part of the work shall be unskillfully or improperly done, or if inferior or inappropriate materials were used, the Town Manager or his or her designee may direct that the work be re-excavated and replaced in a proper manner, or that other appropriate corrective action be taken. If the permittee fails to restore the street as required or to take the necessary corrective action within five (5) business days after cessation of the work or notice of the defective work, whichever the case may be, the Town may, at its sole option, cause the restoration to be completed or the corrective action taken to its satisfaction. The permittee shall be liable for the actual cost thereof, plus an additional 25% of such cost for general overhead and administrative expenses. If the weather is not conducive to the relaying of pavement, the permittee may apply temporary surface patching material until the same can be replaced with permanent surface.

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**Section 05.04 - Protective Measures**

It shall be the duty of the permittee to place and maintain such barriers, warning devices, or flag persons as may be necessary or appropriate for the safety of the general public. All such devices and activities shall conform to the Federal Highway Administration Manual of Uniform Traffic Control Devices, Section 6. In addition, the permittee shall take appropriate measures to assure that during the course of the work, traffic conditions shall be maintained as normal as possible all times and to minimize any inconvenience to the occupants of the adjoining property and to the general public. No street or road shall be closed to traffic without the written consent of the Town Manager, or his or her designee. In addition, the permittee shall do everything necessary to support, sustain, and protect:

- all utilities located within the street or road and
- all adjoining property.

In case of said utilities or private property should be damaged during the course of the work, the permittee shall be liable for all damage or injury resulting therefrom.

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**Section 05.05 - Emergencies**

Nothing in this Ordinance shall be construed to prevent the making of such excavations as may be necessary in emergency situations for the preservation of life or property or for the location of trouble in a conduit or pipe, or for making repairs, provided that the person, firm, or corporation making such an excavation shall immediately notify the police and shall apply for a permit not later than the end of the next business day thereafter. Any such emergency excavation shall be limited to the smallest amount possible.

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## Section 05.06 - Enforcement

The Town Manager and his or her designee(s) shall be empowered to enforce the provisions of this Ordinance, including the issuance of cease and desist orders for work commenced without benefit of a permit. In addition, the police officers and constables of the Town of Veazie shall also be empowered to enforce the provisions of this Ordinance.

### Section 05.07 - General Requirements and Design Standards for Culvert Installation

The Town Manager shall keep on file in the Town Office a description of all standards to any interested parties. The Town Council may, from time to time, revise these standards.

#### 05.07.01 Type of Pipe

The contractor may furnish any of the following types of pipe (minimum 15" diameter is required):

- Corrugated steel metallic coated pipe (zinc, aluminum, or aluminum-zinc alloy);
- Non-reinforced concrete pipe;
- Corrugated Aluminum Alloy Pipe;
- Polyvynalchloride (PVC) Pipe;
- Precoated Galvanized Corrugated Steel Pipe;
- Precoated, Smoothlined, Galvanized Corrugated Steel Pipe;
- Reinforced Concrete Pipe;
- Smoothlined Corrugated Aluminum Alloy Pipe.

#### 05.07.02 Aggregate for Base and Subbase

##### 05.07.02.01 Base

Aggregate for base shall be screened or crushed gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch sieve shall meet the grading requirements of the following table:

Sieve	Percentage by Weight
Degradation	Passing Square Mesh Sieves
	MDOT
	Type B
	Aggregate
1/2 inch	35-75
1/4 inch	25-60
No. 40	0-25
No. 200	0-5

Type B aggregate for base shall not contain particles of rock which will not pass the 4 inch square mesh sieve.

**05.07.02.02 Subbase**

Aggregate for subbase shall be sand or gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch sieve shall meet the grading requirements of the following table:

Sieve	Percentage by Weight
Degradation	Passing Square Mesh Sieves
	MDOT
	Type D
	Aggregate
1/4 inch	25-70
No. 40	0-30
No. 200	0-7

Aggregate for subbase shall not contain particles of rock which will not pass the 6 inch square mesh sieve.

**05.07.03 Bedding**

Culverts less than 42 inches in diameter shall be bedded on a firm foundation of uniform density. After placing the culvert pipe, backfill material shall be placed along the bottom of the trench and thoroughly tamped against the lower portion of the pipe with special care taken not to move the bedded pipe.

For culverts 42 inches in diameter and larger, the bottom of the trench shall compacted to density and shaped to fit a template with reasonable closeness or at least 10 percent of the culvert's total height.

On all bedding, when bell and spigot pipe is used, the portion of trench at the joints shall be shaped to fit the bell.

**05.07.04 Backfilling**

After the pipe is installed it will be inspected before any backfill material is placed. All pipe found to be out of alignment, unduly settled or damaged to the extent that full performance is impaired, shall be taken up and relaid or replaced. Backfilling shall consist of placing suitable material in all spaces excavated and not occupied by drainage structures, bridge structures and other permanent structures up to the elevation of the existing ground. Backfill material shall be fine readily compressible soil or granular material, at or near optimum moisture content, and shall not contain stones larger than 3 inches, frozen lumps, chunks of clay, mineral matter or any other objectionable material. The material shall be uniformly distributed in layers of not more than 8 inches, loose measure and each layer thoroughly compacted by use of approved compactors before successive layers are placed. When backfill is being placed around a pipe or structure, operations shall be so conducted that the fill is always at approximately the same elevation on both sides of the structure. Water shall be added when necessary to increase the moisture content of the backfill material to obtain compaction. The backfill material shall thoroughly rammed under the haunches of the pipe with power or pneumatic operated hand tampers. The remainder of the backfill shall be thoroughly compacted with power tampers or vibratory compactors or other approved equipment or combination of equipment.



## **Section 05.08 Penalties**

Any person, firm, corporation or other entity violating any provisions of this Ordinance shall be fined \$100.00 for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Veazie.

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## **Section 05.09 Severability**

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

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-05-street-disruption>



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## Section 06 - Inspector of Buildings

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### Section 06.01 Establishment

There is hereby created the office of Inspector of Buildings which shall receive petitions for building permits, and at which office shall be filed copies of said petitions, permits issued thereon and certificates of occupancy.

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### Section 06.02 Appointment

The Selectmen shall annually in the month of April appoint an inspector of buildings, who shall be a man skilled in the construction of buildings and shall determine his compensation. The Selectmen shall define the limits within which the Inspector of Buildings shall have jurisdiction, which shall include the thickly settled portion of such town. Whenever the Inspector of Buildings shall become incapacitated, the Selectmen may appoint or authorize a deputy inspector of buildings, who shall serve until removed by the Selectmen, but in no event beyond the term for which the Inspector of Buildings was appointed. Such deputy inspector shall perform such duties as may be required of him by the inspector. His compensation shall be determined by the Selectmen. On the adoption of this ordinance, the Selectmen shall appoint an inspector of buildings to serve until the annual appointment is made next April.

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### Section 06.03 Duties

The Inspector of Buildings shall enforce all laws relating to the construction of buildings and use and occupancy, location of buildings, including all provisions of zoning ordinances of Veazie, except as may be otherwise provided for.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-06-inspector-buildings>



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## Section 07 - Building Code

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### Section 07.01 Adopting the Current National Electric Code

In accordance with 30-A M.R.S.A. §3003, as amended, the National Electrical Code Edition, designated as N.F.P.A. No. 70-1987, and prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference, as the minimum standard for electrical installations within the boundaries of the Town of Veazie.

For the purpose of this Ordinances, the term "electrical installation" shall mean the installation, repair, alteration or maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms and electrically supervised manual fire alarms and sprinkler systems. They shall not include the installation or repair of portable electrical equipment, installation of which involves only the insertion of an attachment plug into fixed receptacle outlet. It is the meaning and intent of this subsection that the word "portable" shall not include or apply to any type of fixed electrically operated or driven equipment.

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### Section 07.01 Building Code

The Town of Veazie hereby ordains that in accordance with Title 30-A, M.R.S.A. 3003 the "BOCA Basic National Building Code of 1987", Tenth Edition, is hereby adopted and incorporated by reference, as the minimum standard for the construction, alteration, addition, repair, removal,

demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment, both existing and proposed, located within the Town of Veazie.

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## **Section 07.02 Permits**

No person, firm or corporation shall make any electrical installation in any building or structure within the Town of Veazie without first filing an application with the Electrical Inspector in writing and obtaining the required permit therefor. The application for an electrical permit shall be submitted in such form as the Electrical Inspector may prescribe, and shall be accompanied by all required fees. All such fees shall be set by the Town Council. Fees set by the Town Council will be attached for informational purposes and are not to be considered as part of this code. Application for the permit shall be made by the owner or lessee of the building or structure or agent of either, or a licensed electrician employed to do the proposed work. Any permit issued under this Section shall become invalid, if the authorized work is not commenced within six (6) months after issuance of the permit or if the work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

---

## **Section 07.02 Amendments to Published Version**

Said Building code is adopted in its published form as if fully set forth herein, except as follows:

### **07.02.01**

Article 1, Section 100.1 is amended to read as follows:

Title: These regulations shall be known as the Building Code of the Town of Veazie hereinafter referred to as "this code".

### **07.02.02**

Article 1, Section 100.2 is amended to read as follows:

Scope: These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined, and shall apply to existing or proposed buildings and structures in the Town of Veazie, except as such matters are otherwise provided for in the local jurisdictional charter, or other ordinance or statutes, or in the rules and regulations authorized for promulgation under provisions of this code.

### **07.02.03**

Article 1, Section 103.1 is amended to read as follows:

Continuation of existing use: The legal use and occupancy of any structure existing on the effective date of this ordinance or for which it had been theretofore approved, may be continued without change, except as may be specifically covered in the Code, the Prevential National Fire Code, Existing Structures Code, and the Life Safety Code and subsequent amendments thereto, or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

### **07.02.04**

Article 1, Section 109.1 is deleted and replaced with the following:

Code Official: Further references in this code to the "code official" shall be interpreted to mean the Code Enforcement Officer of the Town of Veazie.

**07.02.05**

Article 1, Section 111.3 is deleted and replaced with the following:

By Whom Application is Made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent or either, or by the licensed engineer or architect employed in connection with the proposed work. The full names and addresses of the owner or lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

**07.02.06**

Article 1, Section 112.2 is amended to read as follows:

Suspension of Permits: Any permit issued shall automatically become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

**07.02.07**

Article 1, Section 114.3.1 is deleted.

**07.02.08**

Article 1, Section 1107.3 and Section 1107.4 are deleted and replaced with the following:

Civil Penalties: The requirements of 30-A M.R.S.A. § 4966 shall apply to the determination of penalties for violations of this Ordinance. The minimum penalty for a specific violation of this ordinance shall be \$100 and the maximum penalty shall be \$2,500 when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision.

**07.02.09**

Article 1, Section 118.2 is amended to read as follows:

Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be guilty of a violation of this Ordinance.

**07.02.10**

Article 1, Section 123.0 is deleted.

**07.02.11**

Article 1, Section 124.1 is deleted and replaced with the following:

Application for Appeal: The owner of a building or structure or any other person may appeal to the "Veazie Board of Appeals", hereinafter designated as the "Board of Appeals", from a decision of the building official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced on a form provided by the Code Enforcement Officer together with an administrative processing fee of Thirty-five Dollars (\$35.00).

**07.02.12**

Article 1, Section 124.2 to 124.7 are deleted.

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## **Section 07.03 Enforcement Authority**

The Building Inspector established under Section 00.04.01, of the Town Charter of Veazie, or his/her authorized agents, shall have the power and duty to enforce the provisions of this code.

---

## Section 07.04 Enforcement Procedure

Whenever the Building Inspector or his/her authorized agents determine there is a violation of any provisions of said Code, he/she shall be given written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:

- include a description of the real estate in question sufficient for identification; and
  - include a description of the violation found and the citation to the provisions violated, of said Code; and
  - specify the remedial action required for correction of said violation; and
  - order that such violation be corrected within a reasonable period of time; and
  - state that an appeal from any order, decision or other action of the Building Inspector may be taken to the Board of Appeals by filing with the Building Inspector a written request for such a public hearing, within ten (10) days of receipt of said written notice.
- 

## Section 07.05 Appeal to Superior Court

Further appeal from the decision of the Board of Appeals may be made to Superior Court in Accordance with the Maine Rules of Civil Procedure.

---

## Section 07.06 Prosecution of Violation

Upon the expiration of the reasonable time stated in the written notice provided for in Section 07.04 of this Ordinance, and the failure to comply with any and all orders, the Town Manager or Code Enforcement Officer may institute proceedings at law or in equity to compel the property owner, lessee, occupant and/or their agents, to comply with the provisions of this Ordinance. In addition, the Town Manager or Code Enforcement Officer may file a criminal complaint in the District Court of the State of Maine for purpose of enforcing the penalty provisions contained in this section.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-07-building-code>



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## Section 08 - National Electric Code

Section 08.04 - Written Complaint to State Electrical Inspector

Section 08.05 - Enforcement Procedure

Section 08.06 - Appeal to Superior Court

Section 08.07 - Prosecution of Violation

Section 08.08 - Penalties

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*These documents are presented for informational purposes only.  
For legal use refer to the Veazie Code Archive located in the Town Office.*

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### Section 08.04 Written Complaint to State Electrical Inspector

Upon the discovery of electrical installations which do not comply with this code, the Electrical Inspector, or his authorized agents, may make a written complaint to the State Electrical Inspector, in accordance with 32 M.R.S.A. § 1104.

---

### Section 08.05 Enforcement Procedure

Whenever the Electrical Inspector or his authorized agents determine there is a violation of any provisions of said Code, he shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:

- include a description of the real estate in question sufficient for identification; and
- include a description of the violation found and the citation to the provisions violated, of said Code; and
- specify the remedial action required for correction of said violation; and
- order that such violation be corrected within a reasonable period of time; and
- state that an appeal from any order, decision or other action of the Electrical Inspector may be taken to the Town Council by filing with the Building Inspector a written request for a public hearing, within 10 (ten) days of receipt of said written notice.



## **Section 08.06 Appeal to Superior Court**

Further appeal from the decision of the Town Council may be made to the Superior Court in accordance with the Maine Rules of Civil Procedure.

---

## **Section 08.07 Prosecution of Violation**

Upon the expiration of the reasonable time stated in the written notice provided for in Section 3 of this Ordinance, and the failure to comply with any and all orders, the Town Manager or Code Enforcement Officer may institute proceedings at law or in equity to compel the property owner, lessee, occupant and/or their agents, to comply with the provisions of this Ordinance. In addition, the Town Manager or Code Enforcement Officer may file a criminal complaint in the District Court of the State of Maine for purpose of enforcing the penalty provisions contained in this section.

---

## **Section 08.08 Penalties**

Every person, firm, partnership, association or corporation who shall violate any provision of this code, shall, at the expiration of such reasonable time as stated in the written notice, be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than \$10.00 nor more than \$100.00 for each violation. Upon proof of violation or conviction, the violators shall be additionally liable for all court costs and legal fees incurred by the Town.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-08-national-electric-code>



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## Section 09 - Swimming Pools

Section 09.01 - Compliance Required

Section 09.02 - Definition

Section 09.03 - Setback

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Section 09.08 - Permit Required

Section 09.09 - Fee Schedule

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### Section 09.01 Compliance Required

It shall be unlawful to construct, install or enlarge any swimming pool in the Town except in compliance with all the provisions of this ordinance.

---

### Section 09.02 Definition

The term "swimming pool" is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion of partial immersion therein of human beings, and including all appurtenant equipment.

---

### Section 09.03 Setback

The facility shall conform with the setback requirements of the Town of Veazie Land Use Ordinance.

---

## Section 09.04 Fences

All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be four feet in height above ground level. All pools as defined here will have a ground fault interrupter. All gates shall be equipped with self-latching devices placed at the top of the gate.

---

## Section 09.05 Electrical

All pools must comply with National Electrical Code requirements, including proper grounding and ground fault interrupter, as approved by the Electrical Inspector.

---

## Section 09.06 Exclusions

Exclusion of child proof pools from compliances of this ordinance. A child proof pool being as above the ground pool having a minimum height of four (4) feet above grade level and having a limited access.

---

## Section 09.07 Non-Conforming Uses

All non-conforming uses will cease 90 days after adoption of this ordinance.

---

## Section 09.08 Permit Required

A permit must be obtained from the Building Inspector (to comply with appendix of the Maine State Plumbing Code, 1973).

---

## Section 09.09 Fee Schedule

The permit fees are established as follows:

\$1-4,999 = \$7.50

\$5,000 and over = \$10.00

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-09-swimming-pools>



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## Section 10 - Existing Structures Code

Section 10.01 - Existing Structures Code Adopted  
Section 10.02 - Amendments to Published Version  
Section 10.03 - Enforcement Authority  
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Section 10.06 - Prosecution of Violation

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### Section 10.01 Existing Structures Code Adopted

The Town of Veazie hereby ordains that in accordance with 30-A M.R.S.A. § 3003 "The BOCA National Existing Structures Code/1987," Second Edition, published by the Building Officials and Code Administrators, Inc., is hereby adopted and incorporated by reference, as the Existing Structures Code of the Town of Veazie for the purposes of establishing minimum standards governing the condition, maintenance, and rehabilitation of all existing structures; establishing minimum standards governing supplies, utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures, and the condemnation of structures unfit for human habitation and the demolition of such structures, located within the Town of Veazie.

---

### Section 10.02 Amendments to Published Version

"The BOCA National Existing Structures Code 1987" is adopted in its published form as if fully set forth herein, except as follows:

#### 10.02.01

Section ES-100.1 is deleted and replaced with the following:

ES-100.1 Title: These regulations shall be known as the Existing Structures Code of the Town of Veazie and are herein referred to as such or as "this code".

#### **10.02.02**

Section ES-107.5 is amended by the addition of the following sentence:

For the purpose of this Section, the terminology "sell, transfer, mortgage, lease or otherwise dispose of" shall include the execution of a land sales contract or similar agreement.

#### **10.02.03**

Section ES-110.2 is deleted and replaced with the following:

Civil Penalties. The requirements of 30-A M.R.S.A. § 4452 shall apply to the determination of penalties for violations of the Ordinance. The minimum penalty for a specific violation of this Ordinance shall be \$100 and the maximum penalty shall be \$2,500; when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision.

#### **10.02.04**

Section ES-112.1, ES-112.2, ES-112.2.1, ES 112.2.2, ES-112.2.3, and ES-112.3 are deleted and replaced with the following:

124.1 Application for Appeal: The owner of a building or structure or any other person may appeal to the "Veazie Board of Appeals", hereafter designated as the "Board of Appeals", from a decision of the building official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Such appeal shall be commenced on a form provided by the Director of Code Enforcement together with an administrative processing fee of Thirty-Five Dollars (\$35.00).

#### **10.02.05**

Section ES-111.4 is deleted and replaced with the following:

ES-111.4 Restraining Actions: Anyone affected by any such order shall within twenty (20) days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The Court shall determine whether the order of the code official is responsible, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

#### **10.02.06**

The definition of "Code Official" contained in Section ES-201.0 is deleted and replaced with the following:

Code Official: The Code Enforcement Officer of the Town of Veazie.

#### **10.02.07**

Section ES-301.4 is deleted and replaced with the following:

ES-301.4 Insect and Rodent Control: Every owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin, or other pests in all areas of the premises, except that the occupant shall be responsible for such extermination in all areas of the premises of a single-family dwelling.

#### **10.02.08**

Section ES-601.1 is deleted and replaced with the following:

ES-601.1 Residential Buildings: Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit at a distance of 3 feet from the exterior walls and 5 feet above the floor level at an outside temperature of -20 degrees Fahrenheit.

**10.02.09**

Section ES-802.2 is deleted.

**10.02.10**

Section ES-802.4 is deleted.

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**Section 10.03 Enforcement Authority**

The Building Inspector established under section 06.02 of this code, or his/her authorized agents, shall have the power and duty to enforce the provisions of this code.

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**Section 10.04 Enforcement Procedure**

Whenever the Building Inspector or his/her authorized agents determine there is a violation of any provisions of said Code, he/she shall give written notice of such violation to the property owner, lessee, occupant or their agents. Such notice shall:

**10.04.01**

include a description of the real estate in question sufficient for identification; and

**10.04.02**

include a description of the violation found and the citation to the provisions violated, of said Code; and

**10.04.03**

specify the remedial action required for correction of said violation; and

**10.04.04**

order that such violation be corrected within a reasonable period of time; and

**10.04.05**

state that an appeal from any order, decision or other action of the Building Inspector may be taken to the Board of Appeals by filing with the Building Inspector a written request for a public hearing, within ten (10) days of receipt of said written notice.

---

**Section 10.05 Appeal to Superior Court**

Further appeal from the decision of the Board of Appeals may be made to the Superior Court in Accordance with the Maine Rules of Civil Procedure.

---

**Section 10.06 Prosecution of Violation**

Upon the expiration of the reasonable time stated in the written notice provided for in Section 3 of this Ordinance, and the failure to comply with any and all orders, the Town Manager or Code

Enforcement Officer may institute proceedings at law or in equity to compel the property owner, lessee, occupant and/or their agents to comply with the provisions of this Ordinance. In addition, the Town Manager or Code Enforcement Officer may file a criminal complaint in the District Court of the State of Maine for purpose of enforcing the penalty provisions contained in this section.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-10-existing-structures-code>



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## Section 11 - Restricting Vehicle Weight

Section 11.01 - Purpose and Authority  
Section 11.02 - Definitions  
Section 11.03 - Restrictions and Notices  
Section 11.04 - Exemptions  
Section 11.05 - Permits  
Section 11.06 - Administration and Enforcement  
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### Section 11.01 Purpose and Authority

The purpose of this rule is to prevent damage to town ways and bridges in the Town of Veazie 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 rule is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. § 2395(3).

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### Section 11.02 Definitions

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

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### Section 11.03 Restrictions and Notices

#### 10.03.01

The municipal officers may, 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.

#### **10.03.02**

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of 6 tons (12,000 pounds) during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

#### **10.03.03**

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers.

#### **10.03.04**

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 travelway. 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.

#### **10.03.05**

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

---

## **Section 11.04 Exemptions**

The following vehicles are exempt from this rule:

- any two-axle vehicle while delivering home heating fuel;
- any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- any school transportation vehicle while transporting students;
- any public utility vehicle while providing emergency service or repairs; and
- any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

---

## **Section 11.05 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:

- no other route is reasonably available to the applicant;
- it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- the applicant has tendered cash, a bond or other suitable security running to the Town 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. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

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

- the gross registered weight of the vehicle;
- the current and anticipated condition of the way or bridge;
- the number and frequency of vehicle trips proposed;
- the cost and availability of materials and equipment for repairs;
- the extent of use by other exempt vehicles; and
- such other circumstances as may, in their judgment, may 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 of frequency of vehicle trips, which shall be clearly noted on the permit.

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## **Section 11.06 Administration and Enforcement**

This rule shall be administered and may be enforced by the Town Manager or his/her duly authorized designee.

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## **Section 11.07 Penalties**

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town 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 Town and shall be brought in the Maine District Court.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-11-restricting-vehicle-weight>



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## Section 12 - Parking Regulations

Section 12.01 Parking Prohibitions

Section 12.02 Wintertime Parking

Section 12.03 Deposit of Snow and Ice Prohibited on Streets

Section 12.04 Waiving Court Hearing for Violation

Section 12.05 Penalties

Section 12.06 Tow Away Zone

Section 12.07 - No Parking Schedule

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*These documents are presented for informational purposes only.*

*For legal use refer to the Veazie Code Archive located in the Town Office.*

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### Section 12.01 Parking Prohibitions

Except when necessary in obedience to traffic regulations, traffic signs or signals, it shall be unlawful and a violation of this ordinance for any person:

#### 12.01.01 Parking Opposite Traffic

To stop, stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of the traffic and with the curb side wheels of the vehicle within six (6) inches of the edge of the roadway, except as provided in the following: Upon those streets which have been marked or signed for angle parking, in places used for the loading or unloading of merchandise or materials, but no vehicle shall remain backed up to the curb except when actually loading or unloading.

#### 12.01.02 Where Prohibited

To stop, stand or park a vehicle on the streets or portions of streets duly marked or posted and which are described or specified in this section, and have so been designated by the Town Manager and approved by order of the Town Council. A schedule of said streets or portions of streets (Section 12.07) shall be maintained by the Town Clerk and be available for public inspection at any reasonable hour.

#### 12.01.03 Hydrants

To stop, stand or park, along the side line of any travelled way, any vehicle, occupied or not, within twelve (12) feet of any fire hydrant.

**12.01.04 Handicap Zone**

To park a vehicle in a parking zone designated for handicap parking unless the vehicle's license plate or a window placard legally displays the handicap logo.

**12.01.05 Sidewalks or Turf**

To park a vehicle on a sidewalk or turf of a public way.

**12.01.06 Bus Stop**

To park a vehicle at a designated bus stop.

**12.01.07 Loading Zone**

To park a vehicle in a designated loading zone.

**12.01.08 Obstructing Free Passage**

To leave a vehicle stationary on a way so as to obstruct the free passage of other vehicles.

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**Section 12.02 Wintertime Parking****12.02.01 Parking Limitation**

It shall be unlawful and in violation of this ordinance between November 15 to April 15 of the calendar year for any person to stop, stand or park, or allow to remain, a vehicle in or upon any street, public way, public square, or public parking area within the Town of Veazie, so as to interfere with or hinder snow removal, or snow plowing operations during the hours between 10 P.M. and 6 A.M. Eastern Standard Time or Eastern Daylight Time, as may be in effect. It shall be unlawful and in violation of this Ordinance to leave a vehicle unattended so as to interfere with or hinder snow plowing during the hours between 6 a.m. and 10 p.m.

**12.02.02 Violation, Removal**

Any officer of the Veazie Police Department is hereby authorized to remove and tow away or have removed or towed away by any commercial towing service, any vehicle parked in violation of Section 12.03.01, and to have placed in a suitable location, at the expense of the owner of the vehicle.

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**Section 12.03 Deposit of Snow and Ice Prohibited on Streets**

No person shall deposit or cause to be deposited any body of ice or heap of snow in any street, lane or public way so as to interfere with traffic flow.

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**Section 12.04 Waiving Court Hearing for Violation**

Any person accused of a violation of this ordinance or any portion thereof may voluntarily waive their right to appear and defend before any Court or Judicial Tribunal the charge made against them for such illegal parking by paying to the municipality the sum stated in Section 12.06 for each infraction within thirty (30) days of the date such alleged offense was committed. All fees double if not paid in full within thirty (30) days of violation date.

## Section 12.05 Penalties

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof and in addition to any other remedies provided herein, be subject to a fine as stated below. Each day that a violation continues shall constitute a separate offense.

- Overtime Parking \$5.00
  - No Parking 10.00
  - Sidewalk or Turf 10.00
  - Position of Vehicle 10.00
  - Bus Stop 10.00
  - Loading Zone 10.00
  - Deposit of Snow on Street 25.00
  - Fire Zone/Hydrant 25.00
  - Obstructing the Flow of Traffic 25.00
  - Winter Time Parking 25.00
  - Handicap Zone 50.00
- 

## Section 12.06 Tow Away Zone

All areas designated as no parking shall also be known as tow away zones when the illegally parked vehicle is deemed to a public safety hazard by the Veazie Police Officer.

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## Section 12.07 No Parking Schedule

### 12.07.01 Arbor Drive

No parking on either side of the road for a distance of two hundred (200) feet from the intersection of State Street.

### 12.07.02 Chase Road

#### 12.07.02.01

No parking on the southwesterly side of the road between State Street and a point opposite telephone pole #17.

#### 12.07.02.02

No parking on the southwesterly side of the road between telephone pole #39 and the Interstate 95 Bridge.

#### 12.07.02.03

No parking on the northwesterly side of the road for a distance of one hundred (100) feet from the intersection of State Street.

### 12.07.03 Community Center Parking Lot

No parking between the hours of 10:00 P.M. and 6:00 A.M. unless the driver of the vehicle is attending a meeting at the Community Center or is engaged in official business at said building. Overnight parking will be permitted with the permission of the Chief of Police.

**12.07.04 Flagg Street**

No parking on either side of road from intersection of Green Street to the intersection of Main Street.

**12.07.05 Fletcher Municipal Building Parking Lot**

No parking between the hours of 10:00 P.M. and 6:00 A.M. unless the driver of the vehicle is attending a meeting at the Fletcher Municipal Building or is engaged in official business at said building.

**12.07.06 Green Street**

No parking on the south side.

**12.07.07 Highview Terrace**

No parking on either side of the street from the State Street intersection for a distance of three hundred (300) feet.

**12.07.08 Judson Street**

No parking on the southeasterly side.

**12.07.09 Lemon Street****12.07.09.01**

No parking on either side of the road for a distance of fifty (50) feet in a south-easterly direction from the intersection of Flagg Street

**12.07.09.02**

No parking on the northeasterly side of the road for a distance of three hundred (300) feet from the intersection of Main Street.

**12.07.10 Main Street**

No parking on the northeasterly side of the road from the intersection of State Street for a distance of one thousand fifty-six (1,056) feet. No parking on either side of Main Street from the intersection of State Street for a distance of two hundred fifty (250) feet.

**12.07.11 Maple Street**

No parking on the southeasterly side and no parking on either side within fifty feet (50) of Olive Street.

**12.07.12 Oak Grove Street**

No parking on either side of the road for a distance of fifty (50) feet from the intersection of School Street.

**12.07.13 Oak Grove & Olive Streets**

No parking on either side of Oak Grove and Olive Streets between the intersection of Oak Grove and Rock Street and the intersection of Olive and Rock Street.

**12.07.14 Old County Road**

No parking on either side of the street.

**12.07.15 Olive Street**

Twenty (20) minute parking only, on the northeasterly side of the road for a distance of one hundred (100) feet from Main Street.

**12.07.16 Prouty Drive**

No parking on either side of the road between the cul-de-sacs.

**12.07.17 Riverview Park**

No parking, except by permission of the Town Council or the Town Manager or as excepted in the Town/Salmon Club lease, between the hours of one hour after sunset and one hour before sunrise.

**12.07.18 Rock Street****12.07.18.01**

No parking on either side of the road from the intersection of Oak Grove Street to the intersection of Olive Street.

**12.07.18.02**

No parking on the southeasterly side from Olive Street to Lemon Street.

**12.07.19 School Street**

No parking on either side of the road for a distance of two hundred (200) feet from the intersection of State Street.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-12-parking-regulations>



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## Section 13 - Recreational Fields

Section 13.01 - Authority

Section 13.02 - Purpose

Section 13.03 - Area

Section 13.04 - Rules and Regulations

Section 13.05 - Prohibited Acts

Section 13.06 - Penalties

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*These documents are presented for informational purposes only.  
For legal use refer to the Veazie Code Archive located in the Town Office.*

---

### Section 13.01 Authority

This Ordinance is enacted pursuant to the authority vested in the Town of Veazie by 30-A M.R.S.A. § 3001.

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### Section 13.02 Purpose

The purpose of this Ordinance is to provide rules and regulations governing the use of recreational areas in the Town of Veazie to enhance public safety by reducing potentially dangerous conflicts between pedestrian uses of said areas and the use of motorized vehicles thereon and to preserve and maintain the condition of said areas by prohibiting certain activities thereon.

---

### Section 13.03 Area

The recreational areas governed by the provisions of this Ordinance are those open areas adjacent to the John R. Graham School, which are bounded on the north by properties identified on Town Tax Map 5 (1987 edition) as Lots 25A and 26, on the west by Main Street, on the south by a wooded area, and on the east by property identified on said Tax Map 5 as Lot 39. For the purpose of this Ordinance, the term "open areas" shall mean all cleared fields or areas within the aforementioned boundaries which have been maintained by periodic mowing and clearing. Such term shall include, but not be limited to, the following: Softball field, baseball/ soccer field, area adjacent to tennis courts, playground areas, and the adjacent field located towards Main Street.



## **Section 13.04 Rules and Regulations**

The Recreation Committee shall establish rules and regulations governing the care, maintenance and use of the areas governed by this Ordinance, and shall be responsible for the review and approval or denial of all requests for the use of the areas. The rules and regulations shall become effective upon approval by the Town Council and shall be kept on file in the office of the Town clerk.

---

## **Section 13.05 Prohibited Acts**

### **13.05.01**

No person shall destroy, injure, deface, disturb, tamper with, or attempt to destroy, injure, deface, or disturb any building, sign, fence, tree, shrubbery, lawn or any other structure or improvement located within the areas governed by this Ordinance.

### **13.05.02**

No person shall operate any motorized vehicle, including but not limited to snowmobiles, motorcycles, trail bikes, automobiles, trucks, or all terrain vehicles, in the areas governed by this Ordinance, except as follows:

- Emergency Vehicles
  - Town or School maintenance vehicles (e.g. riding lawn mower, etc.)
  - Snowmobiles may be operated on the softball field and baseball/soccer field, but only when the ground is covered with a base of snow sufficient to prevent damage to said fields.
- 

## **Section 13.06 Penalties**

Any person who shall violate any provision of this Ordinance shall be subject to a civil penalty of \$25.00, which shall inure to the benefit of the Town of Veazie. Each and every violation of a provision of this Ordinance shall constitute a separate offense. Any such person shall also be subject to an additional civil penalty in the amount necessary to repair or replace any property damage caused by said person.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-13-recreational-fields>



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[Home](#) > Section 14 - Conservation Commission

## Section 14 - Conservation Commission

### Section 14.01 - Conservation Commission

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#### Section 14.01 Conservation Commission

##### **00.00.01 Establishment**

There is hereby established a Conservation Commission for the Town of Veazie to consist of five (5) members to be appointed by the Town Council pursuant to the authority provided in Title 30-A, Section 3261, M.R.S.A., as amended. It is the intent of the Town of Veazie to establish a Conservation Commission in order to maintain or enhance the conservation of natural or scenic resources, to protect natural streams or water supplies, to promote conservation of swamps, wetlands, farmlands, shoreline or tidal marshes, to enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open areas or open spaces, to affect or enhance public recreation opportunities, to preserve historic sites, to implement the plan of development adopted by the Planning Board of the municipality, and to promote orderly urban or suburban development.

##### **00.00.02 Appointment and Term**

Each member of the Conservation Commission shall be appointed by the Town Council for a three (3) year term, except that with respect to the initial appointment, one (1) member shall be appointed for a one (1) year term, two (2) members shall be appointed for a two (2) year term and two (2) members shall be appointed for a three (3) year term. Conservation Committee Members shall be registered voters and shall reside in the Town of Veazie during their term of office.

##### **00.00.03 Duties and Responsibilities**

The Conservation Commission shall conduct research, in conjunction with the Planning Board, on Veazie's local land parcels and shall seek to coordinate the activities of conservation bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans, and pamphlets which in its judgement it deems necessary. It shall keep an index of all open areas, publicly or privately owned, within the municipality, including open shoreline, marsh lands, and other wet lands, for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas and may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State of Maine a program

for the better utilization, protection, development or use of such areas, which may include fee simple acquisition or acquisition of conservation easements. The Conservation Commission shall keep records of its meetings and activities and shall make an annual report to the Town Council which is also to be published as part of the Annual Municipal Report.

With the approval of the Town by vote of any special or annual Town Meeting, the Commission may acquire land or any interest therein in the name of the municipality for any purpose set forth in Title 30-A, Section 3264 M.R.S.A., as amended, and may accept gifts of land, money or easements for conservation purposes.

The Commission shall, prior to making any recommendations pursuant to this section, submit its recommendations to the Planning Board at least thirty (3)) days in advance.

Nothing in this section shall be construed to conflict with or usurp any duties, powers or functions of the existing Planning Board as set forth in the Town of Veazie Land Use Ordinance.

#### **00.00.04 Meetings**

The Commission shall meet every month unless it agrees to meeting more frequently. Except when otherwise provided by vote of the Commission, all meetings shall be conducted by Robert's Rules of Order.

#### **00.00.05 Voting and Quorum**

The Commission's decision shall be made by a vote of the majority of members present and voting provided a quorum is present. A majority of the members appointed and serving on the Commission shall constitute a quorum.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-14-conservation-commission>



# Land Use Ordinance

Chapter 15

A True Copy Attest  
Veazie Town Clerk

Adopted June 22, 2009  
Amended September 8, 2014  
Veazie Town Council Approved September 8, 2014  
Amended July 24, 2017  
Amended January 22, 2018  
Amended August 12, 2019

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## **15.1. GENERAL**

### **15.1.1. Title**

This Ordinance and the accompanying zoning map or maps shall be known and may be cited as the Land Use Ordinance of the Town of Veazie, Maine and will be referred to herein as “the Ordinance.”

### **15.1.2. Authority**

This Ordinance has been adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and 30-A M.R.S.A. §§ 2101 et seq. and pursuant to Title 30-A M.R.S.A. §§ 3001 et seq. and 4352, and Title 38 M.R.S.A. §§ 435-449.

### **15.1.3. Purpose**

The purposes of this Ordinance are to:

- promote the comfort, convenience, health, safety, and general welfare of the residents of the Town of Veazie in a manner that serves to balance the interests of the general public of the Town of Veazie and those of individual property owners;
- give effect to policies and proposals of the Veazie Comprehensive Plan;
- promote the formation of community units;
- guide future growth in the Town of Veazie;
- conserve, protect and enhance the natural, cultural and historic resources of the Town of Veazie;
- provide standards for all types of dwelling units so that all the people of Veazie may have access to decent, sound and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the Town’s housing needs;
- provide an adequate street system;
- promote traffic safety;
- provide standards to control the intensity of development in areas of sensitive or significant natural resources in order to reduce or eliminate adverse environmental impacts;
- provide safety from fire, flood, panic and other dangers;
- provide adequate privacy, light and air;

- protect the tax base by facilitating cost-effective development within the Town of Veazie;
- promote the development of an economically sound and stable community;
- promote economy in local governmental expenditures;
- conserve the values of property throughout the Town of Veazie;
- promote a wholesome home environment;
- encourage the most appropriate use of land throughout the municipality;
- prevent overcrowding of real estate;
- prevent housing development in unsanitary areas;
- promote the coordinated development of unbuilt areas;
- provide an allotment of land area in new developments sufficient for all requirements of community life;
- provide for adequate public services;
- protect landowners from adverse impacts of adjoining developments;
- protect the environment;
- prevent and control water pollution;
- protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
- protect buildings and lands from flooding and accelerated erosion;
- protect archaeological and historic resources;
- protect wetlands;
- control building sites, placement of structures and land uses;
- conserve natural beauty and open space;
- conserve shore cover, visual as well as actual points of access to inland coastal and waters;
- maintain hydrologic drainage features;
- minimize municipal maintenance costs;
- anticipate and respond to the impacts of development in shoreland areas;

#### **15.1.4. Applicability**

This Ordinance shall apply to all land and structures within the Town of Veazie. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, in the Town of Veazie, shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as provided for in this Ordinance.

#### **15.1.5. Severability**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

#### **15.1.6. Conflicting Ordinances or Laws**

When any provision of this Ordinance conflicts with any other provision of this Ordinance or with any other Federal, State or local rule, regulation, ordinance, statute or other restriction, the more restrictive provision shall control.

#### **15.1.7. Omitted Uses Prohibited**

It is the intent of this Ordinance that any use not specifically allowed as a permitted use is specifically prohibited.

#### **15.1.8. Effective Date**

This Ordinance or any amendments thereto, shall take effect thirty (30) calendar days following its/their adoption by the Town Council. The adoption of this Ordinance or any amendment hereto hereby repeals and superseded all conflicting land use provisions of all ordinances adopted prior to the effective date of this Ordinance.

#### **15.1.9. Planning Board**

##### **15.1.9.1 Organization**

The Board shall consist of five (5) members and two (2) associate members, all of whom shall be residents of the Town of Veazie. The members of the Board shall be appointed by the Town Council for staggered terms of three (3) years and the associate members shall be appointed for one (1) year terms. The Board shall annually elect, from among its members, a chairman, vice-chairman and secretary. A person shall forfeit his membership on said Board if he fails to attend three (3) meetings of the Board in any one calendar year without being excused by the Board. When a member is unable to act because of absence, conflict of interest, physical incapacity, or any other reasons satisfactory to the chairman, the chairman shall designate an associate member to act in his/her stead.

When designated by the chairman to act, an associate member shall have all the authority and responsibility of a member but the associate member may not hold any office on the Board.

In the event that a vacancy shall occur with respect to said Board by non-acceptance of appointment, resignation, abandonment, death, disability, incompetency, forfeiture or failure to qualify after written demand from the Town Council, the Town Council shall appoint a resident of the Town of Veazie to fill the unexpired term. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

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, excluding the member who is being challenged.

#### **15.1.9.2. Authority**

The Planning Board shall have all the authority and all the duties set out in the provisions of the State of Maine statutes and this Ordinance relating to municipal planning boards or municipal reviewing authorities. The chairman shall call at least one (1) regular meeting of the Board each month. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

#### **15.1.10. Amendment**

The Veazie Town Council may, on its own initiative or upon the written request of the Planning Board, and shall, on the written petition of a number of registered voters equal to at least ten percent (10%) of the number of votes cast in the Town of Veazie at the last gubernatorial election, adopt amendments to this Ordinance, but in no case less than ten (10) days after the Planning Board's receipt of a proposed amendment.

**15.1.10.1.** At least ten (10) days prior to the Council's vote on any proposed amendment, the Planning Board shall hold a public hearing on the proposed amendment. The hearing shall take place within thirty (30) days after the Planning Board's receipt of a proposed amendment.

**15.1.10.2.** Notice of hearing shall be given in the following manner:

##### **15.1.10.2.1. Published Notice**

Notice of the hearing shall be published at least two (2) times in a newspaper that complies with 1 M.R.S.A § 601 that has a general circulation in the Town of Veazie, with the date of the first publication at least fourteen (14) days prior to the hearing date and the date of the second publication at least seven (7) days before the hearing date.

**15.1.10.2.2. Posted Notice**

Notice of said hearing shall be posted in the municipal office at least fourteen (14) days prior to the hearing date.

**15.1.10.2.3. Content of Notice**

Notices given pursuant to this section shall be written in plain English, understandable to the average citizen, and shall summarize or state the text of the proposed amendment, identify proponent of the proposed amendment, describe the property involved, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

**15.1.10.2.4. Additional Mailed Notice**

**15.1.10.2.4.1. Industrial, Commercial or Retail**

When a proposed amendment will, within a geographically specific portion of the Town, have the effect of either prohibiting all industrial, commercial or retail uses where any such uses are currently permitted, or permitting such uses where any such uses are currently prohibited, for each parcel within the Town that is in or abutting the portion of the Town affected by the proposed amendment, notice shall also be mailed at least fourteen (14) days prior to the hearing by first class mail to the owner of each such parcel. This notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. Ownership and mailing addresses shall be determined as in the previous paragraph. The municipal officers shall prepare and file with the Town Clerk a written certificate indicating those persons to whom notice was mailed and at what addresses, when it was mailed, by whom it was mailed, and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

**15.1.10.2.4.2.** Following a hearing, the Planning Board shall, by majority vote, make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted. The Planning Board's recommendation and its reasons therefore shall be presented to the Town Council in writing at the meeting at which Council will take action on the proposed amendment.

**15.1.10.2.4.3.** Prior to voting on any proposed amendment, the Town Council may conduct a hearing thereon, with notice of said hearing given in the same manner as prescribed for the adoption of any other ordinance. If the Planning Board recommends a proposed amendment, such amendment may be adopted by a majority vote at a duly constituted meeting of the Town Council. If the Planning Board does not recommend a proposed amendment, such amendment may be adopted only by a two-thirds (2/3) majority vote at a duly constituted meeting of the Town Council. If the Planning Board does not recommend a proposed amendment, such amendment may be adopted only by a two-thirds (2/3) majority vote at a duly constituted meeting of the Town Council.

#### **15.1.11. Availability**

A certified copy of this Ordinance 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 reasonable cost at the expense of the person making the request. Notice of availability shall be posted at such locations as notices of public meetings are typically posted.

### **15.2. ESTABLISHMENT OF ZONES**

#### **15.2.1. Classes of Zones**

For purposes of this Ordinance, the Town of Veazie is hereby divided into the following general zones:

- Residential (R)
- Residential and Farming (RF)
- Commercial (C)
- Industrial (I)

#### **15.2.2. Purposes of Zones**

##### **15.2.2.1. Residential**

The R-1 Zone is established primarily for contemporary single-family dwellings. Other Uses permitted in the zone are those which are harmonious in exclusively residential neighborhoods in the Town of Veazie.

##### **15.2.2.2. Residential and Farming**

Encompassing much of the area removed from the Village Center, the RF Zone is intended for the kinds of uses which have traditionally predominated in rural New England: forestry and farming, farm residence, and a scattering of varied uses not inconsistent with a generally open, non-intensive pattern of land use. The minimum lot size requirement is high in order to prevent over-development where public sewers are not feasible and where a full range of urban services cannot be provided economically.

##### **15.2.2.3. Commercial**

The C Zone is intended primarily for commercial uses to which the public requires easy and frequent access. Centrally located and easily accessible, the zone is intended to encourage the concentration of commercial development to the mutual advantage of customers and merchants.

#### **15.2.2.4. Industrial**

The I Zone is to provide land which is conveniently located with respect to transportation corridors and municipal and where other conditions are favorable to the development of industry, and which at the same time is so located as to prevent undesirable conflict with residential and other uses.

Processing, manufacturing, warehousing and other industrial uses which are not injurious or noxious by reason of noise, smoke, vibration, gas, fumes, odor, dust, fire or explosion hazard are typical permitted uses with site plan approval, but not residential uses. The I Zone includes the following types of areas:

**15.2.2.4.1.** Areas of two (2) 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:

- Areas devoted to manufacturing, fabricating or other industrial activities;
- Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
- Areas devoted to intensive recreational development and activities such as, but not limited to amusement parks, race tracks and fairgrounds.

**15.2.2.4.2.** Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

#### **15.2.3. Location of Zones**

Zones established by this Ordinance are bounded and defined as shown on the official Zoning Map, and the official Shoreland Zoning Map of the Town of Veazie, which, together with all notations and explanatory materials contained thereon, are hereby made a part of this Ordinance. The official maps shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance, certifying the date of such adoption or amendment, and shall be filed at the municipal offices of the Town of Veazie.

#### **15.2.4. Interpretation of Zone Boundaries**

Where uncertainty exists as to boundary lines of districts as shown on the zoning maps, the following rules shall apply:

**15.2.4.1.** Boundaries indicated as approximately following the center lines of street, highways, public utilities or railroad rights-of-way shall be construed as following such center lines.

**15.2.4.2.** Boundaries indicated as approximately following platted lot lines or Town boundaries shall be construed as following such lines.

**15.2.4.3.** Boundaries indicated as being parallel to or extensions of features listed above shall be so construed.

**15.2.4.4.** Distances not specifically indicated on the official map shall be determined by the scale of the map.

**15.2.4.5.** Where physical or natural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the district boundaries, provided, however, that in all cases the determination of any setback from the high-water mark shall be determined by actual site measurement.

### **15.2.5. Division of Lots & District Boundaries**

When a single lot in common ownership is transected by a zone boundary, each part of the lot shall be subject to the regulations set forth in this Ordinance that apply to the zone in which that part is located, provided, however, that the frontage requirement for the entire lot is met if the front property line meets the frontage requirement for the zone in which it is located.

## **15.3. LAND USE ACTIVITIES AND STANDARDS**

### **15.3.1. Generally**

Uses shall be permitted in each zone only in accordance with the following table. Uses not indicated as permitted, with or without Planning Board, Code Enforcement Officer or Local Plumbing Inspector approval, and uses not listed on the table, are expressly prohibited.

#### **KEY TO TABLE**

Yes- Allowed (no permit required but use must comply with all applicable land use standards)

No- Prohibited

PB- Allowed with approval by the Planning Board and permit issued by Code Enforcement Officer

CEO- Allowed with permit issued by Code Enforcement Officer

LPI- Allowed with permit from Local Plumbing Inspector

S- Same as underlying zone

<b>USES</b>		<b>R</b>	<b>RF</b>	<b>C</b>	<b>I</b>
1.	Agriculture I	CEO	CEO	No	Yes
2.	Agriculture II	No	CEO	No	Yes
3.	Aquaculture	No	No	No	PB
4.	Automobile Repair Garage	No	No	PB	PB
5.	Automobile Service Station	No	No	PB	PB
6.	Boarding, or Rooming	PB	PB	No	No
7.	Campground	No	PB	No	No
8.	Cemetery	No	PB	No	No
9.	Child Care I	CEO	CEO	No	No
10.	Child Care II	PB	PB	No	No
11.	Child Care III	No	No	PB	No
12.	Church	PB	No	No	No
13.	Clearing vegetation for approved construction and uses	Yes	Yes	Yes	Yes



## VEAZIE LAND USE ORDINANCE

<b>USES</b>		<b>R</b>	<b>RF</b>	<b>C</b>	<b>I</b>
14.	Cluster subdivision	PB	PB	No	PB
15.	Commercial Establishment	No	No	PB	PB
16.	Communications Facility	PB	PB	PB	PB
17.	Condominiums	No	No	No	No
18.	Dwelling, Multifamily I	PB	PB	PB	PB
19.	Dwelling, Multifamily II	PB	PB	PB	PB
20.	Dwelling, Single Family	CEO	CEO	CEO	CEO
21.	Dwelling, Two Family	CEO	CEO	CEO	CEO
22.	Emergency Operations	Yes	Yes	Yes	Yes
23.	Essential Services, Construction of	PB	PB	PB	PB
24.	Expansion of Conforming Use or Structure by the Lesser of 20%area or 1000 sq. ft./5 yrs	CEO	CEO	CEO	CEO
25.	Filling and earthmoving > 10 cubic yards	CEO	CEO	CEO	CEO
26.	Filling and earthmoving < 10 cubic yards	Yes	Yes	Yes	Yes
27.	Fire Prevention Activities	Yes	Yes	Yes	Yes
28.	Food Processing Facility	No	No	No	PB
29.	Forest Management Activities	Yes	Yes	Yes	Yes
30.	Government Facilities	PB	No	PB	PB
31.	Greenhouse, Noncommercial	CEO	CEO	No	No
32.	Harvesting Wild Crops	Yes	Yes	Yes	Yes
33.	Home Occupation I	CEO	CEO	No	No
34.	Home Occupation II	PB	PB	No	No
35.	Hospital	No	No	PB	PB
36.	Industrial	No	No	No	PB
37.	Kennel, Non-commercial	CEO	CEO	No	No
38.	Medical Clinics	No	No	PB	No
39.	Medical Marijuana Cultivation Facility	No	No	No	PB
40.	Medical Marijuana Registered Dispensary	No	No	PB	PB
41.	Mineral Exploration	PB	PB	PB	PB
42.	Mineral (including sand & gravel) Extraction	No	PB	No	PB
43.	Mobile Home Parks	No	PB	No	No
44.	Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
45.	Municipal Facilities	PB	PB	PB	PB
46.	Newspaper Printing Plant	No	No	No	PB
47.	Normal Repair and Maintenance	Yes	Yes	Yes	Yes
48.	Nursing Home	PB	PB	PB	No
49.	Parking Garage	No	No	PB	No
50.	Parking Lot	No	CEO	CEO	CEO
51.	Passive Recreation	Yes	Yes	Yes	Yes
52.	Private Club	No	No	PB	No
53.	Private Sewage Disposal Systems for Allowed Uses	LPI	LPI	No	No
54.	Professional Office Building	PB	PB	PB	PB
55.	Public Utility	PB	PB	PB	PB
56.	Recreational Areas with Minimal Structural Development	CEO	CEO	No	No
57.	Research Laboratory	No	No	PB	PB
58.	Road and Driveway Construction	CEO	CEO	CEO	CEO
59.	Roadside Stands	CEO	CEO	CEO	CEO
60.	Sawmill, Permanent	No	No	No	PB
61.	School, Private	PB	PB	PB	No
62.	Service Drops to Allowed Uses	Yes	Yes	Yes	Yes
63.	Service Establishment	No	No	PB	No
64.	Signs	CEO	CEO	CEO	CEO

<b>USES</b>	<b>R</b>	<b>RF</b>	<b>C</b>	<b>I</b>
65. Small Nonresidential Facilities for Education	CEO	CEO	CEO	CEO
66. Soil and Water Conservation	Yes	Yes	Yes	Yes
67. Stables, Commercial	No	PB	No	No
68. Subdivisions	PB	PB	PB	PB
69. Surveying & Resource Analysis	Yes	Yes	Yes	Yes
70. Timber Harvesting < 20 Cords Per Year	Yes	Yes	Yes	Yes
71. Timber Harvesting > 20 Cords Per Year	CEO	CEO	CEO	CEO
72. Transient Accommodations	No	PB	PB	No
73. Transportation Facilities	No	No	CEO	CEO
74. Funeral Home	PB	PB	PB	PB
75. Veterinary Hospital	No	No	PB	PB
77. Wildlife Management Practices	Yes	Yes	Yes	Yes
78. Wireless Telecommunications Facilities	No	No	No	PB

### 15.3.2. Accessory Uses and Structures

Uses or structures accessory to permitted uses and structures are permitted in the same zones as the permitted uses or structures, subject to the same review requirements as the permitted uses or structures. If it is the explicit or implicit intent of this Ordinance that there shall be minimal or no structural development in a particular zone, all accessory structures shall be subject to the same limitation.

### 15.3.3. Performance Standards

All land use activities permitted in accordance with the table above, regardless of whether they require a permit or approval from the Planning Board, Code Enforcement Officer or Licensed Plumbing Inspector, shall comply with all applicable standards set forth in this section and in Sections 15.4.6, 15.5. {except that essential service may be exempt from the lot size, road frontage, lot width, & height requirements when in the opinion of the Planning Board there is no reasonable alternative. amend 8/21/95}}

### 15.3.4. Lot Development Standards

All distances and heights in this section, unless otherwise stated, are in feet.

#### **Residential (R)**

- Minimum lot size 15,000 square feet
- Minimum road frontage: 90
- Minimum lot width: 90
- Minimum front setback: { 10 except that frontages on State Street, Chase Road, and School Street from State Street to Eagleview Drive shall be 20. (Amend 3/22/99)}
- Minimum side setback: 10
- Minimum rear setback: 20 except that accessory structures may be 10
- Maximum lot coverage: 30%
- Maximum height: 35
- Maximum gross density in subdivision: 1 dwelling unit per acre of buildable area
- Maximum net density in cluster subdivisions: 3 dwelling units per acre of net buildable area (not to exceed maximum gross density)

### **Residential and Farming (RF)**

- Minimum lot size: 40,000 square feet (must meet applicable septic codes)
- Minimum road frontage: 90
- Minimum lot width: 90
- Minimum front setback: { 10 except that frontages on State Street, Chase Road, Stillwater Ave. and School Street from State Street to Eagleview Drive shall be 30. (Amend 3/22/99)} Added Stillwater Ave.
- Minimum side set back: 15
- Minimum rear setback: 30
- Maximum lot coverage: 25%
- Maximum height: 35
- Maximum gross density in Subdivision: 1 dwelling unit per acre of buildable area
- Maximum net density in cluster subdivisions: 3 dwelling units per acre of net buildable area (not to exceed maximum gross density)
- Maximum net density for cluster subdivisions and multifamily dwellings: 4 dwelling units per acre of net buildable area (not to exceed maximum gross density)

### **Commercial (C)**

- Minimum lot size: 10,000 square feet
- Minimum road frontage and lot width: 90
- Minimum front setback: 10
- Minimum side setback: 10
- Minimum rear setback: 10
- Maximum lot coverage: 60%
- Maximum height: 35

### **Industrial (I)**

- Minimum lot size: 43,560 square feet
- Minimum road frontage and lot width: 50
- Minimum front setback: 25
- Minimum side setback: 15, provided that the side setback shall be increased by one (1) foot for every two (2) feet of building or structure height above fifteen (15) feet
- Minimum rear: 25, provided that the rear setback shall be increased by one (1) foot for every two (2) feet of building or structure height above fifteen (15) feet
- Maximum lot coverage: 60%
- Maximum height: 35 feet {except that with separate Veazie Town Council approval structures may be 120 feet and smoke stacks may meet but not exceed the stack height requirement set by the Maine DEP pertaining to dispersion of pollution emissions.

The above front setback, side setback, and minimum rear requirements shall not apply with respect to contiguous lots within the Industrial Zone, when the owner(s) of the abutting lot(s) within the Industrial Zone execute a written agreement and consent to the reduction of the setbacks; provided that even with such agreement and consent in no event shall any building located in the Industrial Zone be less than 25 feet from the building located on a contiguous lot. The owners shall record their agreement within 90 days of its execution in the Penobscot Registry of Deeds, and submit a copy of the recorded agreement to the Planning Board. (amend 7/13/98)}.

## **15.4. NONCONFORMITY**

### **15.4.1. Defined**

A legally existing (grandfathered) nonconforming lot, structure or use is a lot, structure or use that lawfully existed immediately prior to the enactment of this Ordinance, or any subsequent amendment, and which, as a result of the enactment of this Ordinance, or any subsequent amendment, presently fails to comply with the use restrictions and lot standards for the zone in which it is located. Any other lot, structure or use that fails to comply with any of the requirements of this Ordinance or its amendments is an illegal nonconformity.

### **15.4.2. General Policies**

**15.4.2.1.** All nonconformities shall be encouraged to convert to conformity whenever possible and, when required by this Ordinance, shall convert to conformity.

**15.4.2.2.** Any nonconformity not expressly allowed to exist by this section is hereby deemed illegal and shall cease or be corrected immediately.

**15.4.2.3.** The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the Town of Veazie.

**15.4.2.4.** Any legally existing nonconformity may be transferred and the new owner may, subject strictly to the requirements of this section, continue such nonconformity, provided, however, that nothing contained herein shall be construed to permit any person or entity to occupy or use any lot or structure or to continue any use in violation of any other Federal, State or Municipal statute, ordinance or regulation.

**15.4.2.5.** Once converted to conformity, no lot, structure or use shall revert to nonconformity.

**15.4.2.6.** Nothing herein shall require any change in the plans, construction, size or designated use for any building, structure or part thereof for which a completed application for a local permit is pending, or for which a permit has been issued and upon which construction has been lawfully commenced, prior to the adoption of this Ordinance or any amendment.

**15.4.2.7.** Nothing in this Ordinance shall be construed to prohibit the normal upkeep and maintenance of nonconforming uses or structures that do not involve the expansion of the use or structure and which are necessary to ensure compliance with Federal, State or local building and safety regulations.

### **15.4.3. Nonconforming Uses of Land or Structures**

The use of any land or structure which is made nonconforming as a result of the enactment of this Ordinance, or any subsequent amendment, may be continued, but only in strict compliance with the following:

**15.4.3.1.** No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than such use occupied when it became nonconforming, provided that nonconforming residential uses may be expanded within existing residential structures or within expansions of such structures as permitted by Section 15.4.4.1.

**15.4.3.2.** Except as provided in the preceding paragraph, no existing structure devoted partially or entirely to a nonconforming use shall be extended or enlarged.

**15.4.3.3.** Any legally existing nonconforming use of land or a structure may be changed to another nonconforming use provided that the Planning Board:

**15.4.3.3.1.** Finds that the proposed use will have no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, than the existing use (In determining that no greater adverse impact will occur, the Planning Board, in dealing with uses in resource protection, shoreland limited residential, shoreland limited commercial, and stream protection zones, shall at a minimum require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.); and

**15.4.3.3.2.** Grants site plan approval upon a finding that the proposed use meets all standards set forth in Section E. except those that cause the existing use to be nonconforming.

**15.4.3.3.3.** If any nonconforming use of land or a structure ceases or is discontinued for any reason for a period of twelve (12) or more consecutive months, any subsequent use of such land or structure shall conform to the requirements of this Ordinance in all respects.

**15.4.3.3.4.** A nonconforming use or conforming structure housing a nonconforming use may be moved within a lot provided that the Planning Board finds that the proposed new location and design are more appropriate than the current location.

#### **15.4.4. Nonconforming Structures**

Any structure which is made nonconforming as a result of this Ordinance, or any subsequent amendment, may be continued, but only in strict compliance with the following:

**15.4.4.1.** No structure shall be enlarged, altered or extended in any way that increases its nonconformity. Any enlargement, alteration or extension that does not project past existing wall, foundations or eaves that already encroach into the required setback area shall not be considered to increase a structure's nonconformity. However, the following limitations shall apply to nonconforming structures in any shoreland zone:

**15.4.4.2.** Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that:

**15.4.4.2.1.** The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, considering 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 on other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed; and

**15.4.4.2.2.** The foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side to the structure (from original ground level to the bottom of the first floor sill).

**15.4.4.3.** A nonconforming structure may be relocated within the boundaries of the lot on which the structure is located provided that the Planning Board finds that the proposed new location and design are more appropriate than the current location; 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**, or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback requirements 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 addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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 re-established 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.

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.

### **15.4.5. Nonconforming Lots**

**15.4.5.1.** Notwithstanding any other provision of this Ordinance, in any district in which single family residences are permitted, a single family residence and customary accessory structures may, without the need for a variance, be built upon a single, vacant parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds, which, at the effective date of this Ordinance or any other amendment, does not meet the lot area, frontage or width requirements, of the district in which it is located, and which does not adjoin another vacant parcel in common ownership and {notwithstanding any other provision of this Ordinance, on any lot in the R145 zone, the legal description of dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds, which on January 1, 1958 (approximate date of first zoning in the Town of Veazie) encompassed less than 4,000 square feet of area, and which does not adjoin another vacant parcel in common ownership, a single family residence and customary accessory structures may, without the need for a variance, be built or expanded up to 50% lot coverage (amend 5/13/96)}, but only subject to the following:

**15.4.5.1.1.** Such building or construction shall, in all other respects, comply with the provisions of this Ordinance.

**15.4.5.1.2.** No construction shall be commenced until the owner demonstrates to the satisfaction of the Code Enforcement Officer that there is reasonable access to the site for emergency vehicles.

**15.4.5.2.** Two (2) or more contiguous nonconforming vacant parcels of land in common ownership shall be consolidated to form one (1) or more lots conforming so far as possible to the lot standards of the zone in which the parcels are located. If at least one (1) fully conforming lot may be formed, no nonconforming lot or lots shall be formed or allowed to remain and the contiguous parcels shall, for purposes of this Ordinance be treated as one (1) lot which shall not be divided. If no combination of the contiguous parcels can form at least one (1) fully conforming lot, then all of the contiguous parcels shall, for purposes of this Ordinance be treated as one (1) lot which shall not be divided.

**15.4.5.3.** One (1) or more vacant parcels of land that adjoin a nonconforming lot in common ownership containing a building or structure shall be consolidated with the improved lot to the extent necessary to bring the improved lot into conformity so far as possible with the dimensional requirements of this Ordinance. If the remaining portion of the vacant parcels constitutes a conforming lot, said remaining portion shall constitute a separate lot. Otherwise, the vacant parcel (s) and the improved lot shall constitute one (1) lot and shall not be divided.

**15.4.5.4.** If two (2) or more contiguous nonconforming lots in common ownership of record at the time of the adoption of this Ordinance each contain a principal use or structure, the nonconforming lots may be conveyed separately or together provided that the Town of Veazie minimum lot size regulation and State of Maine **Subsurface Wastewater Disposal Rules** are complied with. Otherwise, such lots shall remain in common ownership.

### **15.4.6. General Review Standards**

The Planning Board, before granting site plan approval in accordance with the Town of Veazie Site Plan Review Ordinance, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

#### **15.4.6.1. Permitted Uses**

Any proposed use must be a permitted use with site plan approval, as determined by reference to 15.2 for each zone in which it is proposed.

#### **15.4.6.2. Lot Standards**

Any proposed development must meet lot development standards set forth in 15.3.4., for each zone in which it is proposed, subject to the following:

##### **15.4.6.2.1. Setbacks**

**15.4.6.2.1.1.** Setback distances shall be measured from lot lines.

**15.4.6.2.1.2.** In any subdivision in which lots are not created, the distance from the side of one principal building to the side of another principal building shall be no less than twice the distance of the side yard setback in the zone; the distance from the side of one principal building to the front of another principal building shall be no less than twice the distance of the front yard setback in the zone; the distance from the side of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the zone; the distance from the front of one principal building to the front or back of another principal building shall be no less than twice the distance of the front yard setback in the zone; and the distance from the back of one principal building to the back of another principal building shall be no less than twice the distance of the rear yard setback in the zone.

**15.4.6.2.1.3.** No newly created off street parking space, loading space or maneuvering space for off street parking, shall be located within any front or side setbacks.

**15.4.6.2.1.4.** The following structures, subject to the limitations set forth below, are not subject to the setback requirements of the zone in which they are located provided that no such structure shall be constructed in such a way as to obstruct visibility from the end of any driveway or to otherwise constitute a safety hazard:

**15.4.6.2.1.4.1.** Fences of not more than eight feet (8') in height.

**15.4.6.2.1.4.2.** Driveways and walks, only with respect to front setbacks.

**15.4.6.2.1.4.3.** Septic tanks and leach fields, except as necessary to comply with State law.



**15.4.6.2.1.4.4.** Signs, provided that no sign shall be located closer than five feet (5') to a lot line unless the setback requirement in that zone is less than five feet (5').

**15.4.6.2.1.4.5.** Lights and mailboxes.

**15.4.6.3. Height**

Any proposed structure must comply with the height limitations set forth in Section B.4. for each zone in which it is proposed, provided that such requirements may be waived by the Planning Board to accommodate functional necessity, if clearly demonstrated by the applicant.

**15.4.6.4. Frontage**

**15.4.6.4.1.** The use cul-de-sacs to meet frontage requirements is prohibited except at the end of dead-end streets.

**15.4.6.4.2.** Cul-de-sacs that are temporary in nature shall not be used to meet frontage requirements and no buildings shall be built around the periphery of such cul-de-sacs.

**15.4.6.4.3. Multiple Principal Structures on One Lot**

If there is more than one (1) principal structure on a lot, the lot area, yard setback, and height requirements of the applicable zone shall apply separately to each building but the combined area occupied by the total number of buildings on the lot shall not exceed the maximum lot coverage requirement of the zone. However, in the event of a principal structure or structures comprised exclusively of dwelling units and/or accessory structures, all in the same ownership, on one lot, regardless of the number of separate or detached structures, the required minimum lot area shall be the minimum lot size stated for the applicable zone or the minimum area per family multiplied by the number of dwelling units, whichever is greater.

**15.4.6.5. Compliance with Other Codes**

All buildings and structures shall comply with all applicable provisions of the NFPA101 Life Safety Code.

**15.4.6.6. Parking Requirements**

Any site plan for an activity that can be expected to generate vehicular traffic shall provide for off street parking in accordance with the following:

**15.4.6.6.1.** Off Street parking shall always be considered a permitted accessory use when required or provided to serve a conforming use in any zone.

**15.4.6.6.2.** Required off street parking shall, if possible, be located on the same lot as the principal building or use that it serves.

Otherwise, off street parking may be provided on another lot within four hundred feet (400') of the principal building or use that it serves on the condition that the applicant provides assurances satisfactory to the Planning Board and the Town attorney that such parking shall be available at all times during the anticipated life of the principal building or use that it serves.

**15.4.6.6.3.** The following minimum off street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

**15.4.6.6.3.1. Dwellings:** 2 parking spaces for each dwelling unit;

**15.4.6.6.3.2. Transient Accommodations and Boarding and Rooming Houses:** 1 space for each employee plus 1 space for each guest room;

**15.4.6.6.3.3. Schools:** 1 parking space for each employee plus 1 space for each 30 students in primary school, 4 students in secondary school or 2 students in post-secondary school;

**15.4.6.6.3.4. Health Institutions:** 1 parking space for every 5 beds plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees;

**15.4.6.6.3.5. Theatres, Churches and Other Places of Public Assembly:** 1 parking space for every 5 seats or 20 spaces for every 1,000 square feet of assemblage space if no fixed seats;

**15.4.6.6.3.6. Retail Stores:** 4 parking spaces for every 1,000 square feet of sales area;

**15.4.6.6.3.7. Restaurants, Eating and Drinking Establishments Except Drive in Types:** 1 space for each 4 customers seats, plus 1 space for every 2 employees;

**15.4.6.6.3.8. Drive In Restaurants and Dairy Stands:** 10 spaces plus 1 space for each person serving or preparing food on the largest work shift employed at least once per week during July and August;

**15.4.6.6.3.9. Professional Offices and Public Building:** 1 parking space per 100 square feet of working area;

**15.4.6.6.3.10. Other Commercial Recreation Establishments:** Minimum of 15 parking spaces or the number deemed appropriately by the Planning Board in site plan review;

**15.4.6.6.3.11. Industrial:** 1 parking space per employee at a maximum employment of the 2 shifts of highest employment, plus 1 space for each company vehicle used in conjunction with the premises, plus visitor and customer parking to meet the needs of specific operations;

**15.4.6.6.3.12. Fraternal Organizations and Clubs:** 1 space for every 5 members;

**15.4.6.6.3.13. Campgrounds:** 200 square feet plus maneuvering space per recreational vehicle, tent or shelter site;

**15.4.6.6.3.14. Wholesale Business:** 1 space for each 300 square feet of floor space;

**15.4.6.6.3.15. Roadside Farm Stands:** 4 spaces;

**15.4.6.6.3.16. Automobile Repair and Filling Stations:** 1 space for each employee plus 1 space for each 50 square feet of floor area used for service work;

**15.4.6.6.3.15. Funeral Parlors:** 20 spaces;

**15.4.6.6.3.16. Banks:** 1 space per 150 square feet of floor space;

**15.4.6.6.3.17. Boarding or Rooming:** 1 space per bed;

**15.4.6.6.3.18. Uses Not Otherwise Listed:** A number of spaces as determined by the Planning Board based on the magnitude of the development and potential parking needs.

**15.4.6.6.4.** The minimum number of off street parking spaces shall not be required of nonconforming structures or uses currently not meeting parking space requirements in the case of alterations to structure or changes of use which would not increase the parking demand.

The Code Enforcement Officer, when reviewing permit and site plan review applications involving alterations or changes of nonconforming structures or uses, shall make a determination whether such alterations or changes increase parking demand above existing use, with reference to the minimum parking requirements as set forth above.

#### **15.4.6.7. Parking Areas and Driveways**

All site plans shall comply with the following standards for parking areas and Driveways:

**15.4.6.7.1.** There shall be adequate provision for entrance and exit from all parking spaces with the width of access drives or driveways determined as part of site plan review, based on the proposed use of the property, topography, and similar considerations.

**15.4.6.7.2.** To the greatest extent possible, access to parking stalls should not be from major interior travel lanes or from public ways.

**15.4.6.7.3.** Parking areas shall be designed to permit each vehicle to proceed to and from any parking stall without requiring the moving of any other vehicle.

**15.4.6.7.4.** Parking stalls and aisle layout shall comply with the following standards:

<b>PARKING ANGLE</b>	<b>STALL WIDTH</b>	<b>SKEW WIDTH</b>	<b>STALL DEPTH</b>	<b> AISLE WIDTH</b>
90°	9'0"	9'0'	18'5"	25'0"
60°	8'6"	10'5"	18'0"	18'0"
45°	8'6"	12'9"	17'5"	13'0"
30°	8'6"	17'0"	17'0"	12'0"
0°				12'0"

**15.4.6.7.5.** Only one-way traffic shall be permitted in aisles serving single-row parking stalls placed at an angle of other than ninety degrees (90°).

**15.4.6.7.6.** Parking stalls, driveways, aisles and direction of traffic flow shall be clearly marked and delineated by arrows and lines painted on the pavement, by signs or otherwise. The Planning Board may require that certain areas be designated, marked and maintained for firefighting equipment or other emergency vehicles or purposes.

**15.4.6.7.7.** Major interior travel lanes shall be designed to allow for continuous and uninterrupted traffic movement.

**15.4.6.7.8.** Devices such as guardrails, curbs, fences, walls and landscaping shall be used when necessary to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but shall not reduce the visibility of oncoming pedestrians or vehicles.

**15.4.6.7.9.** When deemed necessary by the Planning Board for the safety of pedestrians, sidewalks shall be provided between parking areas and principal structures, along aisles and driveways, and wherever pedestrian traffic shall occur.

Such sidewalks shall have a minimum of four feet (4') of passable width, and shall be raised six inches (6") or more above the parking area except where the sidewalks cross streets or drive ways. Guardrails or wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalks unless an additional two and one-half feet (2 ½') of sidewalk is provided to accommodate such overhang.

**15.4.6.7.10.** New parking area for more than five (5) vehicles shall be arranged so that it is not necessary for vehicles to back into any street.

**15.4.6.7.11.** Bumpers or wheel stops shall be provided where the overhangs of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscaping, buildings or other structures.

**15.4.6.7.12.** Any parking lot with an area over one (1) acre shall be provided with shade trees planted at representative points throughout the lot. There shall be at least one (1) tree planted for every thirty-five (35) parking spaces. All such trees shall, when placed, be at least four inches (4") in diameter at a height of four feet (4') from the ground.

**15.4.6.7.13.** Parking space allocations shall be oriented to specific buildings or structures or uses.

**15.4.6.7.14.** Parking areas should be designed to focus on major walkways, which should be fenced or marked.

**15.4.6.7.15.** Where pedestrians must cross service or access roads to reach parking areas, crosswalks shall be clearly designated by pavement markings or signs and shall be lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result.

**15.4.6.7.16.** Driveways should approach pedestrian exit areas from the right to permit passengers to disembark to the sidewalk.

**15.4.6.7.17.** To the greatest extent possible, one way traffic should be established at building entrances.

**15.4.6.7.18.** All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient entrance and exit to and from the site and to minimize conflict with the flow of traffic.

**15.4.6.7.19.** Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction.

The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curb line or edge of shoulder.

<b>ALLOWABLE SPEED ON ROAD</b>	<b>REQUIRED SIGHT DISTANCE TO BE ENTERED</b>
25 MILES PER HOUR	160'
40 MILES PER HOUR	275'
45 MILES PER HOUR	325'

**15.4.6.7.20.** Where a lot occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty feet (50') of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

**15.4.6.7.21.** No part of any driveway shall be located within a minimum of ten feet (10') of a side property line. However, the Planning Board shall permit a driveway serving two (2) or more adjacent sites to be located on or within ten feet (10') of a side property line between the adjacent sites.

**15.4.6.7.22.** Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services as approved by the Fire Chief or when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

**15.4.6.7.23.** Where two (2) or more two-way driveways connect a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one driveway is two way and one is a one way driveway, the minimum distance shall be seventy five feet (75').

**15.4.6.7.24.** Driveways used for two way operation shall intersect the road at an angle of as near to ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60°). Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road unless acceleration and deceleration lanes are provided.

**15.4.6.7.25.** The dimensions of driveways shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily to the development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	<b>ONE WAY OPERATION DRIVEWAYS: WIDTH</b>	<b>TWO WAY OPERATION DRIVEWAYS: WIDTH</b>
1 or 2 dwelling units	10'-15'	10'-15'
3 to 9 dwelling units	10'-15'	15'-25'
10 dwelling units or over	15'-25'	20'-35'
commercial and industrial	15'-30'	25'-35'

All driveways, except for those serving 1 or 2 dwelling units, shall be five feet (5') wider at the curb line and this additional width shall be maintained for a distance of twenty feet (20') into the site.

**15.4.6.7.26.** At each driveway curb cut, no visual obstructions higher than three feet (3') above street level shall be allowed within ten feet (10') of the traveled way for a distance of twenty-five feet (25') from the intersection, measured along both the street and the driveway.

**15.4.6.7.27.** Entrances and exits shall be clearly identified by the use of signs, curb cuts, and landscaping and shall comply with any applicable policies on curb cuts and street entrances.

**15.4.6.7.28.** Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

**15.4.6.7.29.** Any driveway shall be constructed with the surface approved by the Planning Board. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required driveway dimensions specified above.

**15.4.6.7.30.** Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb driveway as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

**15.4.6.7.31.** Driveways shall not have a grade in excess of fifteen percent (15%) over the entire length. On arterials, the grade shall not be more than five percent (5%) for the first twenty-five feet (25') from the road unless otherwise approved by the Planning Board. Except for pre-existing lots of record where the Planning Board determines that no other feasible alternative exists, driveways shall not be located where visibility is limited because of curves or topography.

**15.4.6.7.32.** Where a driveway serves right turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an average daily traffic (A.D.T) volume exceeding seven thousand five hundred (7,500) vehicles, and acceleration lane shall be provided which is at least two hundred feet (200') long and at least ten feet (10') wide measured from the road curb line. A minimum thirty-five foot (35') curb return radius shall be used from the driveway to the acceleration lane.

**15.4.6.7.33.** Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred feet (200') long and at least ten feet (10') wide measured from the road curb line. A minimum thirty-five foot (35') curb return radius shall be used from the deceleration lane into the driveway.

#### **15.4.6.8. Loading Requirements**

In connection with every building or group of buildings which is to be occupied by industrial, office, laboratory or commercial uses, or by uses involving distribution of material or merchandise by vehicles, there shall be provided and maintained off street loading berths in accordance with the requirements set forth below.

**15.4.6.8.1.** Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers for loading or storage shall not be located upon any town way.

**15.4.6.8.2.** Each loading berth shall be at least twelve feet (12') wide, fifty-five feet (55') long, and fifteen feet (15') high, and no loading berth may occupy any part of any required front, side or rear setback.

**15.4.6.8.3.** The following minimum off street loading berths shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the loading demand according to the standards set forth below, or any increase in the area used which increases such loading demand. In the event of such construction, alterations, change or increase, the entire premises or use, and not just the portion constructed, altered, changed or increased, shall become subject to the following requirements:

**15.4.6.8.2.1. Health Institutions:** In addition to ambulance spaces, 1 berth for the first 10,000 to 30,000 square feet of gross floor space plus 1 additional berth for each additional 30,000 square feet of gross floor space or portion thereof;

**15.4.6.8.2.2. Hotels and Offices:** 1 berth if over 10,000 square feet of gross floor area;

**15.4.6.8.2.3. Retail and Commercial Uses:** 1 berth for the first 5,000 square feet of gross floor area or fraction thereof plus 1 berth for any floor area in excess of 5,000 square feet;

**15.4.6.8.2.3. Schools:** 1 berth if over 15,000 square feet of gross floor area;

**15.4.6.8.2.4. Truck and Bus Terminals:** Sufficient berths, as determined by the Planning Board, to accommodate the maximum number of trucks or buses that will be stored, loaded or unloaded at the terminal at any one time.

## **15.5. STANDARDS FOR PARTICULAR USES, STRUCTURES OR ACTIVITIES**

Notwithstanding and in addition to any other provision of this Ordinance, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:

### **15.5.1. Signs and Advertising**

All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Veazie are subject, regardless of the need for site plan approval:

### **15.5.2. General Standards**

#### **15.5.2.1. Safety and Neatness**

All signs must be kept clean, neatly painted, and free of all hazards, such as, but not limited to, faulty wiring or loose fastenings, and must be maintained at all times in safe condition.



**15.5.2.2. Removal of Signs for Discontinued Use**

Any sign which no longer advertises a bona fide business conducted, product sold, activity or campaign being conducted, or public notice, shall within thirty (30) days, be taken down and removed by the owner, agent or person having the beneficial use of the premises upon which such sign is located. The provision shall not be construed to require the owners of seasonal businesses to remove signs at the end of each season.

**15.5.2.3. Erected on Private Property Only**

All signs must be located on private property, with the exception of official business directional signs as defined in 23 M.R.S.A. § 1903, and any other traffic or directional signs erected by the State or Federal government or by the Town of Veazie.

**15.5.2.4. Nonconforming Signs**

No sign shall hereafter be erected, altered, or changed except in conformity with the provisions of this Ordinance.

**15.5.2.5. Nuisances or Welfare Hazards**

No sign, whether new or existing, shall be permitted that causes a traffic, health, or welfare hazard, or results in a nuisance, due to illumination, placement, display or manner of construction.

**15.5.2.6. Premises Abutting Residential Zones**

No sign in a commercial or industrial zone shall be located closer than twenty-five feet (25') to any adjoining lot in a residential zone, and no sign shall be located in the rear or side yard of any premises which abut a lot in a residential zone.

**15.5.2.7. Message Related to Premises Only**

Except for permitted off premises signs, signs located on private property relating to goods or services not sold or rendered on that property are not permitted.

**15.5.2.8. Moving Parts, Blinking, Banners**

No sign shall have visible moving parts, blinking, intermittent, moving, or glaring illumination, or consist, in whole or in part, of banners, pennants, ribbons, streamers, spinners or other similar devices. Analog clocks, analog thermometers, national or state flags, and temporary banners permitted by this Ordinance, shall be permitted as the only exceptions to this paragraph.

**15.5.2.9. String of Lights**

A string of lights shall not be used for the purpose of advertising or attracting attention, provided, however, that this paragraph shall not be construed to prohibit Tivoli type stair tread and aisle safety lighting nor to prohibit the display of traditional Christmas decorations.

**15.5.2.10. Outdoor Neon Signs**

Outdoor neon signs are prohibited, except that neon signs containing only the words "Open", "Vacancy" or "No Vacancy" and limited to a maximum sign area of two (2) square feet are permitted for transient accommodations.

**15.5.2.11. Trees, Poles, Natural Features**

No sign shall be erected, maintained, painted, drawn or attached to or on any tree, utility pole, rock or other natural feature, except that this paragraph shall not be deemed to prohibit the attachment to rocks of metal commemorative plaques.

**15.5.2.12. Size and Quantity**

Unless otherwise restricted by this Ordinance, no free standing signs shall extend more than twenty feet (20') above the ground level at its base, as defined by the natural contour of the ground, nor more than six feet (6') above the roofline of any building.

**15.5.2.13. Maximum Sign Area for Commercial Zones**

In commercial zones, signs identifying uses or goods sold or services provided on the premises are permitted, provided that the aggregate area for signs for any premises shall not exceed two (2) square feet per one (1) foot of road frontage up to a maximum of two hundred (200) square feet. In the case of a multitenant building or premises, an individually leased commercial space shall not be considered a single premises, rather the allowable sign area will be calculated for the whole building based on road frontage, and the landlord will be responsible for allocating sign area among the tenants.

**15.5.2.14. Public Buildings**

A maximum sign area of twelve (12) square feet is permitted in connection with any church, museum, library, school, or similar public structure in any zone where such use is permitted, except that in any commercial zone the maximum area for such signs shall not exceed two hundred (200) square feet.

**15.5.2.15. Apartments, Conforming Nonresidential Buildings in Residential Zones**

Within residential zones, one (1) sign, with a maximum of twelve (12) square feet of area, is permitted for apartment buildings and conforming nonresidential buildings in residential zones, unless the use is otherwise regulated by this Ordinance.

**15.5.2.16. For Sale, Rent, or Lease Signs**

One (1) temporary sign, not exceeding twelve (12) square feet in area may be erected at the site of a construction project solely to identify the project and contractors and shall be removed within thirty (30) days after completion of the project.

**15.5.2.17. Development or Construction Signs**

One (1) temporary sign, not exceeding twenty (20) square feet in area may be erected at the site of a construction project solely to identify the project and contractors and shall be removed within thirty (30) days after completion of the project.

**15.5.2.18. Entrance and Exit Directional Signs**

Directional signs solely indicating entrance and exit placed at driveway locations, containing no advertising material or display area, not exceeding two (2) square feet, and not extending higher than four feet (4') above ground level are permitted.

**15.5.2.19. Wall Signs**

The maximum area of a wall sign shall not exceed ten percent (10%) of the wall area to which it is attached.

**15.5.2.20. Window Signs**

Window signs shall comply with all applicable requirements of these regulations, shall be included in the computation of allowable sign area of the premises, and shall not exceed fifty percent (50%) of the window area.

**15.5.2.21. Awnings**

Awnings shall have a minimum pedestrian clearance of eight feet (8') with any lettering limited to the valance.

**15.5.2.22. Off Premises Signs**

Off premise signs, including official business directional signs as defined in 23 M.R.S.A. § 1903, may be constructed erected or maintained only in accord with the following:

**15.5.2.22.1.** Any commercial establishment may maintain up to two (2) off premises signs.

**15.5.2.22.2.** Participation by establishments allowed off premises signs in the State Department of Transportation Official Business Directional Signs Program as set forth in the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901, et seq. is permitted as long as the proposed signs meet the applicable size or area requirements.

**15.5.2.22.3.** Off premises signs shall be directional only in nature.

**15.5.2.22.4.** The maximum area of any off premises sign shall be limited dependent upon its location according to the following:

<b>LOCATION OF SIGN</b>	<b>MAXIMUM AREA</b>
Roads with speed limits <30 mph	2 square feet
Roads with speed limits 30 – 49 mph	4 square feet

**15.5.2.23. Home Occupations**

One (1) sign, a maximum of no more than four (4) square feet in area, identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is non-illuminated.

**15.5.2.24. Residential Identification**

One (1) sign, not exceeding two (2) square feet in area and bearing only the names and address of the occupants of a residential premises, is allowed without any form of permit or approval.

**15.5.2.25. Trespassing and Hunting**

Signs relating to trespassing and hunting shall be permitted without limitation as to number provided that no single sign shall exceed two (2) square feet in area.

**15.5.2.26. Setback**

All free standing signs shall be set back a minimum of five feet (5') from property lines and shall not otherwise be subject to the setback requirements of this Ordinance.

**15.5.2.27. Lighting Standards**

The illumination of all signs shall comply in all respects with the provisions of Section F.24.

**15.5.2.27.1. Non-Flashing Illumination**

Signs may be illuminated only by non-flashing lights.

**15.5.2.27.2. Colored Lighting**

In residential zones signs may not be illuminated by colored light.

**15.5.2.28. Political, Charitable, Meeting Signs**

Temporary signs such as political posters, advertisements of charitable functions, notices of meetings, and other noncommercial signs of a similar nature, are permitted without a permit for a maximum of six (6) weeks, shall not count against the maximum sign area allowed on a premise and shall be removed by the person who posted the signs.

**15.5.2.29. Banners for Drives and Large Gatherings**

Any civic, philanthropic, educational or religious organization may, with the approval of the Town Council, display up to two (2) banners announcing a drive, event or large gathering. Such banners shall be displayed no sooner than fourteen (14) days prior to the drive, event or gathering and shall be removed within three (3) days after the drive, event or gathering.

#### **15.5.2.30. Vehicle Signs**

Signs located on the rolling stock of common carriers and on registered and inspected motor vehicles are permitted, except such signs which are determined by the Code Enforcement Officer to be circumventing the intent of these regulations. Circumvention shall include, but not be limited to, signs which are continuously in the same location or signs that extend beyond the height, width, or length of the vehicle.

#### **15.5.2.31. Menus**

Any restaurant may display its menu in a manner so that it is visible to persons passing by the outside of said restaurant provided that the displayed menu is no larger than the menus actually distributed to the restaurant's customers and provided that it is displayed in a manner that is not caused to move by the wind. The display of a menu shall not count against the maximum sign area otherwise allowed to a restaurant nor require permit or approval.

#### **15.5.2.32. Sales Fliers**

Notwithstanding any other provision of this Ordinance, any commercial establishment may utilize up to twenty (20) square feet for the display of temporary signs such as sales fliers and other promotional materials of a temporary nature. Such displays shall not count against the maximum sign area otherwise allowed to the establishment nor require a permit or approval.

#### **15.5.2.33. Signs for Legal Nonconforming Uses**

Any legally existing nonconforming use may utilize on premises signs of a size and character equivalent to the signs allowed of such use in any zone where such use is permitted.

#### **15.5.2.34. Flags**

The flag or insignia of any government may be properly displayed on any premises without any form of permit or approval and without limitation as to size and number.

#### **15.5.2.35. Indoor Neon Signs**

Neon signs located entirely within a building are permitted subject to the following limitations:

**15.5.2.35.1.** Any neon sign located within twelve inches (12") of any window, door or other opening through which it may be visible from the street shall constitute a permanent window sign and shall comply with all provisions of this Ordinance including 15.5.1.

**15.5.2.35.1.** Any neon sign not located in a position described in the preceding paragraph shall not be subject to restriction.

### **15.5.2.36. Nonconforming Sign**

The use or display of any legally existing nonconforming sign may be continued, but only in strict compliance with the following:

**15.5.2.36.1.** No nonconforming sign shall be enlarged, increased or extended to occupy a greater area than it occupied when it became nonconforming or in any other way that increases its nonconformity.

**15.5.2.36.2.** A legally existing nonconforming sign may be replaced only with a sign that complies with this Ordinance in all respects, except that a legally existing nonconforming sign, the replacement of which is necessitated by the vandalism of persons other than the owner or his or her agents, or by a force of nature, may be replaced with a sign identical in all respects to the one being replaced.

**15.5.2.36.3.** Any sign removed pursuant to the provisions of 15.5.2 may be replaced only with a sign that complies with this Ordinance in all respects.

**15.5.2.36.4.** Once converted to conformity, no sign shall revert to nonconformity.

### **15.5.2.37. Changeable Electronic Signs**

Signs which are created, designed, manufactured, or modified in order to display a message that may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side and are subject to the following:

**15.5.2.37.1.** One electric sign per lot of record may be both sides.

**15.5.2.37.2.** May be illuminated and operational only during hours when employees(s) are preset on premise. (Town and School facilities exempt)

**15.5.2.37.3.** A message must have minimum display duration of no less than 20 seconds.

**15.5.2.37.4.** Messages must be static for the duration of each individual message. No part of the electronic sign shall blink, flash, rotate, scroll, change in illumination intensity.

**15.5.2.37.5.** Every electronic sign must be designed and equipped to automatically freeze in a static display if a malfunction occurs. The electronic sign owner must stop the display when notified by the Town that the sign is not complying with the standards of the ordinance.

**15.5.2.37.6.** Undue brightness is prohibited. For the purposes of this provision, "undue brightness" means illumination of any portion of the sign in excess of 3200 nits, between sunset and sunrise.

## **15.6. AUTOMOTIVE GRAVEYARD OR RECYCLING: JUNKYARDS**

Before granting site plan approval for an automobile graveyard, automobile recycling business or a junkyard, the Planning Board shall receive evidence that the applicant has obtained all necessary Federal, State and municipal permits and licenses, including a permit under 30-A.M.R.S.A. § 3753, and must further find that the proposed use shall comply with the following:

**15.6.1.** Automobile graveyards, automobile recycling businesses and junkyards shall be located a minimum of one thousand feet (1,000') from the edge of the rights-of-way of any highway incorporated in the Interstate and Primary Systems and a minimum of six hundred feet (600') from the edge of the right-of-ways of all other roads; and shall be set back one hundred feet (100') from all side and rear lot lines.

**15.6.2.** Automobile graveyards, automobile recycling businesses and junkyards shall be located a minimum of three hundred feet (300') and be completely screened from ordinary view from any church, cemetery, school or any public park, playground, beach or facility.

**15.6.3.** Automobile graveyards, automobile recycling businesses and junkyards shall be entirely screened from view by natural objects, plantings or fences which shall be well constructed and properly maintained at a minimum height of six feet (6') and sufficient to accomplish the complete screening from ordinary view from abutting lots and traveled ways.

**15.6.4.** Upon arrival at the graveyard or recycling business, batteries shall be removed and oil, lubricants and fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents.

**15.6.5.** No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months.

**15.6.6.** All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness of the adjacent area.

**15.6.7.** No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner.

**15.6.8.** No approval may be granted for an automobile graveyard or an automobile recycling business with operations within one hundred feet (100') of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the site for which site plan approval is sought.

**15.6.9.** The Planning Board may impose additional and more stringent restrictions, limitations and conditions such as are reasonably calculated to adequately protect public health and safety. Such additional restrictions, limitations and conditions, together with all of the standards imposed by this Ordinance, shall govern the future operation and use of the automobile graveyard, automobile recycling business or junkyard. Site plan approval obtained for an automobile graveyard, automobile recycling business or junkyard shall be nontransferable and any subsequent owner of such a graveyard must obtain site plan approval before continuing operations.

## **15.7. CAMPGROUNDS**

All site plans for proposed campground development shall demonstrate that:

**15.7.1.** The applicant has obtained all required State permits and licenses.

**15.7.2.** Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas, and one thousand (1,000) square feet of suitable land in inland areas, for each site, not including driveways and roads. Land supporting wetland vegetation, and land below the normal high water line of a water body shall not be including in calculating land area per site.

**15.7.3.** The area intended for placement of the recreational vehicle, tent or shelter site, and utility and service buildings shall be set back a minimum of twenty-five feet (25') from the exterior lot lines of the campground and from any public street, ten feet (10') from any internal roadway, one hundred feet (100'), horizontal distance, from the normal high water line of a river, and seventy-five feet (75'), horizontal distance, from the normal high water line of a tributary stream, upland edge of a wetland or any other body of water. Each recreational vehicle or tent shall be placed such that the distance between any part thereof and any part of any other recreational vehicle or tent is at least fifteen feet (15').

**15.7.4.** The campground shall be screened from all abutting areas.

**15.7.5.** Each recreational vehicle, tent or shelter site shall be provided with a trash receptacle.

**15.7.6.** The campground will contain a minimum of twenty-five (25) campsites.

**15.7.7.** The minimum total area of the campground will be the greater three thousand (3,000) square feet multiplied by the total number of campsites; or five (5) acres.

**15.7.8.** Road within campgrounds shall be a minimum of twenty feet (20') wide for two way traffic and fourteen (14') wide for one way traffic. Road surfaces shall be well drained and constructed of stabilized or compacted material.

**15.7.9.** When located within a campground, commercial uses involved in the sale of food, supplies and equipment shall be intended only for the use and convenience of campers and other fees paying patrons of the campground and not the general public. Such uses shall be located and serviced so as to have no detrimental effect on neighboring campsites.

## **15.8. CONVERSION TO MULTIFAMILY USE**

Conversion of existing structures into multifamily dwellings will be permitted only on the following conditions:

**15.8.1.** Off street parking will be provided in accordance with the requirements of Section 15.4.6.6.

**15.8.2.** Written approvals of conversion plans by the fire, electrical, and plumbing inspectors are submitted at the time of application.



**15.8.3.** Each dwelling unit shall be at least five hundred (500) square feet in area for one (1) bedroom units plus one hundred fifty (150) square feet for each additional bedroom and all such space shall comply with FHA standards.

**15.8.4.** Each dwelling unit shall have unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

## **15.9. HOME OCCUPANTS**

Home occupations will be permitted only on the following conditions:

**15.9.1.** Home occupations will be permitted only on the following conditions:

**15.9.2.** The uses of a dwelling unit or its accessory structure for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

**15.9.3.** A home occupation must be carried on wholly within a dwelling unit or a structure customarily accessory to a dwelling unit, provided, however, that Child Care I and II may utilize the yards surrounding such structures provided that the yard area used by Child Care II is set back at least fifty feet (50') from any side or rear property lines or is buffered to the satisfaction of the Planning Board to minimize the transmission of noise to neighboring residential properties.

**15.9.4.** A home occupation must be conducted by a member or members of the family residing in the dwelling unit.

**15.9.5.** A home occupation must not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

**15.9.6.** A home occupation shall be allowed no exterior display, no exterior sign other than as in Section 15.5.2.23. no exterior storage or display of materials, no retail of goods except those produced upon the premises and those which are clearly incidental to the providing of service involved in a home occupation, and no other exterior indication of the home occupation or variation from the residential character of the principal building, provided however, that Child Care I and II may utilize yards as provided in Section 15.6.

**15.9.7.** Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare, or activity at unreasonable hours, shall not be permitted of a home occupation.

**15.9.8.** The traffic generated by home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

**15.9.9.** In addition to the off street parking provided to meet the normal requirements of the dwelling, adequate off street parking shall be provided for the vehicles of the maximum number of users a home occupation may attract during peak operating hours.

**15.9.10.** For purposes of this Ordinance, use of residential buildings for transient accommodations shall not be considered a home occupation, but rather shall be governed by other provisions of this Ordinance.

**15.9.11.** Except for Child Care I and II, a home occupation may utilize not more than twenty percent (20%) of the total dwelling unit floor area. For the purpose of this section, neither unfinished attic or basement spaces nor open decks or unheated porches shall be included in calculating the total dwelling unit floor area.

## **15.10. MANUFACTURED HOUSING**

**15.10.1.** It is the policy of the Town of Veazie to allow manufactured housing on individual, undeveloped lots in a variety of locations so as to offer a viable housing option for the citizens of the Town of Veazie. Such locations shall be limited to the RF Zone on a parcel southeast of Stillwater Avenue and northwest of Interstate 95, identified on Veazie Tax Map 10, Lot 5; the portion of the R Zone northeast of Chase Road and Southeast of Silver's Mobile Home Park, identified on Veazie Tax Map 9, Lot 18 extending northeast for one thousand feet (1,000') and northwest for one thousand feet (1,000') on to Map 13, Lot 2 and then southwest one thousand feet to Chase Road along the westerly edge of a parcel identified on Map 13, Lot 2. Notwithstanding the foregoing or any other provision of this section, any modular home that otherwise meets the requirements of this Ordinance and the Town's building code shall be allowed in all zones and on all lots where single family homes are allowed.

**15.10.2.** Manufactured housing shall be subject to the same requirements as single family dwellings except as otherwise provided in this section.

**15.10.3.** All manufactured housing located on an individual lot in the Town of Veazie shall comply with the following design standards:

- a roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles and not corrugated metal roofing material;
- a permanent foundation consisting of a full, poured concrete or masonry foundation; a poured concrete or mortared masonry frost wall, with or without a concrete floor; a reinforced, floating concrete pad, the design for which shall require an engineer's certification if it is to be placed on soil with a high frost susceptibility; or any foundation which, pursuant to this Ordinance, is permitted for other types of single family dwellings;
- at least fourteen feet (14') in width;
- exterior walls that are residential or traditional site-built in appearance;
- skirting which matches the factory base or trim color of the unit, with plastic or tar paper specifically prohibited;
- at least seven hundred fifty (750) square feet of living floor space;
- wheels shall be removed from the axles;
- towing devices shall be removed or completely enclosed in a structure that matches the skirting of the unit.

**15.10.4.** The foregoing design standards shall not be construed to prevent the relocation of any manufactured housing, regardless of its date of manufacture that was legally sited within the Town of Veazie as of August 4, 1988.

**15.10.5.** Manufactured housing which fails to meet the standards contained in 15.10. shall be subject to the nonconformity provisions of this Ordinance, provided that they may be expanded.

**15.10.6.** No nonconforming manufactured housing unit which was not legally sited within the Town as of August 4, 1988 shall be moved to another lot or parcel within the Town, provided that such unit may be moved to a different location on the same lot or parcel.

**15.10.7.** No nonconforming manufactured housing unit may be replaced by another nonconforming manufactured housing unit unless such other unit was legally sited within the Town of Veazie as of August 4, 1988.

**15.10.8.** The Code Enforcement Officer may permit the use of a mobile home as a temporary office for up to four (4) months in zones where offices are permitted or on construction sites anywhere within the Town.

**15.10.9.** A mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six (6) month periods provided that the approval of the Board of Appeals grants a separate approval for each six (6) month period. The Board of Appeals shall grant approval only if it is satisfied that:

**15.10.9.1.** The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and

**15.10.9.2.** No health hazards or problems with sanitation will be caused by improper disposal of sewage from the mobile home.

**15.10.10.** A recreational vehicle shall in no cases be used as a permanent manufactured home. Any recreational vehicle used as a temporary residence shall be located only in an authorized campground.

**15.10.11.** A recreational or mobile construction office, while not in use, may be stored on the premises of the owner.

**15.10.12.** No new manufactured housing shall be located within the Town by any person, other than a dealer licensed by the State of Maine with a sales tax certificate, without:

**15.10.12.1.** A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the person locating the housing in the Town; or

**15.10.12.2.** Evidence of certification of payment of the sales tax in accordance with 36 M.R.S.A. §§ 1760(40) and 1952-B.

**15.10.13.** The placement of any mobile home at any location within Veazie shall be done in compliance with the requirements of the State of Maine Manufactured Home Installation Standards, as amended. This provision shall apply even to the placement of a new or used mobile home on existing mobile home site, whether or not another mobile home is being replaced.

## **15.11. MOBILE HOME PARKS**

All site plans for mobile home parks shall demonstrate that the proposed development will comply with the following requirements:

**15.11.1.** A mobile home park shall consist of a contiguous parcel of land with a minimum overall area of at least the combined area of its mobile home park lots plus:

- the area required for road rights-of-way;
- the area required for buffer or screening, if any;
- for mobile home parks served by a public sewer, and area for recreation equal to ten percent (10%) of the combined area of the individual lots within the mobile home park;
- the area of any setbacks required by mandatory shoreland zoning.

**15.11.2.** Except as otherwise required by mandatory shoreland zoning, the minimum size of individual mobile home lots shall be:

- 20,000 square feet with on- site subsurface wastewater disposal;
- 6,000 square feet with public sewer;
- 12,000 square feet if served by a central on-site subsurface wastewater disposal system approved by the Department of Human Services, provided that the overall density of the mobile home part shall be no more than one (1) home for every 20,000 square feet.

**15.11.3.** Except as otherwise required by mandatory shoreland zoning, the located may be reduced the minimum amount necessary to accommodate the minimum lot standards set forth in setback requirements of the zone in which a mobile home park is, except that mobile homes on lots adjacent to a public road shall be set back according to the requirements applicable to other residential developments in the zone. In no event shall a mobile home or its associated accessory structures be closer than thirty-five feet (35') to any other mobile home or its associated structures, except that in mobile home parks existing on the effective date of this Ordinance the distance shall be fifteen feet (15').

**15.11.4.** For individual mobile home park lots, the road frontage requirements of the zone in which a mobile home park is located may be reduced the minimum amount necessary to accommodate the minimum lot standards set forth in Section F.41. In no event shall the required road frontage on individual lots within a mobile home park have the effect of requiring a manufactured home on a lot to be placed parallel to an adjacent private or public roadway.

**15.11.5.** Where possible, mobile homes shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.

**15.11.6.** A mobile home park shall have a natural buffer strip of at least fifty foot (50'), including individual lot setbacks, along any park boundary that abuts land used for residential use if the per acre density of homes within the park is at least two (2) times greater than:

- the density of the residential development on immediately adjacent parcels of land; or
- the maximum net residential density permitted by applicable municipal ordinances or state law, if the immediately adjacent parcels of land are undeveloped.

No structures, streets or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to a mobile home park.

Notwithstanding the foregoing, a mobile home park shall comply with the screening requirements applicable to other single family residences located in the same zone as the mobile home park.

**15.11.7.** Areas in the mobile home parks intended for the storage of garbage and rubbish shall be entirely screened from view, except that portions may be left open to permit pedestrian and vehicular access.

**15.11.8.** Each mobile home site shall comply with the parking requirements of 15.4.7.

**15.11.9.** Unless required by the owner of the park, no mobile homes located within a mobile home park within the Town of Veazie need comply with the requirements of 15.10., provided, however, that all mobile homes moved in the Town of Veazie after the effective date of this Ordinance shall comply with all applicable safety codes and standards.

**15.11.10.** If the developer intends to offer the roads within a mobile home park to the Town for acceptance as a Town way, such roads will be built according to the Town's standards set forth in Town of Veazie Subdivision Ordinance.

**15.11.11.** If the developer does not intend to offer the roads within a mobile home park to the Town for acceptance as a Town way, such roads shall:

- be built in accordance with any standards adopted by the Manufactured Housing Board and with otherwise acceptable engineering standards;
- be built in accordance with plans bearing a professional engineer's seal as required by the Manufactured Housing Board;
- have a right-of-way of twenty-three feet (23') in width, twenty feet (20') of which shall be paved; and
- conform to the safety standards applicable to intersections with public ways adjacent to the mobile home park.

**15.11.12.** Dead end streets within a mobile home park shall be limited in length to one thousand feet (1,000') and at the closed end shall be provided with a turnaround having a minimum radius of sixty feet (60').

**15.11.13.** Sidewalks not less than three feet (3') in width shall be provided on at least one (1) side of every street within a mobile home park.

**15.11.14.** Walkways not less than two feet (2') in width shall connect each mobile home stand to a sidewalk, to a paved street or to a driveway connecting to a paved street.

**15.11.15.** Notwithstanding any other provision of this Ordinance to the contrary, no owner or developer of a mobile home park shall be required to locate electrical utilities or telephone or cable television lines underground within the park.

Provided that all applicable safety codes are met, utilities may be installed anywhere within a mobile home park.

**15.11.16.** Roadways within mobile home parks shall be adequately lighted at night with a light intensity at the center of the roadway of not less than two (2) foot candles.

**15.11.17.** In mobile home parks served by a public sewer there shall be provided in areas for recreation equal to ten percent (10%) of the combined area of the individual lots within mobile home park. Such areas shall be located in one (1) or more convenient central locations with easy and safe access from most of the mobile home lots.

**15.11.18.** The Planning Board shall not approve a plan for a mobile home park without first receiving evidence that the developer of the park has obtained all necessary State permits or licenses.

**15.11.19.** No mobile home lot shall contain more than one (1) mobile home. No mobile home shall be placed in any area that does not constitute a mobile home lot reflected on a plan approved by the Planning Board. No mobile home park shall contain more mobile homes than the number specified on any State license nor more than the number of individual lots reflected on a plan approved by the Planning Board.

**15.11.20.** Any accessory structure located on a mobile home lot in any mobile home park shall:

- not exceed a width of twelve feet (12'), a length of twenty-four feet (24') or a wall height of eight feet (8');
- not be located less than fifteen feet (15') from a road, more than thirty-five feet from the mobile home which it serves, or less than twenty-five feet (25') from the exterior boundaries of the mobile home park;
- be compatible with the style and material of the mobile home.

**15.11.22.** A mobile home park subdivision or development shall not be reviewed as a mobile home park. Rather, such a subdivision or development shall be review as any other residential subdivision and shall comply withal standards applicable thereto.

## **15.12. TEMPORARY STOARGE**

Upon the approval of the Code Enforcement Officer, portable or mobile trailers, vans or similar vehicles or temporary buildings may be used for storage or display for a period not to exceed six (6) months. Such approval may be extended by the Planning Board for successive periods of six (6) months if the Board finds that:

**15.12.1.** The use does not diminish area requirements as set forth in the zoning ordinance for that zone;

**15.12.2.** There is a valid temporary need which cannot be met within the principal structure and that adequate economic hardship can be shown.

**15.12.3.** The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance.

**15.12.4.** The use is not intended as a permanent or long term use.

**15.12.5.** The use is not an intent to circumvent building area limitations for that zone or to prolong the use of facilities which have been outgrown.

**15.12.6.** The facilities will be adequately screened from neighborhood properties and the street.

**15.12.7.** The facilities will not be used as or intended for advertising for on or off premises purposes.

**15.12.8.** The facilities are not intended for retail sales.

**15.12.9.** The above provisions do not prohibit the use of such temporary facilities as construction or job site office or equipment storage facilities during construction provided that no advertising other than the contractor's name shall be on the vehicle or facility and that such signs meet the requirements of Section F.35.a.

## **15.13. TIMBER HARVESTING**

The selective cutting and removal of trees from their growing sites in those zones indicated in 15.3. as allowing timber harvesting are permitted in accordance with the following conditions:

**15.13.1.** Clear-cutting of trees is expressly prohibited in the Town of Veazie.

**15.13.2.** Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.

**15.13.3.** Harvesting Operations shall be conducted in such a manner that a well-distributed stand of trees is retained.

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

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

**15.13.6.** No accumulation of slash shall be left in such a manner that it lies on the ground and no part thereof extends more than four feet (4') above the ground.

## **15.14. SWIMMING POOLS**

It shall be unlawful to construct, install or enlarge any swimming pool except in compliance with the following:

**15.14.1.** Completely around every swimming pool located within the Town of Veazie, except portable above ground swimming pools with sidewalls of at least four feet (4') in height, shall be erected a good quality fence or wall not less than four feet (4') in height above ground surface and of a character to exclude children.

A building may be used as part of the fence or wall which shall be constructed so as not to have openings, holes or gaps larger than four (4) square inches, except for fences constructed of vertical posts or louvers, in which case, the openings shall not be greater than four inches (4") in width with no horizontal members between the top and bottom plates. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. Any gate shall be equipped with a self-latching device placed at the top of the gate.

**15.14.2.** All pools must comply with National Electrical Code requirements, including proper grounding and ground fault interrupter, as approved by the Electrical Inspector.

**15.14.3.** All nonconforming swimming pools are prohibited and may not be continued under the provisions of this Ordinance dealing with nonconformities.

## **15.15. RESTAURANTS**

The maximum seating capacity stated in a restaurant's application shall not be exceeded without a new building permit or site plan approval, whichever was required originally.

## **15.16. MINING, QUARRING, GRAVEL OR MINERAL EXTRACTION**

All mining, quarrying and gravel or mineral extraction activities shall conform to the following applicable standards:

**15.16.1.** No excavation or removal of earth material shall be allowed within seventy-five feet (75') of any property line without the written permission of the owner of the adjacent property, nor below grade excavation nor within two hundred feet (200') of any public way.

**15.16.2.** No below grade excavation shall create an unstable slope so that the land within one hundred feet (100') of any property line or two hundred feet (200') of any public way shall be subject to any increased erosion, slump or mass movement or other detrimental effect. A slope with a steeper incline than a ratio of three (3) horizontal to one (1) vertical shall be deemed unstable unless demonstrated otherwise.



**15.16.3.** No gravel pit or mining extraction operation shall result in increased erosion or runoff that will adversely affect any adjoining properties.

**15.16.4.** At least thirty (30) days before the initiation of any blasting, the operator of any mining, quarrying or extraction activity shall notify in writing all residents within one-half (1/2) mile of the blast area, informing them how to request a pre-blast survey.

**15.16.5.** No permit for mining, quarrying or gravel or mineral extraction operations shall be issued until the Planning Board approves a written reclamation plan and receives an executed performance guarantee, in a form acceptable to the Town attorney, in an amount sufficient to cover the estimated cost of such reclamation.

The reclamation plan shall describe in detail the procedures to be undertaken to fulfill the following requirements within twelve (12) months following the completion of such operations, 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:

**15.16.5.1.** All debris, stumps and similar material shall be removed for disposal in an approved location or shall be burned on site. Disposal of such material shall also comply with all applicable provisions of the State of Maine Solid Waste Laws, 38 M.R.S.A. § 1310 and Chapter 404 of the Department of Environmental Protection's regulations. Only materials generated on site may be buried or covered on site.

**15.16.5.2.** The final graded slope of the site where such operations occurred shall be two to one (2:1) or flatter. No slopes on which vegetation cannot be reestablished shall be left.

**15.16.5.3.** Topsoil or loam shall be retained to cover all disturbed land areas, which areas shall be reseeded and stabilized with vegetation which is native to the area and which is sufficient to erosion and is suitable for wildlife. The vegetation shall be approved by the Soil and Water Conservation Service. Additional topsoil or loam shall be obtained from offsite sources if necessary to complete stabilization.

**15.16.5.4.** No reclamation shall cause an increase or decrease of water flow to adjacent properties.

**15.16.5.5.** All gravel extraction, mining or quarrying operations shall be screened from view from adjacent properties and public ways by vegetation or other appropriate means.

**15.16.5.6.** No gravel extraction, mining or quarrying operations shall be worked at a level less than three feet (3') above the average seasonal high water table for fresh water and high tide for salt water.

**15.16.5.7.** No leachate harmful to ground water quality, including, but not limited to, salt, creosoted timber, petroleum products or rubbish, shall be dumped or stored in gravel pit except under cover and upon an impermeable spill-proof base.

**15.16.5.8.** Access to gravel extraction, mining or quarrying areas shall be strictly controlled with locking gates at the entrance of access roads. When the pit is not being operated, all vehicular entrances shall be made impassable.

**15.16.5.9.** No site plan approval will be granted for a gravel extraction, mining or quarrying operation until the applicant has received site location approval from the Maine Department of Environmental Protection, if one is required.

**15.16.5.10.** No site plan approval will be granted for a gravel extraction, mining or quarrying operation until the applicant has provided evidence of adequate insurance against liability arising from proposed extraction operations and evidence that such insurance shall be maintained throughout the period of operation.

## **15.17. RESIDENTIAL STRUCTURES**

All new buildings or structures designed for year round human occupancy shall have a permanent foundation or frost wall that extends below the frost line around its entire periphery.

## **15.18. COMMERCIAL DISPLAYS OF NUILITY**

All site plans for businesses that will provide or exhibit nude entertainment shall demonstrate that the proposed development will comply with the following:

### **15.18.1. Location**

Any business that will provide or exhibit nude entertainment shall be located in that area of the I Zone located in the areas between Interstate 95 and Stillwater Avenue and such a business shall not be permitted in any other area of the Town.

### **15.18.2. Convictions**

No permit of any kind shall be issued for a business that will provide or exhibit nude entertainment if any person with a five percent (5%) or more financial interest in the business or any person who will have any management position with respect to the business has, within the ten (10) years immediately prior to the date of the application, been convicted of prostitution, promoting prostitution, or a class A, B or C felony as such offenses are defined under Maine Law, or equivalent offenses in any other jurisdiction(s). The conviction of any such person of such offense(s) at the time subsequent to the issuance of a permit shall result in the revocation of the permit.

### **15.18.3. Dwelling Units Prohibited**

No portion of any building or structure on any lot on which is located a business that provides or exhibits nude entertainment shall be used as a dwelling unit.

### **15.18.4. Restaurant Requirements**

All requirements set forth in this Ordinance applicable to restaurants and eating and drinking establishments shall apply to any business that will provide or exhibit nude entertainment, irrespective of whether such business will sell or otherwise provide food or beverages.

#### **15.18.5. Entertainment Within Building**

Any display or exhibition of nude entertainment shall be contained entirely within a building, not on any deck, porch, patio associated therewith, and shall be concealed in such a manner that no portion of any person providing such entertainment can be observed from any adjoining lot or public property.

#### **15.18.6. Setbacks**

No portion of any building in which nude entertainment is provided or exhibited shall be located four hundred feet (400') or less from:

- the line of any R or RF Zone
- the line of any lot on which is located a public or private school, a school dormitory, a public playground or park, a church, chapel parish house or other place of worship, a public library, a juvenile shelter or orphanage.

#### **15.18.7. Changing Rooms and Restrooms**

**15.18.7.1.** Any building in which nude entertainment is provided or exhibited shall have changing rooms and restrooms for the persons providing such entertainment that are separate the toilet facilities available for or accessible to customer, patrons or the general public.

**15.18.7.2.** No business providing or exhibiting nude entertainment shall allow customer, patrons or members of the general public changing rooms or restrooms used by or set aside for persons providing such entertainment.

**15.18.7.3.** No person providing nude entertainment shall change or be in the state of undress in any restroom available or accessible to customers, patrons or members of the public, except to the limited extent necessary in conjunction with the customary use of a toilet or urinal.

#### **15.18.8. Hours of Operation**

No business shall provide or exhibit nude entertainment beyond the hours set forth in the business's permit application or after the hour of 1:00 a.m., whichever is later, and all businesses providing or exhibiting nude entertainment shall be closed and cleared of customer, patrons and members of the public from 1:30 a.m. to 6:00 a.m. Mondays through Saturdays and to 1:00 p.m. Sundays.

#### **15.18.9. Employment**

No person under the age of eighteen (18) years shall be employed in any capacity in any business that provides or exhibits nude entertainment. For purposes of this section the term employee shall include hourly and salaried employees and all persons working or performing on the premises for tips or commissions or as independent contractors or contract dancers or performers.

The operator of each such business shall be responsible for verifying the age of each employee through photographic identification. Each employer shall maintain records showing the name and date of birth of each employee, including a copy of the photographic identification used to verify age.

Prior to an employee's beginning employment, the operator shall bring the records to the Town of Veazie Police Department to verify the age of the prospective employee. Such records shall be maintained by the operator until six (6) months after the employee ceases employment and are subject to review by the Veazie Police on the business premises during normal business hours. In the event the Veazie Police reasonably suspect from a review of such records that an employee is under the age of eighteen (18) years, they may copy such records for investigatory purposes. Any record so obtained, and any subsequent information developed therefrom, is declared to be "intelligence and investigative information" under 16 M.R.S.A. § 611 (8) which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Notwithstanding this declaration, record information may be disclosed to the person named therein.

#### **15.18.10. Patrons**

**15.18.10.1.** No person under the age of eighteen (18) years shall be admitted as a customer or patron to any commercial establishment providing or exhibiting nude entertainment. The operator of each such establishment shall be responsible for verifying the age of each person entering the premises through photographic identification. Nothing herein shall be construed as to lessen any applicable State age requirement for the admission of any person to a business establishment at which alcohol is served.

**15.18.10.2.** There shall be no physical contact anywhere on the premises between patrons and any person performing or providing nude entertainment. For purposes of this section, physical contact does not include incidental contact between a patron and an entertainer of a business or social nature such as a handshake or that brief contact that may occur while a patron is giving a tip to an entertainer. In no case shall incidental contact be deemed to include such conduct as is barred by State statutes regarding unlawful sexual contact, regardless of the intent of either party, any contact between a patron and the genitalia or breasts of an entertainer or any contact between an entertainer and the genitalia or breasts of a patron.

**15.18.10.3.** Under no circumstances shall any patron, customer or member of the public be in any state of undress or expose his or her genitalia anywhere on the premises, except to the limited extent necessary in conjunction with the customary use of a toilet or urinal.

#### **15.18.11. Limitations on Entertainment**

**15.18.11.1.** No person providing or performing nude entertainment shall engage in sadomasochistic acts or in specified sexual activities as defined by this Ordinance.

**15.18.11.2.** The showing, display or exhibition of specified anatomical areas, as defined by this Ordinance, is prohibited. (amended 3/22/99)}

### **15.18.12. Residential Use of Commercial Buildings**

{Residential occupancy use of portions of commercial properties may be allowed with Planning Board approval if the portion of the existing building to be used residentially has previously been used as a residential property and provided the use is considered secondary to the commercial use or uses allowed in the zone. The residential use will not be expanded in foot print to an area greater than previously occupied by the residential use except as may be required to meet current life safety and/or other related building code issues. Furthermore, any tenant must be notified in writing or so notified in their lease that the property is in a commercial zone and the tenant should expect allowed commercial activities to occur. (Adopted Fall 2004)}

## **15.19. MEDICAL MARIJUANA REGISTERED DISPENSARY AND MEDICAL MARIJUANA CULTIVATION FACILITY**

### **15.19.1. Licensing**

In addition to obtaining site plan approval from the Planning Board, any medical marijuana registered dispensary and/or medical marijuana cultivation facility shall obtain an annual license on or before January 1 of each year from the Veazie Police Chief. The cost of the annual license shall be \$500.00. In applying for the annual license, the applicant shall provide the information required on an application form to be furnished by the Police Chief.

**15.19.1.1.** No mobile medical marijuana registered dispensary and/or medical marijuana cultivation facility shall be licensed or permitted within the Town of Veazie.

**15.19.1.2.** The Police Chief shall issue a license to an applicant for a medical marijuana registered dispensary and/or medical marijuana cultivation facility if the Police Chief determines that the medical marijuana registered dispensary and/or medical marijuana cultivation facility:

**15.19.1.2.1.** Is duly licensed by the State of Maine.

**15.19.1.2.2.** Is in compliance with all applicable state and local laws, ordinances or regulations, including but not limited to building, plumbing, electrical, fire prevention and life safety codes.

**15.19.1.2.3.** Is in compliance with Title 22 MRS Chapter 558-C (Maine Medical Use of Marijuana Act) and State of Maine Rules Governing the Medical Use of Marijuana Program (10-144 CMR Chapter 122).

**15.19.1.2.4.** Is in compliance with this Ordinance, including but not limited to the standards in 15.19.

**15.19.1.2.5.** Does not have conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner.

**15.19.1.2.6.** Does not have repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises.

**15.19.1.3.** If the Police Chief denies a license application, the Police Chief shall provide written notice of the denial to the applicant, which notice shall state the reasons for the denial and inform the applicant of the right of appeal.

**15.19.1.4.** If the Police Chief denies a license application, the Police Chief shall provide written notice of the denial to the applicant, which notice shall state the reasons for the denial and inform the applicant of the right of appeal.

**15.19.1.5.** Within ten (10) days after receipt of a written notice of denial of a license application, or within ten (10) days after receipt of a written notice of suspension or revocation of a license, the applicant or license holder may appeal the action of the Police Chief in writing to the Board of Appeals.

Within thirty (30) days of the Town Clerk's receipt of an appeal from a decision of the Police Chief, the Board of Appeals shall conduct a hearing on the appeal, which hearing shall be a de novo hearing.

Within thirty (30) days of the hearing, the Board of Appeals shall determine whether the decision of the Police Chief was justified. If the Board of Appeals determines that the decision was not justified, it may reverse the decision, subject to such terms and conditions it considers appropriate to protect the public's health, safety and general welfare. If the Board of Appeals determines that the decision of the Police Chief was justified, it shall deny the appeal. The Board of Appeals shall, within seven (7) days of its determination, issue a written decision, including specific findings and conclusions. The written decision shall be filed with the Town Clerk upon issuance, and the Town Clerk shall provide a copy of the decision to the appellant and the Police Chief.

Any party may, within forty-five (45) days of a decision made by the Board of Appeals pursuant to this section, take an appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

**15.19.2.** A medical marijuana registered dispensary and/or medical marijuana cultivation facility shall be inspected by the Code Enforcement Officer, Police Chief, and Fire Chief to determine if the dispensary and/or facility complies with all applicable town codes and ordinances.

**15.19.3. Standards**

Applications for approval of a medical marijuana registered dispensary and/or medical marijuana cultivation facility must meet all applicable performance standards of the Land Use Ordinance relating to the zone and the development concerned. A medical marijuana registered dispensary and/or medical marijuana cultivation facility must adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.

In addition, applications for site plan approval of a medical marijuana registered dispensary and/or medical marijuana cultivation facility must demonstrate compliance with the following standards, as applicable:

**15.19.3.1.** No medical marijuana registered dispensary and/or medical marijuana cultivation facility shall be located within 1,000 ft. of the property line of a preexisting public or private school or within 500 ft. of the property line of any of the following, which is in existence at the time of application for a medical marijuana registered dispensary and cultivation facility: church or facility for religious worship; private residence; licensed daycare facility; or methadone clinic.

**15.19.3.2.** No more than one (1) medical marijuana registered dispensary and/or one (1) medical marijuana cultivation facility shall be permitted in the Town of Veazie.

**15.19.3.2.** A Medical marijuana registered dispensary may only be open for business between the hours of 8:00 a.m. and 8:00 p.m. daily.

**15.19.3.3.** Only indoor cultivation of marijuana shall be permitted at the medical marijuana cultivation facility, and such a facility is restricted to the I zone and is prohibited from any residential zone.

**15.19.3.4.** Sufficient measures must be in place at all times to prevent smoke or odor from exiting medical marijuana registered dispensary and/or a medical marijuana cultivation facility. The owner/operator must also demonstrate that sufficient measures are in place for safe and secure disposal of marijuana related wastes or byproducts.

**15.19.3.5.** All activities of a medical marijuana registered dispensary and/or a medical marijuana cultivation facility, including cultivating, growing, processing, displaying, selling, and storage, must be conducted indoors. No marijuana or paraphernalia may be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the building.

**15.19.3.6.** No food products shall be sold, prepared, produced or assembled by a medical marijuana registered dispensary except in compliance with all operating and other requirements of state and local laws, ordinances and regulations, including without limitation, food establishment licensing requirements. Any goods or food products containing marijuana for human consumption shall be stored in a secure place.

**15.19.3.7.** The property and building for a medical marijuana registered dispensary and/or a medical marijuana cultivation facility shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking areas or other areas outside of the building(s). The size of the inside waiting area shall be calculated at a minimum of fifteen (15) square feet per person based on total client capacity (registered patients and the registered primary caregiver of each registered patient).

#### **15.19.4. Security and Oversight**

Security measures at a medical marijuana registered dispensary and/or a medical marijuana cultivation facility shall include the following at a minimum:

**15.19.4.1.** Video surveillance cameras operating 24 hours a day and 7 days a week to monitor all entrances, along with the interior and exterior of the dispensary and/or facility, in order to discourage and facilitate the reporting of criminal acts on the property.

All security recordings will be preserved for thirty (30) days by the management of the licensed dispensary and/or facility.

**15.19.4.2.** Door and window intrusion, robbery, and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition.

**15.19.4.3.** Exterior security lighting that illuminates all exterior walls of the licensed dispensary and/or facility.

**15.19.4.4.** Deadbolt locks on all exterior doors and locks or bars on any other access point.

**15.19.4.5.** No medical marijuana registered dispensary and/or medical marijuana cultivation facility may employ a person with a prior conviction of, or continue to employ an employee who is convicted of, a violation of any controlled substance law of Maine, the United States or any other state. If a principal officer or board member of an entity that owns or operates a medical marijuana registered dispensary and/or medical marijuana cultivation facility has a prior conviction of a violation of any controlled substance law of Maine, the United States or any other state, or is convicted of a violation of any controlled substance law of Maine, the United States or any other state while a principal officer or board member of an entity that owns or operates a registered dispensary and/or cultivation facility, that registered dispensary and/or cultivation facility shall immediately be considered in violation of this Ordinance.

**15.19.4.6.** The consumption, ingestion, or inhalation of marijuana on or within the property of a medical marijuana registered dispensary and/or a medical marijuana cultivation facility is prohibited, provided however that a medical marijuana registered dispensary or cultivation facility employee, who is a registered patient as that term is defined in 22 M.R.S. § 2422(12), as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking.

## **15.20. BOARDING OR ROOMING HOUSE**

**15.20.1.** Rooming house shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

**15.20.2.** Rooming unit shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.



**15.20.3. Minimum standards for dwellings established.**

**15.20.3.1.** There are hereby established minimum standards for buildings used for dwelling purposes in the Town of Veazie. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards.

**15.20.3.2.** The standards set forth herein are intended to be minimum only and they apply wherever a greater standard is required by any other ordinance or law shall not be construed otherwise.

**15.20.4. Minimum standards for structural elements.**

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

**15.20.4.1.** Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound, and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon.

**15.20.4.2.** Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof. (b) Interior floors, walls, ceilings and doors. Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

**15.20.4.3.** Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair. Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

**15.20.4.4.** Stairways, stairwells, stairs and porches. Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.

**15.20.4.5.** Chimneys, flues and vent. Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

**15.20.4.6.** Required equipment and utilities. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition. Sanitation and maintenance of equipment; division of responsibility therefor. Every dwelling, dwelling unit, rooming house, rooming unit, dwelling premises, or combination of the same, shall be kept and maintained in a sanitary and clean condition, and facilities shall be provided, in accordance with the following division of responsibility.

**15.20.4.7.** Maintenance of assigned areas. Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary manner that part of the dwelling, dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.

**15.20.4.8.** Maintenance of shared areas. Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

**15.20.4.9.** Maintenance of supplied facilities. Every occupant of a dwelling unit shall keep all supplied facilities, including refrigeration, plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

**15.20.4.10.** Disposal of Rubbish, ashes, garbage and waste. Separate watertight, tightly covered plastic or metal containers shall be provided, one (1) or more for garbage and other food wastes, one (1) or more for rubbish, paper, and other non-food wastes, and one (1) or more metal containers for ashes, and all such containers shall be kept covered at all times so as to prevent the ingress and egress of flies, rats or other animals. Plastic or paper bags or boxes are not considered "containers" for purposes of this section. Ashes shall be cold when placed in containers for collection. Such containers shall be cleaned periodically so that they will not become foul or offensive and shall be placed in convenient locations for removal of the contents by persons authorized to collect the same.

Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall place or cause to be placed all garbage, rubbish and other waste material in such containers and shall not permit any accumulation or deposit of such substances in or about the premises except in said containers. The responsibility for the provision of such containers shall be as follows:

**15.20.4.11.** It shall be the duty of every occupant of every dwelling occupied by not more than two (2) families to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

**15.20.4.12.** It shall be the duty of the owner or operator of every multiple dwelling to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

**15.20.4.13.** It shall be the duty of every owner or operator of a rooming house to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements. (e) Rodent and vermin control. Every dwelling, dwelling unit, rooming house, rooming unit, and dwelling premises shall be kept and maintained free from insects, rodents, or other pests in accordance with the following division of responsibility: 1. Every occupant of a dwelling unit shall be responsible for the extermination of such insects, rodents, or other pests where the infestation is confined to such dwelling unit, except as provided in subsection 6-109(e)2.

2. When infestation of a dwelling unit shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin-proof condition, extermination shall be the responsibility of the owner or operator.

**15.20.4.14.** Every owner or operator of a dwelling shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in any two (2) or more dwelling and/or rooming units, or in shared areas or upon the dwelling premises.

Minimum standards for space and occupancy thereof.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which is or would be overcrowded as determined by the following minimum standards for space and occupancy:

Space per person. Every dwelling unit shall contain at least one hundred (100) square feet of habitable floor area for the first occupant and at least seventy (70) square feet of additional habitable floor area for each additional occupant.

## **15.21. PERMITS**

### **15.21.1. Permits Required**

After the effective date of this Ordinance, a written permit from the Code Enforcement Officer shall be required for the following activities, regardless of whether such activities have received site plan or subdivision approval:

#### **15.21.1.1. Flood Hazard Areas**

All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency;

#### **15.21.1.2. New Construction**

New construction of buildings and structures, including, but not limited to swimming pools.

#### **15.21.1.3. Alteration**

Alteration of buildings, structures, land, or parts thereof, including, but not limited to:

- change in size of windows or doors;
- re-shingling and replacement of wood in roofing, soffits or eaves;
- repair of foundations, whether concrete, cinder block, granite and posts, or piles;
- interior renovations for change in use;
- remodeling interior walls to create new rooms;
- enclosing open frame porch;

- installing skylights;
- erection of fences;
- construction of new steps;
- creation of roads or driveways;
- enlargement or modification of swimming pools.

Except as otherwise specifically provided herein, no permit shall be required for normal maintenance and repairs.

#### **15.21.1.4. Placement of Signs**

Placement of signs except temporary signs or signs requiring approval by the Veazie Board of Appeals.

#### **15.21.1.5. Moving or Demolition**

All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.

#### **15.21.1.6. Change of Use**

The change of any premises from one category of land use to any other land use.

#### **15.21.1.7. Section C Activities**

Any other activities described in 15.3. as requiring a permit from the Code Enforcement Officer.

#### **15.21.1.8. Mobile Home Parks and Campgrounds**

The operation of a mobile home park or campground, provided that a permit for such activity shall be obtained annually not later than the first Monday in May.

The owner or owners of a mobile home park or Campground shall annually, on May 1st, apply for a License from the Town Clerk to continue to operate a mobile home park and before issuing said License, the Town Clerk shall refer the application to the Town Health Officer, Fire Chief and Code Enforcement Officer for their approvals. In the event that any of said officials should fail to issue an approval, he/she must state reasons for same in writing to the Town Clerk who shall also refuse to grant said License. Failure on the part of any of said officials to grant or deny approval of License within thirty (30) days of the application being filed with the Town Clerk shall constitute renewal of the License. The applicant may, within ten (10) days of a denial, appeal to the Town Council who shall review said application and either grant or deny it. In granting or denying renewals of a License, said officials, including the Town Council, shall determine whether the mobile home park is being operated pursuant to the provisions of this Ordinance and the laws of the State of Maine applicable thereto.

A fee shall be paid to the Town Clerk with the application for annual renewal of said License. The fee, as the same may be established from time to time by the Town Council, after notice and hearing, shall reflect the reasonable cost of processing, review, regulation and supervision of the renewal. (see Fee Schedule)

No mobile home park existing at the time of the effective date of this Ordinance shall be altered in any way except in compliance with the provisions of this Ordinance. All mobile home park owners shall apply for an annual renewal of License as mentioned above whether the parks in question are new or existing prior to the effective date of this Ordinance.

Any License or Construction Permit authorized by this Ordinance for a mobile home park may be revoked or suspended by the Town Council after notice to the owner thereof and hearing before said Town Council. Said revocation or suspension shall be based upon failure of the owner to comply with the provisions of this Ordinance or any State Statute or Regulation applicable to same and the Town Council shall give a written decision setting forth the reasons for revocation or suspension.

No manufactured home shall be located anywhere in the Town of Veazie without certification of taxes paid, a building permit issued, and an internal plumbing permit.

#### **15.21.2. Prohibitions**

No activity or use requiring a permit under this section shall be commenced unless and until the property owner has received any required permits from the Code Enforcement Officer.

#### **15.21.3. Procedure**

**15.21.3.1.** All applications for permits shall be submitted in writing in duplicate to the Code Enforcement Officer on forms provided for the purpose, together with such fees as shall, from time to time, be set by the Town Council.

##### **15.21.3.2. Submissions**

All applications for a permit shall be accompanied by documents and detailed plans, accurately drawn to scale or showing actual dimensions or distances, and indicating such of the following as may be applicable:

- The actual shape, dimensions and location of the lot for which a permit is sought.
- The locations, setbacks and sizes of all buildings, structures, water bodies, and other significant features currently existing on the lot.
- The locations, setbacks and building plans of new buildings, structures or portions thereof to be constructed.
- The existing and intended use of each building or structure.
- The location of soils test pits, subsurface sewage disposal system parking lots and driveways, signs, buffer strips and private well.

- Any necessary plumbing or electrical permit.
- A register containing a current list of all mobile homes located within the mobile home park. Such register shall also contain the names and addresses of all mobile home owners.
- Such other information as may be reasonably required by the Code Enforcement Officer to provide the administration and enforcement of this Ordinance.

#### **15.21.3.3. To Whom Issued**

No permit shall be issued except to the owner of record or his/her authorized agent. Written proof of authorization shall be required.

#### **15.21.3.4. Compliance with Land Use Ordinance**

All activities undertaken pursuant to a permit issued under this section shall comply with all applicable standards set for the in Section E.

Each application and each permit shall bear the following conspicuous notations which, on the application, shall be acknowledged in writing by the applicant:

"THE UNDERSIGNED APPLICANT ACKNOWLEDGES THAT THE APPLICANT AND THE PERSON ON WHOSE BEHALF A PERMIT IS SOUGHT ARE RESPONSIBLE TO ENSURE THAT THE PROPOSED ACTIVITY COMPLIES WITH ALL APPLICABLE STANDARDS OF THE VEAZIE LAND USE ORDINANCE AND TO ENSURE THAT THEY ARE FAMILIAR WITH SUCH STANDARDS."

#### **15.21.3.5. Deadline for Decision**

The Code Enforcement Officer shall, within thirty (30) days of receipt of an application, issue the permit, if all proposed construction and uses meet the provisions of the ordinance, refer the applicant to the Planning Board for Site Plan Review under Section E., or deny the application. All decisions of the Code Enforcement Officer shall be in writing. Failure of the Code Enforcement Officer to act within thirty (30) days shall constitute denial of the application.

#### **15.21.3.6. Copies**

One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record. The applicant shall cause any permit issued to be conspicuously posted on the lot where the activity will occur at a location clearly visible from the street.

#### **15.21.3.7. Other Permits Required**

No building permit shall be issued for any structure or use until all necessary Federal, State and local permits and approvals have been obtained.

The issuance of a permit under this section shall not be deemed a permit under any Federal or State statutes or other ordinance of the Town of Veazie. It is the responsibility of the land owner or applicant to comply with all other laws and regulations.

#### **15.21.4. Certificate of Occupancy**

A certificate of occupancy, certifying that all applicable provisions of this Ordinance have been satisfied, shall be obtained from the Code Enforcement Officer

- after a building, structure or part thereof has been erected, altered enlarged or moved pursuant to a permit, site plan approval or subdivision approval, for the proposed use before the building or structure or part thereof may be used or occupied;
- after a building has been modified to accommodate additional dwelling units before such units may be used or occupied;
- after a building or structure has been modified to accommodate a home occupation before said home or structure may be used or occupied for a home occupation;
- before a change in use of a nonconforming structure or lot;
- before the occupancy and use, or change in use, of vacant land, except for the raising of crops.

#### **15.22. STANDARD CONDITIONS**

All land use activities allowed by this Ordinance, regardless of whether any permit or approval is required therefore, shall be conducted only in compliance with the following conditions:

##### **15.22.1. Performance Guarantees**

No activity or construction shall be commenced until the applicant has provided the Town with performance guarantees, including plant maintenance guarantees, sufficient to ensure the installation of improvements required by the Town.

##### **15.22.2. Site Conditions**

**15.22.2.1.** During and after construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.

**15.22.2.2.** Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.

**15.22.2.3.** No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan.

Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer. All the changes necessitated by field conditions shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, the changes shall be shown on the as-built plans.

### **15.22.3. Acceptance Not Implied**

The approval by the Planning Board of any plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan.

When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

### **15.22.4. Prohibitions**

**15.22.4.1.** No activity or use described in the Town of Veazie Site Plan Review Ordinance shall be commenced unless and until the property owner has received site plan approval from the Planning Board, has provided to the Town any required performance guarantees, and has received any necessary permits from the Code Enforcement Officer under 15.20.

**15.22.4.2.** No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a subdivision plan has been approved by the Planning Board in accordance with this Ordinance, the Town of Veazie Subdivision Ordinance, and, if applicable, by the appropriate State authority under 38 M.R.S.A. § 471 et seq. Approval for the purposes of recording must appear in writing on the plan, which must contain the name and address of the person under whose responsibility the subdivision plan was prepared.

**15.22.4.3.** No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved by the Planning Board in accordance with this Ordinance, the Town of Veazie Subdivision Ordinance, and, if applicable, by the appropriate State authority under 38 M.R.S.A. § 481 et seq., and recorded in the Registry of Deeds.

**15.22.4.4.** No person, firm, corporation or other legal entity may sell, lease, develop, build upon, convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in an approved subdivision which is not shown on the approved plan as a separate lot or unit.



**15.22.4.5.** No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot.

No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with these and all other applicable Town regulations.

**15.22.4.6.** No person, firm, corporation or other legal entity shall develop a subdivision without Planning Board approval and without approval pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, or without the approved plan having been recorded in the Registry of Deeds. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require subdivision plan approved as provided.

**15.22.4.7.** No person shall, firm, corporation or other legal entity shall develop a subdivision without Planning Board approval and without approval pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, or without the approved plan having been recorded in the Registry of Deeds. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require subdivision plan approved as provided.

**15.22.4.8.** No Code Enforcement Officer, building inspector, plumbing inspector shall issue any permit for a building or use within a subdivision unless the subdivision plan has been approved by the Planning Board, approved pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, and recorded in the Registry of Deeds.

#### **15.22.5. Sale of Lots**

**15.22.5.1.** Prior to Enforcement Officer, building inspector, plumbing inspector shall issue any permit for a building or use within a subdivision unless the subdivision plan has been approved by the Planning Board, approved pursuant to 38 M.R.S.A. Section 481 et seq., if applicable, and recorded in the Registry of Deeds.

**15.22.5.2.** Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision that has been approve by the Planning Board but that is exempt from Title 38, Chapter 3, subchapter 1, article 6 because of the operation of Title 38, section 488, subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee shat all of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

#### **15.22.6. Public Utilities**

**15.22.6.1.** No public utility, water zone, sanitary zone or any utility company of any kind shall serve any development for which a final plan has not been approved by the Planning Board.

**15.22.6.2.** No public utility, water zone, sanitary zone or any utility company of any kind may install services to any new structure located in a 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 Code Enforcement Officer. Following installation of service, the company, utility, or zone shall forward the written authorization to the Code Enforcement Officer, indicating thereon that the installation has been completed.

#### **15.22.7. Maintenance**

**15.22.7.1.** The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town.

**15.22.7.2.** All land use activities allowed by this Ordinance shall, for the duration of such activities, comply with all applicable standards set forth herein.

#### **15.22.8. Modifications**

**15.22.8.1.** No changes, erasures, modifications, or revisions shall be made in any site plan or subdivision plan after approval has been given by the Planning Board unless the revised plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards set forth in this Ordinance.

In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken for the records of the Registry of Deeds.

**15.22.8.2.** Subject to the provisions of the following two paragraphs, no land use activity for which Planning Board approval or a permit from the Code Enforcement Officer has been obtained shall be performed other than in strict compliance with all aspects of the approved plan or application.

**15.22.8.3.** If at any time before the construction of any required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer or his designee that unforeseen conditions, such as outcrops or bedrock or the presence of natural springs, make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer or his designee may, with or without the approval of the Planning Board, authorize minor modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Prior to any major modifications, such as relocations of rights-of-way or property boundaries and changes of grade by more than one percent (1%), the developer shall obtain the approval of the Planning Board. In any event, revised plans, reflecting minor or major modifications, shall be filed with the Code Enforcement Officer.

**15.22.8.4.** Upon completion of the construction of any street, sewer lines, water lines, utilities or other required improvements, the developer, at his/her expense, shall submit to the Town Council a written certification, signed and sealed by a licensed professional engineer, that the improvements, as built, meet or exceed the design and construction standards of this Ordinance.

#### **15.22.9. Inspection**

**15.22.9.1.** By undertaking an activity allowed by this Ordinance, an owner implicitly grants to the Code Enforcement Officer, or his/her designee, the right to enter and have access to the premises at which the activity is taking place at all reasonable and proper times during and immediately upon the completion of construction, to ensure compliance with all applicable standards set forth in this Ordinance.

If, at any time, the Code Enforcement Officer finds that the development is not being undertaken in accordance with the standards contained in this Ordinance or with any conditions imposed by the Planning Board, he or she shall so report in writing to the Town Council, the Planning Board, the developer, and any contractors. The Municipal Officials shall take any steps necessary to preserve and protect the Town's rights and to enforce compliance with this Ordinance and any approved plan.

**15.22.9.2.** At least five (5) days prior to commencing each major phase of construction of required improvements, the developer or builder shall notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to ensure that all municipal specifications and requirements shall be met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the Planning Board.

**15.22.9.3.** At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

#### **15.22.10. Time Frame for Completion**

##### **15.22.10.1. Permits**

Activities or uses for which a permit from the Code Enforcement Officer is required shall be commenced within six (6) months and, except for activities and uses which are by their nature ongoing, shall be substantially completed within twelve (12) months from the date of the issuance of the permit. Failure of the applicant to abide by the time requirements of this paragraph shall render the permit null and void and require the applicant to obtain a new permit before the activity or use may proceed further.

### **15.22.10.2. Planning Board Approvals**

Activities or uses for which approval of the Planning Board is required shall be commenced within six (6) months and, except for activities which are by their nature ongoing, shall be substantially completed within eighteen (18) months of the approval unless the Planning Board, within the time originally allotted, extends the time for completion by up to twelve (12) months. Any extension shall be granted only upon a finding by the Planning Board that the developer has made progress toward completion or that progress has been prevented by reasons beyond the control of the developer, and that any required performance guarantees have been updated accordingly and revised to provide for increased costs. Failure of the developer to abide by the time requirements of this paragraph shall render the approval null and void and require the developer to reapply for Planning Board approval before the activity or use may proceed further. Upon determining that a development's approval has expired under this paragraph, the Planning Board shall have a notice to that effect placed in the Penobscot County Registry of Deeds.

### **15.22.11. Construction Standards**

All construction or development permitted in the Town of Veazie shall comply with all applicable requirements or standards:

#### **15.22.11.1. Set forth in the following codes and ordinances:**

- Such edition of the National Electrical Code, (NEC), published by the National Fire Protection Association, as may be adopted by the Veazie Town Council or as may be required or recognized by the State of Maine;
- Such edition, or portions thereof, of the Code for Safety to Life in Buildings and Structures (ANSI/NFPA 101), published by the National Fire Protection Association, as may be adopted by the Veazie Town Council or as may be required or recognized by the State of Maine;
- The State of Maine Plumbing Code.

#### **15.22.11.2. Of the Energy Efficient Building Performance Standards set forth in 10 M.R.S.A. § 1412 et seq.**

#### **15.22.11.3. For construction for the physically disabled set forth in 5 M.R.S.A. § 4593 and 25 M.R.S.A. § 2701 et seq.**

#### **15.22.11.4. Of the Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.**

### **15.22.12. Transferability**

#### **15.22.12.1. Permits**

No permit issued by the Code Enforcement Officer shall be transferable to any other person or entity.

### **15.22.12.2. Planning Board Approvals**

No approval granted by the Planning Board shall be transferable to any other person or entity until and unless the Planning Board finds, upon the written request of the proposed transferee, that:

- the proposed transferee has adequate technical and financial capacity to complete the development as initially approved;
- sufficient performance guarantees have been provided by the proposed transferee to ensure all required improvements will be completed as initially approved.

## **15.23. ENFORCEMENT**

### **15.23.1. Nuisance**

Any violation of this Ordinance shall be deemed to be a nuisance.

### **15.23.2. Code Enforcement Officer**

#### **15.23.2.1. Authority**

The Code Enforcement Officer shall be appointed or reappointed annually and, if certified in accordance with 30-A M.R.S.A. § 4451, shall have all of the powers and authorities described in 30-A M.R.S.A. § 4451 and 4452, as same may be amended.

The Code Enforcement Officer is specifically authorized to represent the Town in District Court in the prosecutions of alleged violations of ordinances which he/she is authorized to enforce.

#### **15.23.2.2. Enforcement and Notice of Violation**

The Code Enforcement Officer shall enforce the provisions of this Ordinance as well as all State statutes which are or may be enforced at the local level, including, but not limited to those statutes enumerated in 30-A M.R.S.A. §§ 4451(2-A) and 4452(5), as amended.

If, after investigation, the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he/she shall give written notice by certified mail, return receipt requested, of such violation to the owner and to the occupant of such premises and to any other person responsible for such violation, indicating the nature of the violation and ordering 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 be taken within some designated reasonable time. A copy of such notice shall be submitted to the Town Council and shall be maintained as a permanent record.

#### **15.23.2.3. Inspection and Investigation**

The Code Enforcement Officer shall conduct onsite inspections to ensure 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.

#### **15.23.2.4. Records**

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 by the Board of Appeals, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. As required by law, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

### **15.23.3. Proceedings and Penalties**

#### **15.23.3.1. Actions and Consent Agreements**

**15.23.3.1.1.** If, after notice given pursuant to the Section 15.22, the violation or nuisance condition is not abated or corrected within the specified time, the Code Enforcement Officer or the Town Attorney shall institute, in the name of the Town, 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 Town.

**15.23.3.1.2.** The Town Council may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines and attorney's fees without court action. Such agreements shall not allow an illegal structure or use to continue in a shoreland zone unless there is clear and convincing evidence that 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 or discontinuance of the structure or use will result in a threat or hazard to public health and safety, will result in substantial environmental damage or will work a substantial injustice.

#### **15.23.3.2. Fines and Penalties**

**15.23.3.2.1.** Any person, firm, corporation or other legal entity that conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Ordinance or that continues to violate any other provision of this Ordinance after receiving notice of such violation shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S.A. § 4452, as same may be amended. A fine or penalty shall be imposed for each separate offense or violation. Each day of violation after notification shall constitute a separate offense with respect to each violation.

**15.23.3.2.2.** Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for fines violating this Ordinance if the necessary permits for said activity have not been obtained.

#### **15.23.4. Suspension or Revocation of Approvals or Permits**

**15.23.4.1.** The Code Enforcement Officer may suspend an approval or permit if:

- it was granted based upon incomplete or false information;
- continuation of the land use activity authorized would result in the violation of Federal or State law or local ordinances;
- the continuation of the land use activity authorized is endangering or may endanger the safety or general welfare of the community during the construction or work for which the approval or permit was granted;
- the applicant or his/her agent is exceeding the scope of the work for which the permit was issued; or
- the Code Enforcement Officer determines that he/she is unable to rule on the continued validity of an approval or permit, in which case he/she shall suspend the approval or permit, without penalty, and require the holder to file an appeal.

**15.23.4.2.** The Code Enforcement Officer shall suspend an approval or permit by furnishing to the applicant a written notice of suspension stating:

- the reason for the suspension;
- the corrective measures to be taken; and
- the period of time given to the applicant to correct the violation or potential violation.

**15.23.4.3.** A suspension shall cease when the Code Enforcement Officer certifies that the violation or potential violation ceases to exist. When a cause for suspension has been removed or corrected, the Code Enforcement Officer shall so certify, in writing, and state:

- the reason for the suspension;
- the corrective measures taken;
- the period of time which the applicant had to correct the violation; and
- a statement that all applicable penalties have been paid.

**15.23.4.4.** If, within the time specified in a notice of suspension for correction, the violations are not corrected or removed, the Code Enforcement Officer shall revoke the approval or permit by furnishing to the applicant a written notice of revocation setting forth the reasons therefore.

**15.23.4.5.** During the period of a suspension or revocation, no work shall continue on a project for which an approval or permit was granted except in the interests of public safety and protection of the property in place at the time of revocation, such work having the written approval of the Code Enforcement Officer. No such work for which an approval or permit has been revoked shall be resumed until and unless a new approval or permit is obtained by the applicant.



### **15.23.5. Attorney's Fees and Costs**

An applicant shall pay to the Town all attorney's fees, court costs and out of pocket expenses uncured by the Town in any enforcement action undertaken to correct the applicant's violation of this Ordinance.

## **15.24. APPEALS AND VARIANCES**

### **15.24.1. Board of Appeals**

#### **15.24.1.1. Organization**

A Board of Appeals shall exist in accordance with Title 30-A M.R.S.A. § 2691 and Article VI of the Veazie Town Charter, as amended. The members of the Board shall annually elect one (1) of their number chairman to preside at all meetings of the Board and one (1) of their number to serve as secretary. A person shall forfeit his membership on said Board if he fails to attend three (3) meetings of the Board in any one calendar year without being excused by the Board.

When a member is unable to act because of absence, physical incapacity, or any other reasons satisfactory to the chairman, the chairman shall designate the associate member to act in his/her stead. When designated by the chairman to act, the associate member shall have all the authority and responsibility of a member but the associate member may not hold any office on the Board. A board member may also be disqualified from participating in or voting on a particular matter due to a conflict of interest. Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.

#### **15.24.1.2. Authority**

The Board shall have the power to hear and decide matters as expressly authorized by this Ordinance or the Town of Veazie Charter. The Board shall not assert jurisdiction over any matter unless the Town of Veazie has, by ordinance or charter, specified the precise subject matter that may be appealed to the Board and the official or officials whose action or non-action may be appealed to the Board. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

#### **15.24.1.3. Applicability of Law**

Except to the extent that they are inconsistent with the provisions of this Ordinance or the Town of Veazie Charter, all the provisions of Title 30- A M.R.S.A. §§ 2961 and 4353, as amended, shall apply to and govern the organization, procedures and jurisdiction of the Board of Appeals.



## **15.24.2. Variances**

### **15.24.2.1. Authority**

A variance may be granted by the Board of Appeals:

**15.24.2.1.1.** For any structure, from the restrictions imposed by this Ordinance on lot size, structure height, lot width, lot coverage and setback only, where a strict application of such restrictions to the petitioner and the petitioner's property would cause undue hardship. For purposes of this section "undue hardship" shall mean that:

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

**15.24.2.1.2.** For the year round single family residence of the petitioner, from the restrictions imposed by this Ordinance on setback only, where a strict application of such restrictions to the petitioner and the petitioner's property would cause undue hardship. A variance under this section may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed maximum permissible lot coverage. For purposes of this section "undue hardship" shall mean that:

- the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- the granting of a variance will not alter the essential character of the locality;
- the hardship is not the result of action taken by the applicant or a prior owner;
- the granting of a variance will not substantially reduce or impair the use of abutting property; and
- the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

**15.24.2.1.3.** For residential property for the sole purpose of making the property accessible to a person with a disability who is actually living on the property. Any variance granted under this section shall be restricted solely to the installation of equipment of the construction of structures necessary for access to or egress from the property by the person with the disability.

In granting such a variance, the Board of Appeals 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 on the property. For purposes of this section, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. § 4553, as amended, and the term "structures necessary for access to or egress from the property" is defined to include railing, wall or roof system necessary for the safety or effectiveness of the structure.

**15.24.2.1.4.** A variance shall not be granted to permit a use or structure otherwise prohibited by this Ordinance.

**15.24.2.2. Application**

An application for a variance shall include the following:

**15.24.2.2.1.** A completed application on a form prescribed by the Code Enforcement Officer.

**15.24.2.2.2.** An administrative fee and a public notice fee, which fees shall, from time to time, be set by the Veazie Town Council;

**15.24.2.2.3.** If a variance sought for a project already competed, a late fee which shall, from time to time, be set by the Veazie Town Council.

**15.24.2.2.4.** A written statement, which shall be accompanied by photographs and scale diagrams of the subject property and abutting properties, and such other evidence as the petitioner may choose to submit, demonstrating such of the following as are applicable:

- the exact nature of the hardship alleged;
- the physical circumstances that create the alleged hardship;
- that such physical circumstances are peculiar to the property in question and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or zone;
- that the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same zone, and would not endanger the public health, safety or convenience, and would not be contrary to this Ordinance or the Veazie Comprehensive Plan;
- the nature and anticipated duration of the disability that creates the need for the variance;
- the need for which the variance is sought and why other alternatives which would not require a variance are not feasible; and
- that all other elements of undue hardship, as defined above, are present.

### **15.24.2.3. Submissions Generally**

**15.24.2.3.1.** At least twenty (20) days prior to the Board of Appeals meeting at which a petitioner wishes to be heard, the petitioner shall provide to the Code Enforcement Officer copies of all application materials in the form and quantity describe in Section E.6.b. except that each submission shall be conspicuously labeled "VARIANCE EXHIBIT 1", "VARIANCE EXHIBIT 2", and so on, in consecutive fashion.

**15.24.2.3.2.** For variances concerning property partially or entirely located in a shoreland zone, the petitions shall ensure receipt by the Commissioner of the Department of Environmental Protection of copies of all application materials at least twenty (20) days prior to the Board of Appeals meeting at which a petitioner wishes to be heard. At least ten (10) days prior to such meeting the petitioner shall present to the Code Enforcement Officer written proof of the Commissioner's timely receipt of such materials. Failure to provide such proof shall result in the delay of any hearing on the petitioner's applications until such time as the Commissioner has received the application materials in a timely manner. Any comments received from the Commissioner prior to action by the Board of Appeals shall be taken into consideration by the Board of Appeals.

**15.24.2.3.3.** At least two (2) days prior to the public hearing on variance request, any other person wishing to present documentary evidence to the Board of Appeals, shall provide to the Code Enforcement Officer copies of all such evidence in form and quantity described in Section E, except that each submission shall be conspicuously labeled with that person's surname followed by "EXHIBIT 1", "EXHIBIT 2", and so on, in consecutive fashion.

### **15.24.2.4. Hearing**

Within forty-five (45) days of the Code Enforcement Officer's receipt of the required copies of a variance application, unless delay is caused by the petitioner's failure to comply with the requirements of Section K.d.2., the Board of Appeals shall conduct a public hearing on said application in accordance with the following:

#### **15.24.2.4.1. Published Notice**

Notice of said hearing shall be published in a newspaper of general circulation in the Town of Veazie at least ten (10) days prior to the hearing date.

#### **15.24.2.4.2. Mailed Notice**

At least ten (10) days prior to the hearing date, written notice of said hearing shall also be mailed to the applicant, to the owners of all property within three hundred feet (300') of the property in question, and to the Veazie Town Council and the Veazie Planning Board, each of which shall be parties. The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Board of Appeals shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records.

Failure of any property owner to actually receive notice shall not necessitate another hearing or invalidate any actions of the Board of Appeals.

**15.24.2.4.3. Contents of Notice**

Notice of said hearing shall identify the petitioner and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

**15.24.2.4.4. Rules**

Said hearing shall be conducted according to rules adopted by the Board of Appeals.

**15.24.2.4.5. Representation**

At any hearing a party may be represented by an agent or attorney provided, however, that if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.

**15.24.2.4.6. Continuation**

Any hearing may be continued or recessed to another time for good cause shown.

**15.24.2.4.7. Staff Support**

The Code Enforcement Officer, Town Manager and department heads may attend all hearings and present to the Board of Appeals plans, photographs or other materials they deem appropriate for the clearer understanding of a pending application.

**15.24.2.5. Deliberation and Decision**

Within thirty (30) days after the public hearing on an application for a variance, the Board of Appeals shall deliberate to determine whether to grant the variance. If the Board of Appeals finds that the petitioner has demonstrated an undue hardship as defined above, it shall issue an order granting the variance requested, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare. If the Board of Appeals finds that the petitioner has not demonstrated an undue hardship, it shall issue an order denying the variance.

In either case the Board of Appeals shall, within seven (7) working days after the completion of its deliberations, mail or hand deliver to the petitioner, the petitioner's representative, the Chairpersons of the Veazie Planning Board and Tow Council, and, if a variance is granted for property located within a shoreland zone, to the Department of Environmental Protection, a written copy of its decision, including specific written findings of fact supporting the decision.

#### **15.24.2.6. Certificate of Variance**

If the Board of Appeals grants a variance under this section, a certificate indicating the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions thereof, has been granted, and the date of the granting, shall be prepared in recordable form. The certificate must be signed by the Town Manager or his/her designee and recorded in the Penobscot County Registry of Deeds within ninety (90) days of the granting of the variance or the variance is void. A variance is not valid until a certificate thereof has been recorded in accordance with this section.

### **15.24.3. Administrative Appeals**

#### **15.24.3.1. Authority**

The Board of Appeals may, upon written application of an aggrieved party received by the Code Enforcement Officer within thirty (30) days of a decision of the Planning Board or Code Enforcement Officer, hear appeals from such decision.

#### **15.24.3.2. Application**

An application for an administrative appeal shall include the following:

- A completed application on a form prescribed by the Code Enforcement Officer;
- An administrative fee and a public notice fee, which fees shall, from time to time, be set by the Veazie Town Council;
- A transcript of any proceeding before the Planning Board, which transcript shall be prepared at the expense of the Appellant;
- Copies of all relevant submissions previously presented to the Planning Board or the Code Enforcement Officer;
- A written statement setting forth the appellant's position as to the basis for the appeal and the relief requested;
- Copies of any written findings issued by the Planning Board or the Code Enforcement Officer;
- Such other materials as the appellant believes will be of assistance to the Board of Appeals in making its decision.

#### **15.24.3.3. Submissions Generally**

**15.24.3.3.1.** Upon submitting an application for an administrative appeal, the appellant shall provide to the Code Enforcement Officer copies of all application materials in the form and quantity described in Section E.6.b except that each submission shall be conspicuously labeled "APPELLANT'S EXHIBIT 1", "APPELLANT'S EXHIBIT 2", and so on, in consecutive fashion.

**15.24.3.3.2.** At least two (2) days prior to the public hearing on an appeal, any other person wishing to present documentary evidence to the Board of Appeals, shall provide to the Code Enforcement Officer copies of all such evidence in form and quantity described in Section **15.23.3** except that each submission shall be conspicuously labeled with that person's surname followed by "EXHIBIT 1", "EXHIBIT 2", and so on, in consecutive fashion.

**15.24.3.4. Hearing**

Within thirty (30) days of the Code Enforcement Officer's receipt of the required copies of an application for an administrative appeal, the Board of Appeals shall conduct a hearing, which hearing shall not be a de novo hearing, on said application in accordance with Section 15.23.3.2. except that neither the Planning Board nor the Town Council shall be considered parties to the proceeding.

**15.24.3.4.1.** Except that neither the Planning Board nor the Town Council shall be considered parties to the proceeding.

**15.24.3.5. Deliberation and Decision**

Within thirty (30) days after the hearing on an application for an administrative appeal, the Board of Appeals shall deliberate to determine whether the decision appealed is clearly contrary to the specific provisions of this Ordinance. It may reverse the decision, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare, or it may vacate the decision and may remand it to the Planning Board or the Code Enforcement Officer for further proceedings consistent with its decision. If the Board of Appeals does not find that the decision appealed is clearly contrary to the specific provision of this Ordinance, it shall deny the appeal. In either case the Board of Appeals shall, within seven (7) working days after the completion of its deliberations, mail or hand deliver to the appellant, the appellant's representative, and the Chairpersons of the Veazie Planning Board and Town Council, a written copy of its decision, including specific written findings of fact supporting its decision.

**15.24.3.6. Recording**

All proceedings of the Board of Appeals, including hearings and deliberations, but except proceedings legally conducted in executive session, shall be electronically or stenographically recorded.

**15.24.3.7. Failure to Act**

Failure of the Board of Appeals to act within any of the time requirements set forth herein shall constitute a denial.

**15.24.3.8. Reconsideration**

Upon the written request and the payment of such fee as may be established by the Veazie Town Council, by any party made within thirty (30) days of a decision made pursuant to this section the Board of Appeals may reconsider such decision and, in doing so, may conduct additional hearings and receive additional evidence or testimony.

A request for reconsideration shall set forth in detail the reasons that the request should be granted, and shall specify the exact nature of any additional evidence or testimony the party intends to present. Within fifteen (15) days of a request for reconsideration, guidelines for any reconsideration. In no event shall the procedures associated with a reconsideration, including any hearing and the time for deliberation, extend beyond forty-five (45) days from the date of the request for reconsideration. In the event of a request for reconsideration, the time for taking an appeal to Superior Court shall be extended to thirty (30) days from the date of the Board of Appeals' ultimate decision on such request.

#### **15.24.3.9. Appeal to Superior Court**

Any party may, within thirty (30) days of a decision made pursuant to this section, take an appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

### **15.25. CONSTRUCTION AND DEFINITIONS**

#### **15.25.1. Construction of Language**

Language used in this Ordinance shall be construed as follows:

**15.25.1.1.** In the interpretation and enforcement of this Ordinance, all words other than those specifically defined herein shall have the meaning implied by their context in the ordinance or their ordinarily accepted meanings as found in the current edition of Webster's New Collegiate Dictionary.

**15.25.1.2.** The words "person," "applicant" and "developer" include individuals, firms, associations, corporations, partnerships, trusts or other legal entities.

**15.25.1.3.** Words used or defined in one tense or form shall include other tenses or derivative forms.

**15.25.1.4.** Words in the singular shall include the plural and words in the plural shall include the singular.

**15.25.1.5.** The masculine gender shall include the feminine, and the feminine shall include the masculine.

**15.25.1.6.** The words "shall" and "will" are mandatory and the word "may" is permissive.

**15.25.1.7.** The word "structure" includes the word "building".

**15.25.1.8.** The word "dwelling" includes the word "residence".

**15.25.1.9.** The word "lot" includes the words "plot" or "parcel".

**15.25.1.10.** The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

**15.25.1.11.** The words "Town" or "municipality" mean the Town of Veazie, Maine.

**15.25.1.12.** In case of any difference of meaning or implication between the text of this Ordinance, any map, illustration, or table, the text shall control.

## **15.25.2. Definitions**

The following terms shall have the following meanings:

**Abutting:** Having a common border with, or being separated from such common border by an alley, easement, street, road, public way or private way.

**Access:** A means of approach or entry to or exit from property.

**Accessory Structure:** See Structure

**Accessory Use:** See Use

**Acre:** A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

**Active Recreation:** See Recreation.

**Aggrieved Person:** An owner of land whose property is directly or indirectly affected by the granting or denial of site plan or subdivision approval, a permit or a variance under this Ordinance; a person whose land abuts land for which such approval, 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 approval, 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 and greenhouse products. Agriculture does not include the construction, creation or maintenance of land management roads, forest management, or timber harvesting activities. For purposes of this Ordinance, agriculture is divided into two categories;

**Agriculture I:** Agriculture exclusive of the production, keeping, raising or maintenance of livestock, dairy animals or poultry.

**Agriculture II:** All types of agriculture.

**Alley:** A thoroughfare either used or shown on any recorded description of the subject parcel(s), which is not more than thirty feet (30') wide and which affords only a secondary means of access to abutting property.

**Alteration:** A change, addition, or modification requiring construction, including any change in the location of structural members of buildings or structures such as bearing walls, columns, beams, or girders, or of the means of egress. The term includes enlargement, whether by extending on a side or by increasing height, but does not include decorative or cosmetic changes.



**Appeal:** A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section K.3.

**Area of Special Flood Hazard:** The land in the food plain having a one percent (1%) or greater chance of flooding in any given year.

**Attic:** The part of a building which is immediately below, or wholly or partly within, the roof framing.

**Aquaculture:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Authorized Agent:** Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

**Automobile Graveyard:** A place occupied by two (2) or more unregistered, unserviceable, discarded or junked motor vehicles, as defined in 29 M.R.S.A. § 1(7), or bodies, engines or other parts thereof sufficient in bulk to equal two motor vehicles. A yard, field or other screened area where salvaged automobiles or automobile parts are stored, bought, sold, exchanged, baled, packed, disassembled or handled.

**Automobile Repair Garage:** A place where, with or without the attendant sale of engine fuels, the following services may be carried out; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.

**Automobile Recycling Business:** The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of vehicles or rebuilding or repairing the vehicles for the purpose of resale or for selling the basic materials in salvage vehicles.

**Automobile Sales Lot:** A lot arranged, designed, or used for the storage and display for sale of any motor vehicle or any type of trailer provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

**Automobile Service Station (Filling Station):** Any premises used for supplying gasoline and oil at retail, direct to the customer, including the sale of minor accessories and minor services for automobiles.

**Banner:** A sign on any lightweight material, enclosed or not enclosed in a rigid frame, and secured, mounted, suspended or displayed in a manner to allow movement caused by wind.

**Basement:** The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

**Basal Area:** The area of cross section of a tree stem four and one-half feet (4 ½') above the ground, inclusive of bark.

**Bed and Breakfast:** See Transient Accommodations.

**Bikeway/Pedestrian Way:** A paved shoulder that is marked for exclusive use by cyclists and pedestrians.

**Billboard:** See Sign.

**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.

**Boat Yard, Commercial:** A place, usually adjacent to navigable waters where, as a business or gainful occupation, boats are hauled, stored, repaired or constructed.

**Boarding, Rooming House:**

A building or group of attached or detached buildings containing three (3) or more rooms for occupancy for weekly or longer periods of time with or without board, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. A rooming house may be operated for profit or by nonprofit agencies which do not require payment from occupants. Rooming house units shall not meet the definition of a dwelling unit. For the purposes of computing density and parking requirements two (2) rooms shall equal one (1) multi-family dwelling unit."

**Buildable or Developable Area:** The land area in a proposed subdivision, excluding wetlands, streams and steep slopes, that is suitable for residential construction and roadways.

**Buildable or Developable Area, Net:** The buildable area minus the land set aside to meet the open space requirement. Roadways are considered part of the net buildable area.

**Buffers:** Fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance of the site on adjacent areas.

**Building:** Any roofed structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

**Building Area:** Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**Building Front Line:** Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

**Building Inspector:** See Code Enforcement Officer.

**Built:** Erected constructed, reconstructed, altered, enlarged, moved, extended, filled, excavated, paved and the like.

**Bureau of Forestry:** State of Maine Department of Conservation's Bureau of Forestry.

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half feet (4.5') above natural grade.

**Camper:** A travel trailer or recreational vehicle equipped with sleeping accommodations.

**Campground:** Any land area specifically designed and developed, containing two (2) or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles or towed travel trailers for compensation. Accessory uses, subject to a site plan review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services and the like.

**Campsite, Private:** 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 limited to gravel pads, parking areas, fire places, or tent platforms.

**Canopy:** The more or less continuous cover formed by tree crowns in a wooded area.

**Cemetery:** Property used for the interment of the dead.

**Certificate of Occupancy:** Official certification that a premise conforms to provisions of this Ordinance and may be used or occupied. Such a certificate is granted for new construction or for alteration of or additions to existing structures. Unless such a certificate is issued, a structure cannot be used or occupied.

**Change in Use:** The change from an existing use to another use, including without limitation, the addition of a new use to an existing use.

**Channel:** A water course between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation and by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

**Child Care I:** A private home providing day care for five (5) or fewer children under the age of sixteen (16) which charges for the care of children and which holds all legally required licenses and approvals. Child Care I shall be considered a home occupation.

**Child Care II:** A private home providing day care for six (6) to twelve (12) children under the age of sixteen (16) which charges for the care of children and which holds all legally required licenses and approvals. Child Care I shall be considered a home occupation.

**Child Care III:** A private establishment providing day care for more than twelve (12) children under the age of sixteen (16) which charges for the care of the children and holds all legally required licenses and approvals.

**Church:** A building or structure, or groups of buildings or structures, designed, primarily intended or used for the conduct of religious services and accessory uses associated therewith.

**Club:** Any voluntary association of persons organized for fraternal, social, religious, benevolent, recreational, literary, patriotic, scientific, or political purposes whose facilities are open to members but not the general public, and which is principally engaged in activities which are not customarily carried on for pecuniary gain.

**Cluster Development:** A development containing residential dwelling units and in which the minimum lot standards otherwise required by this Ordinance are reduced or modified in accordance with Section F.47. in return for the provision of permanent common open space owned by lot/unit owners, the Town or a land conservation organization.

**Code Enforcement Officer:** A person appointed by the municipal officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

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

**Commercial Establishment:** The term "*commercial establishment*: means an establishment used for commercial purposes, such as bars, restaurants, private offices, fitness clubs, oil rigs, retail stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other **establishments** with common business areas.

**Comprehensive Plan:** Any part or element of the overall plan or policy for development of the Town as defined by 30-A M.R.S.A. Section 4321 et seq.

**Condominium:** As defined in the Maine Condominium Act of 1983, real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium is a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Condominium Conversion:** A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

**Congregate Housing:** A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

**Contiguous Lots:** Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet (15') wide.

**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 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 the straight line between the normal high water lines of the stream or tributary stream channel to the bottom of the channel.

**Cul de sac:** A local street with only one outlet, and having the other end for the reversal of traffic movement.

**DBH:** The diameter of a standing tree measured 4.5 feet from ground level.

**Deck:** A level structure adjacent to a building elevated above the surface of the ground which may have a railing, but no roof, awning or other covering.

**Decorative Changes:** Repainting; re-siding; re-roofing; adding, removing or replacing trim, railings, or other nonstructural architectural details.

**Dedication:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee simple interest, or of a less than fee simple interest, including an easement.

**Density:** A measurement of the number of dwelling units per acre.

**Density, Gross:** The number of dwelling units allowed per acre of buildable or developable area.

**Density, Net:** The number of dwelling units per acre of net buildable or developable area.

**Density Bonus:** An optional planning and growth management tool that permits a developer to cluster dwelling units at a higher density than normally allowed in exchange for concessions on open space or for exceptional design features.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

**Developer:** The legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**Development:** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

**Development (Shoreland):** 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:** See physical or mental handicap under 5 M.R.S.A. § 4553-A.

**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.

**Dock:** See Structure, Water related.

**Dormer:** A modification of a roof which increases the elevation of a portion of that roof for the purpose of providing either more interior space or a window.

**Drainage:** The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation and prevention or alleviation of flooding.

**Driveway:** A vehicular access-way less than five hundred feet (500') in length serving two (2) lots or less.

**Dwelling:** A building or portion thereof, used exclusively for residential occupancy and containing one (1) or more dwelling units.

**Dwelling, Multifamily I:** A building or portion thereof used for residential occupancy by three (3) to four (4) families living independently of each other and doing their own cooking in the building in each of three (3) or four (4) separate and independent dwelling units.

**Dwelling, Multifamily II:** A building or portion thereof used for residential occupancy by five (5) or more families living independently of each other and doing their own cooking in the building in each of five (5) or more separate and independent dwelling units.

**Dwelling, Single Family:** A building designed or intended to be used exclusively for residential occupancy by one (1) family only and containing only one (1) dwelling unit and having no roof, wall or floor in common with any other dwelling unit. The term shall include modular, prefabricate and manufactured homes.

**Dwelling, Two Family:** A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other and doing their own cooking in the building in each of two (2) separate and independent dwelling units.

**Dwelling Unit:** A room or group of rooms which is designed, equipped and intended exclusively for use as a temporary or year round living quarters by only one (1) family, which contains independent living, cooking, sleeping, bathing and sanitary facilities, and which is separate and independent from other such rooms or groups of rooms.

**Earth:** Topsoil, sand, gravel, clay, peat, rock, or other minerals.

**Easement:** Authorization of a property owner of use by another of any designated part of the owner's property for a specified purpose.

**Educational Institution:** A building or group of buildings in which post-secondary students are housed, fed, instructed and governed while working toward undergraduate, graduate or post-graduate degrees in a university or college setting.

**Emergency Operations:** Operations conducted for the public health, safety or general welfare, such as protecting 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.

**Enlargement:** An addition to the floor area or volume of an existing building, an increase in the size or volume of any other structure, an increase in that portion of a tract of land occupied by an existing use, the addition of weeks or months to a business' operating year, the addition of hours to a business operating day or the provision of additional seats, seating capacity or guest rooms.

**Essential Services:** The construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

**Expansion:** See Enlargement.

**Extension:** An increase in the amount of existing floor area used for an existing use within an existing building.

**Exterior Walls of Traditional Site-Built Appearance:** Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board-and-batten.

**Extraction:** The excavation, processing, storage or removal from its natural location of soil, sand, gravel, rock, topsoil, loam, clay, peat or other mineral deposits, not including:

- the excavation of material incidental to approved construction of buildings, driveways or parking areas;
- the excavation of material incidental to and at the site of construction or repair of streets; or

- the excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one (1) year period.

The stripping of loam, topsoil and peat from a lot is expressly prohibited by this Ordinance.

**Family:** Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related, occupying a dwelling unit and living as a single house-keeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**Filling:** Depositing or dumping any matter on or into the ground or water.

**Flood Plain:** Land subject to inundation by storm or flood water caused by overflow from the normal high water line of any coastal or inland waters or as defined or identified by the Flood Boundary Maps of the Town of Veazie.

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

**Food Processing Facility:** A place housing any operation which changes the chemical composition or physical properties of food materials or agricultural products consumed by humans. An example would be a creamery where dairy products such as butter, cheese and ice cream are made. The term does not include slaughterhouses or restaurants where food is prepared and sold at retail.

**Forest Management Activities:** Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration or forest stands, and similar or associated activities, but not timber harvesting or the construction, creation or maintenance of roads.

**Forested Wetland:** A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**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.

**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.

**Frontage, Road:** The linear distance, measured along the lot line which separates the lot from a public or private road, but not including a private driveway providing access to more than one lots.

**Frontage, Shore:** The length of a lot bordering on a water body measured in a straight line between the intersections of the side lot lines with the shoreline at normal high water elevation.



**Funeral Home:** A [business establishment](#) where the bodies of the dead are prepared for burial and where funeral [services](#) can be [held](#), it does not include crematory.

**Functionally Dependent Water Use:** See use, Water Dependent.

**Garage, Commercial:** A structure used for parking or storage of automobiles, generally available to the public and involving payment of a charge for such parking or storage. A garage use solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure, and use, even though not on the same premises as the multifamily dwelling or hotel.

**Garage, Residential:** An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence occupying not more than thirty-five percent (35%) of the ground floor area of any principal one or two family dwellings; not more than one (1) space may regularly be used by the private passenger automobile of a person not resident on the premises.

**Government Facility:** A governmental or public service use for the general benefit of the citizens funded in whole or in part by the Town of Veazie or a quasi-public organization, including by way of illustration and without limitation, municipal buildings, schools, public parks and recreational facilities, fire stations, ambulance services, sewage treatment plants, and County, State and Federal buildings.

**Grade:** In relation to buildings, the average of the finished ground level at the center of each wall of a building.

**Gravel Pit:** See Extraction

**Greenhouse, Commercial:** An enclosed building, permanent or portable, which is used for the growth of small plants to be sold at wholesale or retail.

**Greenhouse, Non-Commercial:** An accessory building to a residence designed or used for the growth of small plants.

**Grocery Store:** A small neighborhood owner-operated establishment retailing food and related commodities, as distinguished from a supermarket.

**Gross Leasable Area (GLA):** The total floor area leased to house a particular use including, but not limited to, storage, and private areas. In the case of owner-occupied space where no lease exists, GLA shall be construed to mean gross floor area.

**Ground Cover:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Guest Room:** A room in a hotel, motel, tourist home or bed and breakfast offered to the public for compensation in which room no provision is made for cooking and which room is only for transient occupancy.

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

**Health Institution:** A hospital, clinic, nursing home, boarding care facility or any other place for the treatment or diagnosis of human ailments, excluding professional offices.

**Height:** The vertical distance between the mean original grade at the downhill side of a structure and the highest point of the structure, except steeples, church spires, transmission towers, silos, water towers, residential chimneys, and radio and television towers.

**High Intensity Soil Survey:** A map prepared by a Maine Certified Soil Scientist, identifying the soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey.

The map shall show the location of all test pits or auger samples used to identify the soils, and shall be accompanied by a log of each sample point identifying the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

**Home Occupation:** An occupation or profession which is (1) customarily conducted in a residential neighborhood; (2) except for Child Care I and II, carried on entirely within a residential dwelling unit; (3) clearly accessory and incidental to and compatible with the residential use of the property and the surrounding residential uses; (4) carried on by no more than two (2) persons living in the dwelling unit. For purposes of this Ordinance home occupations are divided into two categories:

- **Home Occupation I:** Non-retail home occupations that do not require customers to frequent the premises or generate regular automobile traffic and which do not include the full time offices of physicians, dentists, attorneys, barbers, engineers, beauticians and the like.
- **Home Occupation II:** All types of home occupations, which may include full time offices for the occupations excluded in Home Occupation I.

**Hospital:** A health institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories outpatient departments, training facilities, central service facilities and staff offices.

**Hotel:** See Transient Accommodations.

**Hundred (100) Year Flood:** The highest level of flood that, on the average, is likely to occur once every one hundred (100) years that has a one percent (1%) chance of occurring in any year.

**Industry:** Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, storing or processing, including but not limited to assembly plants, laboratories, power plants, pumping stations, warehouses, wholesale houses, truck terminal facilities, research facilities, research production facilities, and repair shops together with retail or other businesses and accessory uses customarily servicing or consistent with industrial uses.

A residential use is accessory to an industrial use only when the residential use is clearly incidental to the industrial use such as security personnel quarters or medical personnel shift room.

**Industrial Park or Development:** A subdivision in an area zoned exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for users.

**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.

**Junkyard:** A field, yard or other area used to store discarded, worn out or junked plumbing, heating supplies, household appliances and furniture, junked, discarded or scrapped lumber, old or scrap copper, brass, rope, rags, paper trash, rubber debris, waste, scrap iron and other ferrous or non- ferrous material and garbage dumps, waste dumps and sanitary landfills.

**Kennel, Commercial:** Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding care or breeding for which a fee is charged.

**Kennel, Non-Commercial:** An accessory building or structure to a residence designed or used for the accommodation of dogs or cats owned by the occupant of the residence.

**Lake:** See Water Bodies.

**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 land used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Light Manufacturing:** The fabrication or processing of materials into the finished product, the weight of which shall not exceed three hundred (300) pounds. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects or products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber.

**Loading Berth or Space:** An off street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lodging:** See Transient Accommodations.

**Lot:** An area of land undivided by any street or private road, in one ownership or leasehold, with ascertainable boundaries established by a deed or some other instrument of record.

**Lot, Corner:** A lot abutting two or more streets at their intersection.

**Lot, Nonconforming:** A single lot or record which, at the effective date of adoption or amendment of this Ordinance does not meet the area, frontage, or width requirements of the one in which it is located.

**Lot Area:** The area contained 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 (2) lots.

**Lot Coverage:** The percentage of the lot covered by structures.

**Lot Depth:** The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

**Lot Frontage:** See Frontage, Road. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

**Lot Line:** A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

**Lot Line, Front:** The lot line on any street or water body which the lot abuts.

**Lot Line, Rear:** Lots may have a rear lot line abutting lots not of common frontage.

**Lot Line, Side:** Any lot line abutting lots of common frontage.

**Lot of Record:** Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**Lot Standards:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage, height, coverage, road frontage and density.

**Lot Width:** The closest distance between the side lot lines of a lot.

**Manufactured Housing:** See 30-A M.R.S.A. § 4358(1)(A) and 10 M.R.S.A. § 9002(7) as amended. See also Mobile Home and Modular Home.

**Marijuana:** The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from the resin, including hashish, and further shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

**Medical Marijuana Cultivation Facility:** a not-for-profit entity registered pursuant to the laws of the State of Maine and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is a Medical Marijuana Registered Dispensary's permitted additional location for the cultivation of marijuana.

All Marijuana Cultivation Facilities shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.

**Medical Marijuana Registered Dispensary:** a not-for-profit entity as defined under Title 22 M.R.S.A. Section 2422 and registered pursuant to Title 22 M.R.S.A. Section 2428 and to Section 6 of the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the Dispensary to cultivate marijuana for their medical use and registered primary caregivers of those patients. All Medical Marijuana Registered Dispensaries shall be further defined in, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.

**Marina:** A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marine engine and hull repairs, construction and outfitting of pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premise restaurant.

**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.

**Medical Clinic:** An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

**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.

**Mobile Home:** See 30-A M.R.S.A. § 4358(10(A)) and 10 M.R.S.A. § 9002(7) as amended. See also Manufactured Housing.

**Mobile Home Park:** A parcel of land under unified ownership approved by the Town of Veazie for the placement of three (3) or more manufactured homes.

**Mobile Home Stand:** An area within a mobile home park lot on which a mobile home is to be stationed.

**Mobile Home Park Lot:** The area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by occupants of that home.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board under this Ordinance and 30-A M.R.S.A. § 4401 et seq. for the placement of manufactured homes on individually owned lots.

**Modular Home:** See 30-A M.R.S.A. § 4358(1)(A) and 10 M.R.S.A. § 9002(7) as amended. See also Manufactured Housing.

**Motel:** See Transient Accommodations.

**Motor Vehicle:** Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons. Automobile.

**Motor Vehicle, Unserviceable:** Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purpose for which it was manufactured.

**Municipal Facilities:** Buildings or land which is owned by the Town of Veazie and operated under its supervision.

**Municipal Officers:** The Town Council of the Town of Veazie.

**Museum:** A nonprofit institution operated principally for the purpose of preserving and exhibiting objects of historical, cultural, scientific or artistic interest and which may also engage in incidental retail sales of items related to its principal purpose.

**Native:** Indigenous to local forests.

**Net Residential Acreage:** The total acreage available for a subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and areas that are unsuitable for development.

**Net Residential Density:** The average number of dwelling units per net residential acre.

**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.

**Nonconforming Lot:** See Lot, Nonconforming.

**Nonconforming Structure:** See Structure, Nonconforming.

**Nonconforming Use:** See Use, Nonconforming.

**Normal High Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.

**Normal Maintenance and Repair:** Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in uses, change in location, change in size or capacity.

**Nude Entertainment:** The showing, display or exhibition in a public or private establishment of uncovered or exposed female breasts. Nude entertainment does not include specified sexual activities or the showing, display or exhibition of specified anatomical areas (amended 3/22/99)}.

**Nursery, Commercial:** An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

**Nursing Home:** A facility for the residence and nursing care of the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**Open Space:** The portion of a lot or site which is maintained in its natural state to preserve scenic resources, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive area, or to be used for outdoor recreation purposes. Open space does not include land occupied by non-recreational buildings, roads or road rights of way; nor does it include the yards or lots of single or multifamily dwelling units or parking areas as required by the provisions of this Ordinance. Construction is not allowed in dedicated open space, except where necessary for recreational uses.

**Open Space Ratio:** A measure of the intensity of residential development allowed in a particular zone. The ratio is calculated by dividing the total open space by the total area of a subdivision.

**Operate:** To own, run or manage any establishment or place of business.

**Operator:** The owner or manager of any establishment or place of business.

**Owner:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**Parcel:** The area within the boundary lines of a development.

**Parking Demand:** The amount of parking spaces needed by the users of a particular structure or tract of land.

**Parking Lot:** An open area other than a street used for the parking or more than four (4) automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

**Parking Space:** A surfaced area, enclosed or unenclosed, meeting the size requirements of Section F.6., together with a driveway connecting the parking space with a street, road or alley and permitting entrance and exit of that automobile without the necessity of moving any other automobile.

**Passive Recreation:** A passive recreation area is generally an undeveloped space or environmentally sensitive area that requires minimal development. Entities such as a parks department may maintain passive recreation areas for the health and well-being of the public and for the preservation of wildlife and the environment. The quality of the environment and "naturalness" of an area is the focus of the recreational experience in a passive recreation area. No motorized vehicles allowed in passive recreation areas.

**Patio:** A level area adjacent to a dwelling unit constructed of stone, cement or other material, located at ground level, with no railing or other structure above the level of the ground.

**Performance Guarantee:** A financial guarantee to ensure that all improvements, facilities or work required by this Ordinance, regulations and the approved plans and specifications of a development.

**Performance Standard:** A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Veazie.

**Personal Property:** Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence and is not attached to or affixed to the ground or a structure. It does not include merchandise which was purchased for resale or obtained on consignment.

**Personal Services:** A business which provides services but not goods such as, hairdressers, shoe repair, and the like.

**Pier:** See Structure, Water Related

**Planned Unit Development:** A PUD. A development controlled by a single developer for a mix of residential, commercial and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems and the retention of the natural characteristics of the land.

**Pond:** See Water Bodies.

**Private Street:** See Street.



**Professional Office Building:** A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, and the like, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

**Public Facility:** See Government Facility.

**Public Improvements:** Any improvement, facility or service, together with customary improvements, necessary to provide for public needs, such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Utility:** Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

**Recent Flood Plan Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

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

**Recreation, Active:** Recreation activities which necessitate some degree of structural or mechanical components for participation in the activity.

**Recreation, Passive:** Outdoor recreational activities which involve no structures or motorized equipment, such as skiing, horseback riding, cycling, hiking, walking, picnicking and the like.

**Recreation Facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boar launching facilities.

**Recreation Vehicle:** A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, 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, must be less than seven hundred fifty (750) square feet in area and less than fourteen feet (14') in width, and must be registered with any state's Division of Motor Vehicles.

**Reconstruction:** The restoration, remodeling or rebuilding of a nonconforming structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

**Refuse:** Any discarded, worn out, abandoned or nonfunctioning article or articles or materials including, but not limited to, cans, bottles, used wood products, junk appliances, junk automobiles and parts thereof, old clothing and household goods, trash, garbage, rubbish, solid waste and liquid waste.

**Research Facility:** A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted; said activities shall be solely for eleemosynary purposes.

**Research Production Facility:** A building or part of a building devoted to the propagation, maintenance and distribution of animals, or other biological materials, for use in scientific inquiry, said activities shall be solely for eleemosynary purposes.

**Residual Stand:** The average of the basal area of trees remaining on a harvested site.

**Restaurant:** An establishment whose principal business is the sale of food or beverages to consumers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers normally provided with an individual menu are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or (2) a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

**Re-subdivision:** The division of an existing subdivision or any change in or deviation from the recorded plan, including any changes in lot lines or sizes or the relocation of any street or lot in a subdivision.

**Riprap:** Rocks, irregularly shaped, and at least six inches (6") 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:** See Water Bodies.

**Road:** See Street.

**Roadside Stand:** A roadside stand selling at retail on the premises only farm produce, camp firewood, or garden, greenhouse or nursery products and, between Labor Day and Christmas, cut Christmas trees, garlands, wreaths and wreath materials primarily on the property.

**Rubbish:** See Refuse.

**Sadomasochistic Acts:** The acts, including what may be referred to as bondage and discipline, of flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume; or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.(amend 3/22/99)}

**Salt Marsh:** Areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt Meadow:** Areas which 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 cordgrass (*Spartina patens*) and black rush; common three square occurs in fresher areas.

**School, Private:** A privately owned facility within which instruction is provided for a fee. The size of a private school is limited to fifteen (15) students or less.

**Screening:** A hedge or vegetated strip at least five feet (5') wide, consisting of densely planted shrubs or trees at least four feet (4') in height at time of planting, and eventually reaching a mature height of at least six feet (6') in height, but not exceeding eight feet (8') which provides an effective visual barrier.

**Septage:** Waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

**Septic System:** See Subsurface Sewage Disposal System.

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

1. in 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 feet (1000').
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 feet (1,000') in length.

**Service Establishment:** The offices or headquarters of a business that provides off site services such as plumbing, electrical work, carpentry and the like.

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

**Setback, Front:** Setback between the front lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

**Setback, Rear:** Setback between the rear lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

**Setback, Side:** Setback between a side lot line and the nearest part of a structure, road, parking space or other regulated object, activity or area.

**Shoreland Zone:** The land area located within two hundred fifty feet (250'), horizontal distance, of the normal high water line of any river; within two hundred fifty feet (250'), horizontal distance, of the upland edge of a coastal or freshwater wetland; or within seventy-five feet (75'), horizontal distance, of the normal high water line of a stream.

**Sign:** An object, device or display or part thereof, whether free standing, portable, affixed to a building or otherwise, situated outdoors or indoors, which is directed at persons outside or off the premises, used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition shall not, however, be construed to include merchandise or decorative displays.

**Sign, Free Standing:** A sign supported by one or more uprights or braces permanently affixed into the ground.

**Sign, Off Premise:** Any sign designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.

**Sign, Official Business Directional:** A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. Section 1901, et seq. which points the way to public accommodations and facilities or other commercial facilities.

**Sign, Portable:** A sign not designed or intended to be permanently affixed into the ground or to a structure.

**Sign, Roof:** A sign which is attached to a building and is displayed above the eaves of such building.

**Sign, Temporary:** A sign of a temporary nature, to be displayed less than thirty (30) days, exemplified by the following: political posters, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, all signs advertising sales or promotions, and for rent signs.

**Sign, Wall:** Any sign painted on, or attached parallel to and projecting not more than six inches (6") from the wall surface of a building.

**Sign, Window:** Any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to or placed within six inches (6") of a window.

**Sign Area:** The exposed surface of the sign, in square feet, including all ornamentation, embellishment, background, and symbols, but excluding the poles, standards or other structures which do not form a part of the message of the sign measured and which perform solely a weight bearing function. The area of wall or window sign shall be the smallest rectangle which encloses the whole message. The total sign area for a premise shall mean the sum of the areas of all signs visible from public streets, sidewalks, parks, etc. and includes wall signs, window signs, free standing signs, roof signs, portable and small signs attached to the principal sign indicating "fireplaces," "swimming pool," "Master Card, Diners Club or American Express accepted."

If the shape of a sign is irregular, the area is that of the smallest rectangle which encloses the sign. For a sign with a double signboard or display area, where the sign faces are parallel and the faces duplicate one another, only one side shall be counted in calculating allowable area.

**Skid Road or 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.

**Solar Collector:** A device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes to a buildings energy supply.

**Solar Energy System:** A complete design or assembly consisting of a solar energy collector, and energy storage facility, when used, and components for the distribution of transformed energy.

**Specified Anatomical Areas:** (1) The display or exhibition of the male or female pubic area, perineum or anus with less than a fully opaque covering is prohibited; (2) The display or exhibition of male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** (1) Human genitals in a state of sexual stimulation or arousal; (2) Actual or simulated acts of human masturbation, sexual intercourse, sodomy, or any sexual act or sexual contact as defined by Maine law, as amended; (3) Fondling or other touching of human genitals, pubic area, buttock or female breast. (amended 3/22/99)}

**Stable, Commercial:** A building or land where horses are kept for remuneration, hire, sale, boarding, riding or showing.

**Stable, Non-Commercial:** An accessory building to a residence designed or used for the accommodation of horses owned and used exclusively occupants of the residence to which it is accessory.

**Stream:** See Water Bodies.

**Street:** Public and private ways such as alleys, avenues, boulevards, highways, roads and other rights-of-way consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material and constructed for or created by the repeated passage of motorized vehicles, as well as areas on subdivision plans designated as rights-of-way or streets, except such ways as have been discontinued or abandoned.

**Street, Arterial:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

**Street, Collector:** A street servicing at least fifteen (15) lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

**Street, Industrial or Commercial:** Streets servicing industrial or commercial uses.

**Street, Minor:** A street servicing less than fifteen (15) lots or dwelling units.

**Street, private Right-of-Way:** A street which is not intended to be dedicated as a public way, which will be maintained by a developer, property owner or group of property owners, and which will serve no more than eight (8) lots or dwelling units.

**Structure:** Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land or water.

**Structure, Accessory:** A structure which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by the provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure. A deck or similar extension of a principal structure or a garage attached to a principal structure by a roof or common wall is considered part of the principal structure.

**Structure, Nonconforming:** A structure which, at the effective date of adoption or amendment of this Ordinance, does not meet the dimensional, height, setback or lot coverage requirements of the zone in which it is located.

**Structure, Principal:** A structure other than one which is used for purposes wholly incidental or accessory to the use or another structure or use on the same lot.

**Structure, Temporary:** A structure established for a fixed period of time with the intent to completely remove same from the lot upon the expiration of such time.

**Structure, Water Related:** A structure, including a pier, dock, wharf, float, crib, piling, boat house, breakwater or causeway, the utility of which depends on its extending over or beyond the normal high water line of a water body or within a wetland. See Use, Water Dependent.

**Structure, Water Related, Permanent:** Structure which extend over or beyond the normal high water line of a water body or within a wetland for seven (7) months or more in any period of twelve (12) consecutive months.

**Structure, Water Related, Temporary:** Structures which extend over or beyond the normal high water line of a water body or within a wetland for less than seven (7) months in any period of twelve (12) consecutive months.

**Subdivision:** See 30-A M.R.S.A. § 4401(4) as amended.

**Substantial Completion:** Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of the estimated total cost.

**Substantive Review:** A review of a completed application to determine whether it complies with the review standards set forth in this Ordinance and with other applicable requirements of law.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system licensed under 38 M.R.S.A. § 413 (1-A), or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

**Subsurface Sewage Disposal System, 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.

**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Swimming Pool:** An outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming, bathing, or the immersion or partial immersion of human beings and designed for a water depth of twenty-four inches (24") or more.

**Theater:** A fully enclosed building used for display or presentation to the public films, plays or other kinds of performances.

**Tidal Area:** See Water Bodies.

**Timber Harvesting:** The selective cutting and removal of trees from their growing site, and the attendant operation of harvesting and skidding machinery, but not including clear cutting for the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction for which a lawful permit has been issued in accordance with state and local codes, ordinances, statutes, rules and regulations.

**Transient:** A person staying at a place that does not constitute his or her home or usual dwelling unit for less than thirty (30) days.

**Transient Accommodations:** Facilities where, for compensation, overnight lodging, with or without meals, is provided to transients. Such facilities may include hotels, motels, inns, bed and breakfasts and the like. Accessory uses, subject to site plan review, may include restaurants, cocktail lounges, conference rooms, swimming pools, game courts, recreational rooms, gift shops and the like.

**Transportation Facilities:** Structures and grounds used for transportation service activities, such as ticket booths and waiting shelters for bus, taxi or touring van passengers, but not including truck or freight terminals.

**Undertaking Establishment:** A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

**Upland Edge:** See Wetland, Upland Edge.

**Use:** The purpose or activity for which land or any building or structure thereon is designed, arranged, intended, occupied or maintained.

**Use, Accessory:** A use which (1) is subordinate to and serves a principal use, (2) is subordinate in area, extent and purpose to the principal use served, (3) is located on the same lot as the principal use served, except as otherwise expressly authorized by this Ordinance, and (4) is customarily incidental to the principal use. An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

**Use, Water Dependent:** A use that requires, for its primary purpose, location on submerged lands or direct access to , or location in, coastal and inland waters and which cannot be located away from these waters. Such uses include, but are not limited to commercial and recreational fishing and boating facilities, fin fish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters. See Structure, Water Related.

**Use, Nonconforming:** A use which, at the effective date of adoption or amendment of this Ordinance, is not a permitted use in the zone in which it is situated.

**Use, Permitted:** A use which may be established in a particular zone, provided it conforms with all the requirements, standards, and regulations of such zone.

**Use, Principal:** A use which other than one which is wholly incidental or accessory to another use on the same lot.

**Use, Temporary:** A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

**Utilities:** All public services such as electricity, water, sanitary sewer, stormwater drainage, telephone and cable television.

**Veazie Conservation Commission:** Until a Veazie Conservation Commission is established, the Veazie Town Council shall fulfill this function.

**Veazie Historical Society:** Until a Veazie Historical Society is established, the Veazie Town Council shall fulfill this function.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four inches (4") in diameter, measured at four and one-half feet (4 ½') above ground level.



**Veterinary Hospital or Clinic:** A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations for ailing, injured or healthy animals.

**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.

**Warehousing and Storage Facility:** A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

**Water Bodies:**

**Water Bodies, Lakes and Ponds:** Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or may result from excavation.

**Water Bodies, River:** Any free flowing body of water from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

**Water Bodies, Stream:** A channel between two defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. (only as shown on the Shoreland Zoning Map)

**Water Bodies, Tidal Area:** Any are upon which tidal action occurs.

**Water Bodies, Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Water Crossing:** Any project extending from one bank to the opposite bank of a water body or wetland, whether under, through, or over the water body 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.

**Water Dependent Uses:** See Uses, Water Dependent

**Wetland:** coastal or freshwater wetland.

**Wetland, Coastal:** Tidal and sub-tidal lands including all areas below any identifiable debris line left by tidal action, all areas 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 lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands include portions of coastal sand dunes.

**Wetland, Freshwater:** Freshwater swamps, marshes, bogs and similar areas which are of two (2) or more contiguous acres; or of less than two (2) 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 two (2) 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.

**Wetland, Upland Edge:** The boundary between upland and wetland.

**Wetland Associated With River:** A wetland contiguous with or adjacent to a river and which, during normal high water, is connected by surface water to the river. Also included is a wetland which is separated from the river by a berm, causeway or similar feature less than one hundred feet (100') in width and which has a surface elevation at or below the normal high water line of the river. A wetland associated with a river is considered to be a part of that river.

**Wharf:** See Structure, Water Related.

**Wholesale Business Establishment:** Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

**Wildlife:** All vertebrate species (animals with backbones), except fish.

**Wildlife Management Practices:** Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting, or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled land designed for the purpose of managing such species.

**Windfirm:** The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking and major breakage.

**Window:** An opening in the wall of a building for the admission of light or air that is usually closed by casements or sashes containing transparent or translucent material.

**Woody Vegetation:** Live trees or woody, non-herbaceous shrubs.

**Yard:** The area of land on a lot not occupied by structures.

**Yard, Front:** The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

**Yard, Rear:** The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

**Yard, Side:** The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line or a front line shall be deemed a side line.

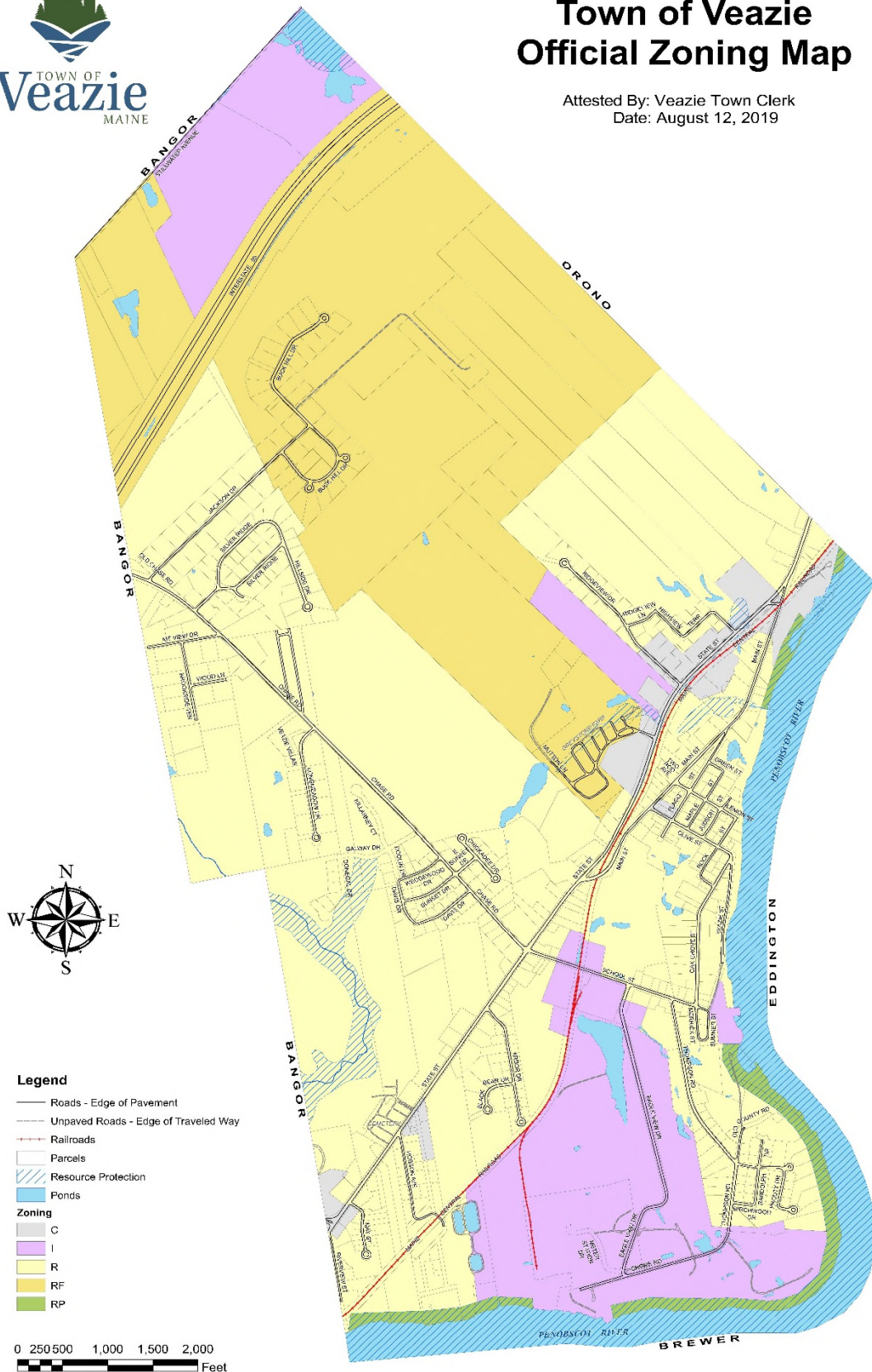
**Zone:** A specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Appendix A: Land Use Map



# Town of Veazie Official Zoning Map

Attested By: Veazie Town Clerk  
Date: August 12, 2019





Published on *Veazie ME* (<https://www.veazie.net>)

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## Section 16 - Yard Sales

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*These documents are presented for informational purposes only.*

*For legal use refer to the Veazie Code Archive located in the Town Office.*

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### Section 16.01 Permits

#### 16.01.01 Permit Required

No person, firm, corporation or other entity shall conduct a yard sale in the Town of Veazie without first obtaining a yard sale permit from the Code Enforcement Officer or designee.

##### 16.01.01.01 Permit Fee

There shall be no fee for the permit.

##### 16.01.01.02 Permit to be Posted

Yard sale permits issued under this ordinance shall be posted at the yard sale in a location which is easily visible from the street.

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### Section 16.02 Definitions

#### 16.02.01

Words and terms not defined in this ordinance shall have the meanings given them in the Zoning Ordinance of the Town Veazie, or in the absence of definitions in said Ordinance, such words and terms shall have their customary dictionary definition.

#### 16.02.02

Residential Premises - A building or structure having at least one dwelling unit and the lot of land associated therewith.

Yard Sale - The sale of goods from a residential premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale, at the seller's place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises or within the Town's commercial or industrial districts. The sale of new or used goods purchased or consigned specifically for yard sales is prohibited. This definition shall not include the sale of five or less items or sets of items.

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## **Section 16.03 Requirements**

### **16.03.01**

No yard sale may be conducted for more than three (3) consecutive days.

### **16.03.02**

No person, firm, corporation or other entity shall conduct more than two (2) yard sales from any residential premises or location in any one (1) calendar year.

### **16.03.03**

In the event that a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit upon application from the person conducting the sale, setting forth the reason for such cancellation. A fee as prescribed shall not be required in such cases.

### **16.03.04**

All such sales from non-residential properties shall comply with the Land Use Ordinance of the Town of Veazie except yard sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other nonprofit organizations which shall be governed by this ordinance.

### **16.03.05**

Signs designating yard sales shall not exceed four (4) square feet and shall bear the name of the permittee. Signs must not obstruct traffic views and shall be removed immediately after the sale has ended.

---

## **Section 16.04 Enforcement**

### **16.04.01**

This ordinance shall be enforced by the Code Enforcement Officer and/or the Veazie Police Department. The Code Enforcement Officer and/or any police officer of the Town of Veazie are hereby authorized to institute any and all actions and proceedings in the name of the Town of Veazie, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance.

### **16.01.02**

Any person who violates any provision of this ordinance, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Veazie.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-16-yard-sales>



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## Section 17 - Concealed Weapons Permit

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### Section 17.01 Issuing Authority

The issuing authority is the municipal officers of the Town of Veazie. Application shall be made to the Chief of Police who shall forward said application along with his recommendation to municipal officers. Any nonresident of the State of Maine must apply to the Chief of the State Police.

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### Section 17.02 Individual License

The individual, not the weapon, shall be licensed. There is no need to list serial numbers on the permit.

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**Section 17.03 Fees**

A fee of \$35.00 shall be charged for original application and a fee of \$20.00 shall be charged for renewals.

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**Section 17.04 Grant or Denial**

The applicant must have an answer either granting or denying the permit within 30 days from the date of application. Denial must state the reason for refusal in writing.

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**Section 17.05 Two Year Permits**

Permits are valid for two years from the date of issue unless sooner revoked.

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**Section 17.06 Copy of Law**

A copy of the law governing the application for and carrying of concealed weapons will be given to every applicant at the time application.

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**Section 17.07 Age; Criminal Record**

The applicant must be 18 years of age and never convicted of a crime punishable by a maximum term of imprisonment equal to or exceeding one year.

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**Section 17.08 Fingerprints**

Fingerprints will be taken only if there is a question of the identity of the applicant.

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**Section 17.09 Application**

The applicant must answer all questions (a) through (l) on the application and any affirmative answer to any question (a) through (l) is cause for refusal of a permit. Any false statement on the application is cause for refusal and may result in prosecution of the applicant under 25 M.R.S.A. § 2004.

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**Section 17.10 Eligibility After Revocation**

No person who had a permit revoked is eligible for application for five (5) years from the date of revocation.

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### **Section 17.11 Moral Character**

Besides questions (a) through (l), the applicant's good moral character is also a factor in the granting or denial of a permit. This is determined by checking the records for the five (5) year period prior to application for:

- Abuse of family or household members under 19 M.R.S.A. § 770(1).
- Failure to meet child or family support obligations as shown by Department of Human Services files;
- Three or more convictions for Class D or Class E crimes;
- Three or more civil violations;
- Records indicating that the applicant has engaged in reckless or negligence that endangered the safety of others, including the use of weapons and motor vehicles.

Positive findings on any or all of the above may be considered grounds for denial.

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### **Section 17.12 Revocation**

The issuing authority shall revoke a permit if:

- there is material misstatement on the application;
  - the permit holder has been convicted for a violation under 25 M.R.S.A. § 2001; or
  - the permit holder becomes ineligible to make an application under this chapter.
- 

### **Section 17.13 Confidentiality**

#### **17.13.01**

All proceedings related to the grant, denial or revocation of permits are not public proceedings under 1 M.R.S.A. § 401 et seq., unless otherwise requested by the applicant.

#### **17.13.02**

Notwithstanding 1 M.R.S.A. § 410 et seq., all applications, refusals and supporting documentation are confidential and not public information unless waived in writing by the applicant.

#### **17.13.03**

The only documentation available for public inspection is the permanent record of each permit which is maintained by the municipal officers in a book or file. This record includes the date of issuance, name, age, sex and street address of the permittee.

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### **Section 17.14 Contents of Permit**

All permits must contain the name, address and physical description of the applicant. Permits are valid statewide. They must be in the permit holders immediate possession and must be displayed

upon demand by any law enforcement officer. The permit holder shall have the usual amount of time in which to produce it and avoid conviction for failure to do so.

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### **Section 17.15 Violation**

Anyone who knowingly makes false on the application or violates any provisions of the Chapter is guilty of a class D crime.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-17-concealed-weapons-permit>



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## Section 18 - Discharge of Firearms

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### Section 18.01 Purpose

This Ordinance is enacted under the authority of Sections 00.01.0 2.09 and 00.01.0 2.10 of the Town Chapter for the purpose of promoting the public safety and welfare of the inhabitants of the Town by regulating the intentional, careless and/negligent discharge of firearms within any portion of the Town of Veazie. However, no provisions of this Ordinance shall be construed so as to outlaw hunting per se.

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### Section 18.02 Definition

"Firearm" shall mean any weapon, whether loaded or unloaded which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pellet gun, pistol, revolver, rifle, gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

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### Section 18.03 Prohibition

It shall be unlawful for any person to shoot or discharge firearms of any kind or description in the Town of Veazie. However, pursuant to Section 18.01 of this Ordinance, the discharge or shooting of shotguns or pellet guns is permissible for the purpose of hunting or target shooting provided such

discharge does not conflict with the following provisions of this section. Any person wishing to discharge shotguns or pellet guns within 100 yards of a dwelling or occupied building or structure must possess written permission of the owner or current occupants of said dwelling or occupied building or structure. A person is guilty of improper discharge of a firearm if he fails to have written permission of the owner or current occupants on his/her person at the moment of discharge of a shotgun or pellet gun.

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#### **Section 18.04 Firing Range**

##### **18.04.01 Prohibition Not Applicable**

The foregoing prohibitions and regulations shall not apply to an approved firing range area. An approved firing range area is defined as an area set up for the safe discharge of firearms with adequate protection in the form of a backstop and/or proper neighboring property or persons.

##### **18.04.02**

The guidelines for a firing range are as follows:

###### **18.04.02.01**

Backstop constructed of logs or timbers of at least 12 inches (12") in diameter with an earth barrier behind, or as earth barrier of suitable material with no less than a 45 degrees slope.

###### **18.04.02.02**

There shall also be a natural obstruction of trees terrain to the rear of the backstop.

###### **18.04.02.03**

The target area will be placed no less than three feet (3') from the top and sides of the backstop.

###### **18.04.02.04**

The range widths to the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards, and 50 feet for 200 yards or more.

###### **18.04.02.05**

No range shall be suitable less than 100 feet from the nearest roadway and shall not be constructed so that the projectile travels toward the roadway.

###### **18.04.02.06**

No shooting will be permitted except between the hours of sunrise and sunset on outdoor ranges. Additional shooting times may be established for indoor ranges.

##### **18.04.03**

The approving authority for the operation of a firing range shall be the Chief of Police and other outside consultation as deemed necessary.

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#### **Section 18.05 Prohibitions not Applicable**

The foregoing prohibitions and regulations shall not apply to the discharge of a firearm in the lawful defense of a person, the home, the property or protection of property from destruction by animals; or to the discharge of a firearm at a private range within a private dwelling; or to a discharge of a firearm by a police officer in the exercise of his/her duties.

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**Section 18.06 Violations**

Any violator of this Ordinance, upon the first conviction will be subject to a fine of not less than fifty dollars (\$50) nor more than Two Hundred Dollars (\$200). Any violator of this Ordinance, upon conviction subsequent to the first conviction, will be subject to a fine of not less than One Hundred Dollars (\$100). Any violator, upon conviction, will be responsible for payment of reasonable court and lawyer fees for the Town of Veazie and any other damages directly attributable to the violation(s).

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-18-discharge-firearms>



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## Section 19 - Fireworks

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### Section 19.01 Purpose

This Ordinance is enacted under the authority of Sections 00.01.02.09 and 00.01.02.10 of the Town Charter for the purpose of promoting the public peace, safety, and welfare of the inhabitants of the Town by regulating the ignition of Fireworks in any shape or form within any portion of the Town of Veazie.

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### Section 19.02 Definitions

"Fireworks", for the purpose of this ordinance, shall have the same definition as set forth in 8 M.R.S.A. § 211.

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### Section 19.03 Fireworks Prohibited

It shall be unlawful for any person to ignite or set off fireworks of any kind or description within the Town of Veazie. However, the foregoing prohibition shall not apply to an approved display provided that the requirements of Section 19.04 of the Ordinance are met.

**Section 19.04 Fireworks Display**

Fireworks displays may ignited or set off provided all of the following requirements are met:

**19.04.01**

A person must apply to and receive permission from the Veazie Town Council at least 30 days prior to the display date.

**19.04.02**

A person must possess and produce a valid permit issued by the State of Maine Fire Marshall's office.

**19.04.03**

A person must show proof of liability insurance in an amount sufficient to satisfy the Veazie Town Council.

**19.04.04**

A person must agree to reimburse the Town of Veazie for all incidental costs associated with such Fireworks display including, but not limited to, police and fire protection, ambulance services and damage to surrounding properties.

**19.04.05**

No site may be considered for a Fireworks display unless such site is located in an Industrial or Residential - 4 Zone or other site deemed appropriate by the Veazie Town Council.

**19.04.06**

No Fireworks display may be considered for permission unless such display will be ignited or set off between the hours of 6:00 P.M. EST and 10:00 P.M. EST.

**19.04.07**

The Veazie Town Council reserves the right to impose additional requirements as individual cases may warrant in order to protect the health, safety, and welfare of inhabitants of the Town.

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**Section 19.05 Council Decision Final**

The determination of the Veazie Town Council as to the propriety of any display or application for display is final and is not subject to appeal to any other body within the Town. However, nothing in this section shall be construed as to limit an applicants right to remedy under Maine or Federal law.

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**Section 19.06 Violations**

Any violator of this Ordinance, upon conviction subsequent to the first conviction, will be subject to a fine of not less than two hundred dollars (\$200).

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**Section 19.07 Severability**



If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-19-fireworks>



## **Section 20 - Licensing and Control of Dogs**

### **Section 20 Licensing and Control of Dogs**

- Section 20.01 Definitions**
- Section 20.02 License Required**
- Section 20.03 Running at Large**
- Section 20.04 Bitch in Heat**
- Section 20.05 Impoundment**
- Section 20.06 Number of Dogs Limited**
- Section 20.07 Barking or Howling Dogs**
- Section 20.08 Dangerous Dogs**
- Section 20.09 Disposition of Dogs which have Bitten Persons**
- Section 20.10 Rabies**
- Section 20.11 When Dogs May Be Killed**
- Section 20.12 Enforcement**

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#### **Section 20.01 Definitions**

As used in this ordinance, unless the context otherwise indicates:

"At Large" shall mean off the premises of the owner of a dog or his duly authorized agent and not in immediate control of the owner or his authorized agent, either on a leash or under voice command control.

"Dog" shall be intended to mean both male and female.

"Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

#### **Section 20.02 License Required**

##### **20.02.01 Fees**

Each owner or keeper of a dog at the age of 6 months or over, except dogs kept under a kennel license, shall on or before January 1, annually or at such time as such dog becomes 6 months old, cause such dog to be licensed in the Town Clerk's office. The Town Clerk shall not issue a license for any dog until the applicant has filed with said Clerk proof that such dog has been immunized against rabies in accordance with the rules and regulations promulgated by the Commissioner of Human Services, provided that the requirement of immunization may be waived by such clerk under conditions set forth by the Commissioner of Human Services. A fee of \$2.00 shall be paid to the Town Clerk for each license issued for a neutered male and spayed female dog and a fee of \$5.50 shall be paid for all female dogs capable of producing young. All dogs shall be considered capable of producing young unless accompanied by a certificate issued by a licensed veterinarian stating that such dog was made incapable of producing young by spaying or neutered by him, when such certificate accompanies the application, a fee of \$2.00 shall then be paid on such spayed female. In addition to the amount paid for license and tag, each applicant shall pay the Town Clerk \$1.00 for recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the Town Clerk, upon application, for any trained guide dog owned or kept by a blind person, without payment of any fee required under this section. When any such dog has not been previously registered or licensed by the Town Clerk, to whom such application is being made, such Town Clerk shall not register such dog nor issue to the owner or keeper, a license and tag therefor, unless written evidence shall be exhibited to him that the dog is trained and educated and intended in fact to perform such guide service for such applicant. Any person becoming the owner or keeper of a dog after the first of January, not duly licensed as required, shall, within 10 days after he becomes the owner or keeper of said dog, cause such dog to be described and licensed as provided.

##### **20.02.02 Recording**

Such license shall be made in triplicate, the original shall be mailed to the Commissioner of Agriculture, one copy given to the person applying for the license and one copy retained by the Town Clerk.

##### **20.02.03 Tag and Collar Required**

A suitable tag showing the year such license is issued and bearing such other data as the Commissioner of Agriculture may prescribe shall be given with each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.



### **Section 20.03 Running at Large**

No person shall cause or permit any dog owned or kept by him to run at large within the Town. Dogs while on any premises other than those of the owner or while on any public way or place shall be under the restraint, within the meaning of this ordinance, if he is controlled by a leash, or at 'heel', beside a competent person and obedient to that persons commands or on or within a vehicle being 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 of any dog while on private premises of the owner. A leash shall not be more than 8 feet long.

### **Section 20.04 Bitch in Heat**

The owner of any bitch in heat shall keep the same confined or on a leash at all times and shall not permit such dog to be at large within the Town or on any premises other than those of the owner. Every bitch found running at large in violation hereof, is hereby declared to be a public nuisance and shall be impounded and the owner, keeper or person harboring such bitch shall be deemed guilty of a misdemeanor.

### **Section 20.05 Impoundment**

#### **20.05.01 Procedure**

Unlicensed dogs or dogs found running at large, shall be taken up and impounded in the shelter designated by the Town as the Town Animal Shelter, and there confined in a humane manner for a period of not less than ten (10) days; and may thereafter be disposed of in a humane manner if not claim by their owner.

The Town or its duly authorized agent may transfer title of all animals held by it at its Animal Shelter after the legal detention period has expired, and the animal has not been claimed by its owner.

When dogs are found running at large, and their ownership is known, such dogs need not be impounded, but the Town through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer charges of violation of this ordinance.

The owner shall be entitled to resume possession of any impounded dog upon compliance with the license provisions of Section 20.02 of this ordinance and the payment of impoundment fees as set forth herein. Any other animal impounded under the provisions of this ordinance may be reclaimed by the owner upon payment of the impoundment fees as set forth herein.

Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within 10 days, may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance.

#### **20.05.02 Fees**

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner of the following fees: Impoundment fee of \$5.00 for each animal, except that upon the second impoundment the fee shall be \$15.00 and upon the third and all subsequent impoundments of the same animal the fee shall be \$25.00, plus board in the amount of \$4.50 per day for each dog, and the price of any shots which the dog may have received while impounded.

### **Section 20.06 Number of Dogs Limited**

It shall be unlawful for any person or persons to keep or harbor within the Town more than three dogs over six months old on April 1 or about any premises, house, barn or other building, or in or about all buildings on any premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a nuisance.

The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.

This limitation shall not apply to any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital.

### **Section 20.07 Barking or Howling Dogs**

No person shall own, keep or harbor any dog which by loud, frequent, or habitual barking, howling, or yelping shall disturb the peace of any person or persons.

### **Section 20.08 Dangerous Dogs**

A dangerous dog is hereby defined to be a dog which shall cause reasonable fear of bodily injury to any person by attacking or threatening to attack such person. Any such dog is hereby declared to be a nuisance. The owner of any dangerous dog shall keep the same confined in a secure enclosure or on a chain or leash controlled by the owner or his agent at all times and shall not permit such dog to be at large within the Town.



### **Section 20.09 Disposition of Dogs which have Bitten Persons**

It shall be unlawful for the owner or persons keeping, or harboring any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the Town, except under the care of a licensed Veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 14 days, or to deliver such dog to the Police Department. The Health Officer shall be notified immediately by the person in charge of the death of any dog while under confinement.

A licensed Veterinarian shall investigate all dog bites referred to him by the Police Department or Health Officer.

Any dog which shall have been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation as provided in this section.

It shall be unlawful for the owner or person keeping or harboring any dog when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin to destroy such animal without permission from the Police Department.

### **Section 20.10 Rabies**

Upon positive diagnoses of rabies in any dog within the Town, the Chairman of the Council shall proclaim and invoke a town-wide quarantine for a period of thirty days, and upon the invoking of such quarantine, no animal shall be taken into the streets or be permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein described, every animal bitten by an animal and adjudged to be rabid shall be forthwith destroyed or, at the owner's expense and option, be treated for rabies infection by a licensed veterinarian, or held for thirty (30) days under quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chairman of the Council for an additional six (6) months.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Health Officer.

The Health Officer shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Health Officer.

### **Section 20.11 When Dogs May Be Killed**

If any dangerous, fierce or vicious dog cannot be safely taken up and impounded, such dog may be slain by any policeman or duly authorized animal control officer. In all cases where any dog, which has bitten a person or caused an abrasion of the skin of any person, is slain by a policeman whether by order of the court or otherwise and a period of less than fifteen (15) days has elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the policeman slaying such dog to forthwith deliver the carcass and brain to the Chief of Police who shall forward the brain intact to the Health Officer.

### **Section 20.12 Enforcement**

#### **20.12.01 Penalty**

Whoever keeps a dog contrary to the provisions of this ordinance shall be punished by a fine of not less than \$25.00 nor more than \$100.00 to be recovered by complaint before any District Court in the County where such owner or keeper resides.

#### **20.12.02 Waiving Court Hearing for Violation**

Any person accused of keeping a dog in violation of this ordinance or any part thereof may voluntarily waive his/her right to appear and defend before District Court the charge made against him/her for violation of this ordinance by paying to the Town of Veazie the sum of five dollars (\$5.00) within thirty (30) days of the time such alleged offense was committed.

# PERSONNEL ORDINANCE

Chapter 21

## **PURPOSE OF ORDINANCE**

The Town of Veazie's Personnel Ordinance is hereby set forth to establish the current policies and procedures applicable to the Town's employees. The Personnel Ordinance does not constitute an employment contract between the Town and any employee.

These principles and procedures are intended to give reasonable assurance to the Town of Veazie and its employees that personnel matters will be dealt with equitably, and that the citizens of the Town of Veazie may derive the benefits and advantages which can be expected to result from a competent staff of Town employees.

These rules apply to all employees unless otherwise noted. Volunteers shall be subject to only those provisions that are specifically stated to include them, if any.

## **CHAPTER I - Employment Philosophy**

1. Employment with the Town shall be based on merit and shall be free of personal political consideration.
2. It is the policy of the Town to establish just and equitable incentives and conditions of employment with the goal of promoting efficiency and economy in the operation of the Town.
3. Positions having similar duties and responsibilities shall be classified and compensated for a uniform scale.
4. Efforts shall be made to maintain morale by fair administration of this Ordinance and by consideration of the rights and interests of the employees, consistent with the best interests of the citizens and the Town.
5. Continuity of employment shall be subject to satisfactory performance of work, availability of funds, and employee conduct.
6. The Town retains the right to determine working hours, salaries, size of its employment force, and the adoption of ordinances related to personnel matters. In the case of any unionized department, the Town retains these rights through the negotiation of a contract with the union.

## **CHAPTER II - Selection**

### **Section 1. Recruitment**

The Town of Veazie shall employ the best-qualified persons who are available at the salary levels established for Town employment. The applicable hiring authority, with the cooperation of Department Heads, shall seek out the most desirable employees for vacant positions. Except as provided in Section 2 Preference below, within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable.

The character of an employment search shall vary from position to position, to include, but not limited to; advertising, departmental notices, open competitive examination, and contact with State and other employment offices.

### **Section 2. Preference**

First preference in filling any vacancy shall be given to the promotion or transfer of present employees having the qualifications for the vacant position. It is recognized, however, that in order to meet specific requirements for a position, it may be necessary to hire a non-employee to fill the vacancy. Such a decision, however, shall only be made after a careful review of the qualifications of present Town employees who apply for the position. If hiring a non-employee, in cases where residents of The Town of Veazie and non-residents are equally qualified for particular vacant positions, residents shall receive first consideration. Preference will be given in the following order 1) employee, 2) resident non-employee, 3) non-resident, non-employee.

### **Section 3. Applications**

The Town Manager shall establish an employment application form, in accordance with all applicable Town, State, and Federal laws as well as Town policies. Such forms must be signed by the applicant, and may require whatever information is deemed necessary by the Town Manager for the evaluation of all applicants. The Town of Veazie relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **Section 4. Interviews**

The hiring authority or his/her designee may request a personal interview with one or more applicants for any position to assist in the determination of the best candidate for employment.

### **Section 5. Recommendations**

When the hiring authority has designated another person(s) to evaluate applications and/or conduct interviews, that designee shall submit in writing a list of qualified candidates with a brief evaluation report of each and a recommendation for appointment to the vacant position. In all cases, the hiring authority shall have the final decision.

## **Section 6. Equal Employment Opportunity**

The Town of Veazie provides equal employment opportunities to all applicants and employees. This policy applies to all employment-related decisions, including recruiting, hiring, assigning, supervising, training, upgrading, transfer, compensation, benefits, discipline, discharge, promotion, and education.

The Town of Veazie shall not discriminate in employment opportunities or practices against any individual based on race, color, ancestry, national origin, religion, political affiliation, sex, marital status, age, sexual orientation, physical or mental disability, or any other status protected by law.

The Americans with Disabilities Act (“ADA”) and Maine Human Rights Act (“MHRA”) prohibit discrimination in employment on the basis of a physical or mental disability.

As an employer, the Town of Veazie uses non-discriminatory application procedures, qualification standards and selection criteria and all other terms and conditions of employment. The Town of Veazie shall make reasonable accommodations for applicants and qualified individuals with known disabilities unless doing so would result in an undue hardship. The ADA and MHRA make exceptions regarding employment of a person who poses a direct or significant risk to the person or to others, such as a person with a contagious disease or a person who illegally uses drugs or alcohol.

Disability Defined: Anyone with a physical or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment, is considered a person with a disability. In terms of employment, the law defines a “qualified individual with a disability” as an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements and who can perform the essential functions of the job with or without reasonable accommodations. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate Supervisor, Department Head or the Town Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination, including retaliation for assertion of one’s legal rights, will be subject to disciplinary action, up to and including termination of employment.

## **Section 7. Hiring of Relatives**

It is the policy of the Town to hire and promote on the basis of an individual’s merit, knowledge, skills and abilities. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. For that reason, except as may be authorized in certain circumstances by the Town Manager, such as, circumstances requiring emergency temporary staffing, employment of relatives within the same department or division where one relative would hire, supervise, discipline, conduct performance reviews or set any other conditions of employment for another relative is prohibited. These restrictions are also applicable when assigning, transferring or promoting an employee.

For the purposes of this Ordinance, relative includes the following: any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage such as domestic partners, adopted children, and foster children.



## **Section 7. Hiring of Relatives (Cont.)**

Employees who marry or establish a close personal relationship during employment may continue in their current positions as long as an employment relationship with one relative supervising the other and/or establishing the conditions of employment is not created through marriage, reorganization, or other circumstance. Employees who become subject to the provisions of this Section must inform their Supervisor or Department Head as soon as practical. If such a supervisory relationship does occur between relatives, one of the employees will be required to transfer to another open position for which that person is qualified or one of the employees will be required to resign his or her employment with the Town within a period of no more than 30 days from the date on which the situation arises. If neither employee is willing to resign, the Town has the right to terminate either employee at its discretion. This Section shall not apply to Paid on Call Volunteer Firefighter, Seasonal, and Temporary Employees.

## **CHAPTER III - General Rules**

### **Section 1. Responsibility**

The Town Manager or his/her designee shall have the responsibility for administration of the personnel program consistent with the Personnel Ordinance.

### **Section 2. Hiring Authority**

Oversight of individual employees shall be the responsibility of the hiring authority as provided in the Town of Veazie Charter. The hiring authority is that person(s) specifically authorized by the Town Charter to hire or appoint the employee. For further detail see Veazie Charter Section 00.03.04.01.

### **Section 3. Status**

Personnel status is the category of employment into which an employee falls based upon the method of hire and/or the nature of tenure. These classifications do not guarantee employment for any specified period of time. The following are the categories of personnel status and their definitions:

**Regular Employee:** Has satisfactorily completed the probationary period (only full-time and part-time employees may attain regular status).

**Probationary Employee:** Hired for an initial/promotional/transferral trial period of six (6) months, which may be extended to a maximum of twelve (12) months upon request of the immediate Supervisor and/or the decision of the Town Manager. During the probationary period, the employee may be removed or demoted at any time with or without cause. Such removals or demotions shall not be subject to review or appeal.

**Full-time Employee:** Hired to a position requiring regularly scheduled employment of at least thirty-five (35) hours per week.

### **Part-time Employee:**

- a. **Regular Part Time Employee:** Hired to a position requiring regularly scheduled employment of less than thirty-five (35) hours per week.
- b. **Intermittent Employee:** Hired to a position, which calls for non-scheduled irregular hours of employment. (Example: reserve police officer)
- c. **On-Call Intermittent:** Hired to a position, which may be scheduled regularly or irregularly, but calls for intermittent work as needed and is compensated only on a per-call basis. (Example: call fire fighter)
- d. **Seasonal Employee:** Hired to a position established for less than full-year periods and which is expected to be of a regularly recurring nature.
- e. **Temporary Employee:** Hired for work not to exceed one hundred and eighty (180) consecutive calendar days or for a particular project with a specified duration of time.
- f. **Interim Employee:** Hired to a position at the administrative level for the period of time necessary to recruit and appoint a person to fill the vacant position or in the temporary absence of the employee regularly holding the position if the absence is of thirty (30) consecutive calendar days duration or longer.

Any employee who receives a promotion or a transfer shall be required to serve another probationary period.

### **Section 4. Classification**

To aid in the determination of applicability of the State and Federal wage and hour laws, each position and/or title within the Town government shall be categorized as either exempt or non-exempt. Such classification governs applicability of overtime provisions to the position. It will be the responsibility of the Town Manager, in conjunction with the preparation of the position descriptions, to determine exempt or non-exempt status.

### **Section 5. Position Descriptions**

Job descriptions for each position in the Town employment shall be developed by the hiring authority and shall be periodically updated.

### **Section 6. Evaluation**

An evaluation for purposes of this Ordinance is the examination and review of job performance for purposes of determining continuation of employment, promotion, demotion, or salary adjustment.

All employees shall be evaluated annually no matter what the status. Employees shall be evaluated at the completion of the initial probationary period and once each year thereafter.

A written evaluation shall be prepared by the immediate Supervisor in a manner prescribed by each Department Head.

## **Section 6. Evaluation (Cont.)**

Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate Supervisor, and shall sign their evaluation as proof of discussion and understanding although they may not necessarily agree with the evaluation. An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator, attached to and become part of the evaluation. A copy of the complete evaluation shall be provided for the employee and placed in his/her personnel file.

## **Section 7. Personnel Files**

Personnel files are maintained by the Town of Veazie. Insofar as permitted and/or required by law, all personnel records shall be confidential.

During regular business hours an employee may inspect his/her personnel file. Requests to inspect a personnel file shall be made to the Town Manager, or his/her designee. No personnel file shall be removed from the Town Office. An employee may receive a copy of any document contained within their personnel file upon request.

## **Section 8. New Hire Training Requirements**

All newly hired employees shall meet with their direct Supervisor to schedule mandatory training as soon as practicable.

# **CHAPTER IV - Compensation**

## **Section 1. Salaries & Wages - General**

It is the objective of the Town of Veazie to pay employees commensurate with salaries and wages for municipalities of the same approximate size, and for comparable private work in the area, and at rates that will attract and retain well-qualified and responsible employees. Classification of a position and specific duties and responsibilities of a position as set forth in job descriptions shall be the primary considerations in determining the rate of compensation. A wage and salary schedule for all positions including Department Heads shall be maintained by the Town Manager and issued to each Department Head. The Wage and Salary Schedule referred to in this Ordinance is attached hereto for the convenience of the reader, shall not be considered to be part of this Ordinance and, from time to time, will be amended and/or updated.

New employees shall be hired at the minimum rate for the position as specified in the Wage and Salary Schedule, except that in circumstances where qualifications and training indicate, a higher starting rate may be authorized.

## **Section 1. Salaries & Wages - General (Cont.)**

In the case of two or more positions and/or titles being held by one employee, the rate of compensation shall be determined by the job requirements of the combination of positions and not by the number of positions. In the event of reorganization or reassignment of duties causing the combination of positions to change, the rate of compensation shall be adjusted if necessary or appropriate. In the event of transfers, the current rate as specified in the Wage and Salary Schedule for the new position shall apply unless a higher starting rate is indicated and authorized.

## **Section 2. Overtime**

A non-exempt employee shall be paid an hourly wage rate, and shall be paid at one and one-half (1½) times their regular hourly rate for all hours worked over forty (40) hours within the regular workweek. Paid holidays, paid leave, and bereavement leave shall not be considered as time worked for the purpose of computing overtime or compensatory time. Law enforcement officers and fire fighters have different workweeks and have provisions for computing overtime eligibility under the Fair Labor Standards Act. Overtime must be authorized in advance by the employee's Supervisor. Employees whose positions are classified as exempt are not eligible to receive overtime pay.

## **Section 3. Compensatory Time**

In lieu of overtime pay, a non-exempt regular full time employee may be compensated with one (1) hour of compensatory time for each hour worked in excess of their regularly scheduled workweek up to forty (40) hours and one and one-half hour (1½) for work in excess of forty hours per week. Award of compensatory time shall require prior approval from the Town Manager or designee. Such compensatory time shall be recorded and may be taken at the time of the employee's choice, provided it does not interfere with the operational needs of the department or office and has been approved by the Town Manager or designee.

No employee shall accumulate more than one (1) week's normally scheduled hours of compensatory time. Beyond that, any overtime shall be compensated at time and ½ rates pursuant to the Overtime Policy. Upon separation of employment, the employee shall be compensated for any earned and unused compensatory time.

## **Section 4. Expense Reimbursement**

- 1. Mileage/Tolls/Parking** – Town owned or rental vehicles provided by the Town shall be made available to employees needing to travel on Town business. Employees provided the use of a Town owned vehicle or a vehicle rented to the Town will not receive mileage allowances. In the event a rental vehicle is available to an employee but the employee chooses instead to utilize his/her personal vehicle, mileage reimbursement will be permitted only up to an amount equal to the cost to the Town of the rental vehicle. In the event no rental vehicle is available, and an employee uses his or her personal vehicle, the employee will be reimbursed for mileage based on the actual mileage necessary. The reimbursement will be the rate set by IRS regulations, and shall be reviewed annually during the budget process. Use of an employee's personal vehicle must be previously authorized by the direct Supervisor or designee. Tolls and parking fees shall be reimbursed with submission of a receipt.

## **Section 4. Expense Reimbursement (Cont.)**

**2. Meals/Lodging** – Employees shall be entitled to reimbursement of a reasonable amount for and expenses for lodging provided those expenses are necessitated directly by the performance of duties as a Town employee. Reimbursement applies only to Town employees. Reimbursement will be calculated using General Services Administration (GSA) Per Diem Rates located at [www.gsa.gov](http://www.gsa.gov). No expenses for alcoholic beverages will be reimbursed. All reimbursement requests must receive approval from the employee's Supervisor.

**3. Telephone** – Employees shall be entitled to reimbursement for telephone toll charges incurred in the conduct of Town business, so long as the employee could not reasonably have made such toll calls during the regular work day and on regular business telephones. Such reimbursements shall be only as authorized by the employee's Supervisor.

**4. Training** - The Town Council believes that both the Town and its employees benefit from training and educational opportunities.

Employees required or approved to attend seminars or training courses may be eligible for expenses incurred for same. Should such training occur during normal working hours, the employee may also be eligible for regular salary or wages for the duration of the training. Eligibility for such training expenses shall be determined by the individual's Department Head.

Following completion of any seminar or training course, the employee must submit proof of expenses accompanied by approval of the Department Head in order to be reimbursed.

An employee may receive an "advance" of expenses provided departmental approval is received and application for same is made to the Town Manager or his/her designee. Any unused portion of the advance and all coinciding receipts must be turned into the Town Office within one week after the training session or seminar.

## **CHAPTER V - Changes in Status**

### **Section 1. Seniority**

Seniority, for purposes of this Ordinance, shall be determined based on length of continuous service in a particular status within a particular department and may be the governing factor in all matters of shift assignments, layoffs, recall, vacation preference or overtime work provided all other qualifications are equal. Probationary employees shall not be afforded any seniority. Once the probationary period is completed, seniority shall be retroactive to the date of initial hire. The seniority rules apply to regular full-time employees only. A break in service shall only be caused by resignation, dismissal, retirement or failure to report for work within five (5) workdays of being recalled from layoff. Transfer or promotion to another department will not constitute a loss of seniority. Demotion, for any reason, shall not constitute a loss of seniority.

Seniority lists shall be established and maintained for each department by the Department Head or their designee.

## **Section 2. Promotion Policy**

The Town encourages employees to develop skills, attain greater knowledge of their work, and make known their qualifications for promotion to more responsible positions. No Department Head shall prevent an employee from applying for a promotional opportunity in any Town department, but no such promotion is guaranteed. When the hiring authority determines that an insufficient number of well qualified employees are available from within the Town's ranks, he/she may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration.

## **Section 3. Standards for Promotion**

The hiring authority shall apply the following standards with respect to promotions and the filling of job vacancies within the Town's service: The job-related skills, knowledge, ability, experience, education and past performance which will contribute to the satisfactory performance of duties of the position.

## **Section 4. Demotion**

An employee may be demoted to a lower position for which he/she is qualified for any of the following reasons:

- A. When an employee would otherwise be laid off because his/her position is being abolished, lack of work, a cut-back in Town personnel due to the Town's financial condition or because of the return to work from authorized leave of another employee to such position in accordance with these rules (leave of absence).
- B. When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds. A demotion under this provision shall be rendered pursuant to the procedures contained in Chapter VIII.
- C. When an employee does not render satisfactory service after being advised of his/her shortcomings and given ample opportunity to improve his/her performance. A demotion under this provision shall be rendered pursuant to the procedures contained in Chapter VIII.
- D. When an employee voluntarily requests such demotion.

## **Section 5. Resignation**

An employee may resign from the Town in good standing by submitting in writing the reasons thereof and the effective date to the hiring authority at least fourteen (14) calendar days in advance. The hiring authority may permit a shorter period of notice if extenuating circumstances exist. The resignation may be accompanied by a statement by the Department Head as to the resigned employee's service performance and pertinent information concerning the cause of resignation. Failure to comply with this rule may be cause for denying future employment with the Town. Although not the preferred method, a verbal resignation may be provided by a Town employee and will be considered effective immediately unless a mutually agreed upon date is determined between the employee and the Supervisor. Any verbal resignation received by a Supervisor or Department Head must be relayed to the Town Manager immediately.

## **Section 6. Layoffs**

Any employee may be laid off by the Town whenever necessary due to a shortage of funds, lack of work, or related reasons, which do not reflect discredit upon the employee. Work record and seniority in each particular case shall be the basis for determining layoffs. If rehired within two years of the date of layoff, the employee will retain all accrued benefits.

## **Section 7. Unapproved Absences**

An employee absent from work for five (5) consecutively scheduled work days without approval shall be deemed to have resigned after written notice, by the hiring authority, to the employee (or to the employee's last known address).

## **Section 8. Severance Pay**

The Town will pay severance pay equal to two (2) weeks of regular compensation, in addition to accumulated paid leave to employees leaving service for the following reasons;

- A. Retirement from service provided employee is immediately eligible for benefits under the Maine State Retirement System or other Town's adopted qualified Retirement Plan,
- B. Layoff,
- C. Death of the employee (payment will be made to the employee's estate).

If an employee retires from service, and then decides to return to active employment, as far as the Town is concerned that employee will start again as a NEW hire, with the wage and benefits of a new hire, and no seniority. The time previously employed may count towards FMLA eligibility or as otherwise required by law. The employee retiring must also follow any rules that the retirement plan they contribute to requires. For example, re-hire date, benefit eligibility etc.

## **CHAPTER VI - Disciplinary Action and Grievance Procedure**

### **Section 1. Disciplinary Action**

Disciplinary action will be handled in accordance with the procedures set forth herein. Nothing in this Chapter shall limit the Town of Veazie's right to suspend or discharge a probationary employee during the employee's probationary period with or without cause.

#### **A. Levels of Discipline**

The Town of Veazie subscribes to the concept of "progressive discipline." Under normal circumstances, instances of minor misconduct or poor performance will result in oral or written reprimands. Subsequent misconduct or poor performance by the same employee may result in increasing levels of disciplinary severity, including suspension and ultimately discharge. Notwithstanding the policy of progressive discipline, the Town Manager or his/her designee may take disciplinary action at whatever level he/she deems appropriate to the circumstance, including, for example, termination for a significant single instance of misconduct. Possible disciplinary actions include the following:

### **Levels of Discipline (Cont.)**

1. Oral Reprimand
2. Written Reprimand
3. Suspension without Pay
4. Dismissal

Informal counseling shall not be considered discipline and is not subject to this Section.

### **B. Procedure**

Whenever a Department Head has cause to believe that disciplinary action may be appropriate, the Department Head shall give reasonable notification to the employee concerning the time and place of a disciplinary hearing. If appropriate, an employee may be placed on paid administrative leave pending the disciplinary hearing.

The purpose of the disciplinary hearing is to inform the employee of the facts that are believed to warrant possible disciplinary action and to give the employee the opportunity to respond.

If the Department Head determines that discipline is warranted, the Department Head shall determine the appropriate level of discipline. A Department Head may issue an oral reprimand, written reprimand, or suspension of up to five (5) days, or may recommend dismissal to the Town Manager, or his or her designee.

1. If an oral reprimand is warranted, the Department Head shall document the oral reprimand with a "counseling memo" placed in the employee's personnel file.
2. If a written reprimand is warranted, the Department Head shall prepare the written reprimand, review it with the employee, have the employee sign it (to acknowledge that the employee has received and reviewed the reprimand, even if the employee disagrees with the reprimand), and place it in the employee's personnel file.
3. If suspension without pay is warranted, the Department Head shall prepare a memorandum to be placed in the employee's personnel file and shall designate on which days the suspension will be served. The Department Head may allow the suspension to be served as a block or as individual days over the course of a number of weeks.
4. If a Department Head recommends termination, the Town Manager, or his/her designee, shall review the matter and determine whether termination is appropriate, and either terminate the employee's employment or institute some lesser form of discipline, as the Town Manager deems appropriate.

An employee who receives disciplinary action may grieve the action within five (5) work days as provided in Section 2, Grievance Procedure below, except that a grievance of disciplinary action shall begin at Step 2 for non-termination discipline or Step 3 for cases of termination. The disciplinary action shall be stayed pending outcome of the grievance.



## **C. Causes for Discipline**

Causes for disciplinary action include, but are not limited to:

1. Misconduct, indolence, or insubordination, such as failure to obey a department rule or lawful and reasonable direction from a Supervisor;
2. Inefficiency, incompetence, or unsatisfactory work performance;
3. Excessive absenteeism, tardiness, or early departure from work;
4. Misuse of sick time;
5. Malfeasance or conviction of any criminal offense;
6. Violation of Personnel Rules or Conduct of Employees as outlined in employee handbook;
7. Violation of the Code of Ethics;
8. Finding by a Court of a violation of any other Town ordinance;
9. Engaging in off-duty employment or other activity that is incompatible with the employee's duties, functions, and responsibilities as a Town employee;
10. Engaging in physical violence or threatening violence;
11. Failure to maintain a polite and cooperative attitude; and
12. Any other action that reflects poorly on or negatively impacts the Town of Veazie.

## **Section 2. Grievance Procedure**

Any employee shall have the right to present a grievance in any matter, which directly affects his/her condition of employment according to the following procedures:

Step 1: The grievance shall first be discussed with the employee's Department Head. The Department Head shall then take such steps as are advisable, including consultation with the employee's immediate Supervisor in an effort to resolve the grievance informally.

Step 2: If the grievance is not resolved within five (5) workdays of initial discussion in Step 1, the grievance may then be submitted in writing to the Town Manager who shall provide the employee with a decision in writing within five (5) workdays of submission.

Step 3: If the grievance is not resolved within five (5) workdays after the receipt of the written decision from the Town Manager at Step 2, the grievance, if it involves a matter of policy or termination of employment, may then be submitted in writing to the Town Council. The Town Council, or a subcommittee of the Council established to hear the grievance, shall call and conduct a hearing of all parties involved within thirty (30) days after submission. The Town Council, or subcommittee, shall provide the employee with a written decision within ten (10) workdays of the hearing.

## **CHAPTER VII - Additional Provisions**

### **Section 1. Interpretation of Language**

The masculine pronoun, wherever used, is interpreted to include the feminine pronoun as well.

### **Section 2. Review and Amendments**

This Personnel Ordinance shall be reviewed periodically by the Town Manager and proposed changes to the Ordinance shall be submitted to the Town Council. An amendment to this Ordinance may be adopted by a majority vote of the Town Council.

### **Section 3. Severability**

If any article, section or provision of this Ordinance should be found to be invalid or unenforceable by decision of the courts, only that article, section or provision specified in such decision shall be of no force and effect and such decision shall not invalidate any other article, section or provision.

### **Section 4. Applicability and Inconsistency**

Except where enumerated in this section, this Ordinance shall apply to all Town employees, including those covered by collective bargaining agreements.

1. Where the specific language in a collective bargaining agreement conflicts with the language in a section of this Ordinance, the collective bargaining agreement language shall prevail.
2. Where the Town Council has voted to adopt a different policy for individual cases, the Town Council vote shall prevail.

Provisions of this Ordinance shall be applicable to employees of collective bargaining units to the extent that they are not inconsistent with the language contained within those agreements. In the event that sections of the Personnel Ordinance conflict with provisions of collective bargaining agreements, the Town shall negotiate the impact of the Personnel Ordinance language or allow the collective bargaining agreement language to prevail. Any provisions of this Ordinance that are found to be inconsistent with other general policies or contractual agreements approved by the Town Council shall be automatically amended to be consistent.



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[Home](#) > Section 22 - Municipal Fire Department

## Section 22 - Municipal Fire Department

Section 22.01 - Municipal Fire Chief  
Section 22.02 - Municipal Fire Equipment  
Section 22.03 - Assistant Fire Chief  
Section 22.04 - Outside Calls (Mutual Aid)

[Return to Town Ordinance Index](#)

*These documents are presented for informational purposes only.  
For legal use refer to the Veazie Code Archive located in the Town Office.*

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### Section 22.01 Municipal Fire Chief

The head of the Veazie Municipal Fire Department shall be the Municipal Fire chief who shall be appointed by the Town Manager subject to confirmation by the Town Council.

The powers and duties of the Veazie Municipal Fire Chief shall be as provided in 30-A M.R.S.A. § 3153 as amended, except as provided in Exhibit I, attached to the Veazie Personnel Ordinance.

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### Section 22.02 Municipal Fire Equipment

Each Municipal Fire Chief shall be responsible for all fire equipment owned by the Town of Veazie. The Municipal Fire Chief shall maintain and sign an inventory of municipal equipment and be responsible for the maintenance and care of said equipment and inventory.

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### Section 22.03 Assistant Fire Chief

The second ranking officer in the Veazie Municipal Fire Department shall be the Assistant Fire Chief who shall be appointed by the Town Manager. The Assistant Fire Chief shall act as Chief in the absence of the Municipal Fire Chief.

The duties and responsibilities of the Assistant Fire Chief shall be as provided in Exhibit J attached to the Veazie Personnel Ordinance.

**Section 22.04 Outside Calls (Mutual Aid)**

The Town Manager, upon recommendation of the Fire Chief, after review by the Town attorney, and approved by the Town Council, shall be empowered to enter into a written Mutual Aid Agreement with neighboring communities which provides reciprocal emergency firefighting assistance.

**Source URL:** <https://www.veazie.net/town-clerk/pages/section-22-municipal-fire-department>

**TOWN OF VEAZIE CODE - CHAPTER 23 - BOND ISSUES**

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SECTION 23.00.01 NEW VEAZIE SCHOOL BOND.....	1
SECTION 23.00.02 BANGOR HYDRO ABATEMENT BOND .....	4

**ORDINANCE AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION  
BONDS IN THE PRINCIPAL AMOUNT NOT EXCEEDING \$5,383,000 FOR  
CONSTRUCTION OF THE NEW VEAZIE ELEMENTARY SCHOOL (K-8)**

**TOWN OF VEAZIE**

**TOWN COUNCIL**

**ORDINANCE NUMBER: 23.00.01**

**DATE: JANUARY 21, 1997**

**THE TOWN OF VEAZIE HEREBY ORDAINS:**

1. That under authority granted by Section 5772 of Title 30-A, Maine Revised Statutes, as amended, and the Charter of the Town of Veazie, and action taken by the voters of the Town at a referendum held on September 17, 1996 and any other applicable authority under Maine law, the Town of Veazie is authorized to issue its General Obligation Bond to the Maine Municipal Bond Bank to provide long-term financing to construct and equip a new elementary school (K-8), including purchase of the Gervais parcel of land (the "Project"), in the principle amount not to exceed \$5,383,000 at an interest rate to be determined by the Maine Municipal Bond Bank for a term not to exceed 20 years (the "Bond"), said Bond to be executed and delivered to the Maine Municipal Bond Bank on behalf of the Town by the Treasurer and countersigned by a majority at least of the Councilors of the Town, and to be on such further terms and conditions as may be determined by the Maine Municipal Bond Bank and agreed to by the Treasurer and a majority at least of the Town Councilors.
2. That under authority granted by Section 5772 of Title 30-A, Maine Revised Statutes, as amended, and the Charter of the Town of Veazie, and action taken by the voters of the Town at a referendum held on September 17, 1996 and any other applicable authority under Maine law, the Treasurer and a majority at least of the Town Council of the Town of Veazie, Maine, are hereby authorized to issue the 1997 General Obligation Bond Anticipation Note or Notes of the Town in a principal amount not exceeding Five Million Three Hundred Eighty-three Thousand Dollars (\$5,383,000), the proceeds of the loan to be used for temporary financing to construct and equip a new elementary school (K-8), including the purchase of the Gervais parcel of land (the "Project"), said Note to be executed and delivered on behalf of the Town by the Treasurer and countersigned by a majority at least of the Councilors of the Town, at such interest rate per annum as may be agreed to by them, and for a term of one year with renewals thereof not to exceed three years, and to be on such further terms and conditions and issued to a bank as may be selected and agreed to by the Treasurer and Chairman of the Town Council (the "Note").
3. That the Chairman of the Town Council or the Treasurer of the Town be, and each of them hereby is, authorized to execute and deliver on behalf of the Town a Loan Agreement between the Town of Veazie and the Maine Municipal Bond Bank in such form and with such terms as the Maine Municipal Bond Bank shall require for the Bond.

4. That all actions heretofore taken by the municipal officers of the Town of Veazie relating to the issuance of the Bond and Note be and they hereby are ratified, approved, and confirmed.
5. That pursuant to the requirements of the Tax Reform Act of 1996, and Section 265 of the Internal Revenue Code of 1986, as amended, the Town hereby designates the Bond and the Note to be "qualified tax exempt obligations" of the Town, and that the Town shall not issue in 1997 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000.
6. That, subject to appropriation, the Town shall take any and all actions required under the Tax Reform Act of 1986 and the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond and Note as "qualified tax exempt obligations" of the Town, and that the Bond and Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Town Council and the Treasurer of the Town to carry into effect the full intent of the foregoing orders.
7. That the municipal officers and officials of the Town are hereby authorized to execute all documents and certificates, and to take any and all actions, including affixing the seal of the Town, as may be necessary or convenient to carry out the forgoing orders or any one of them.
8. That the Town of Veazie intends to finance, on an interim basis, certain expenditures for the Project from the General Fund, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the Town of Veazie in the maximum principle amount of \$5,383,000 through the issuance of the Bond and the Note. This resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.
9. That the Secretary to the Council shall distribute a copy of this Ordinance to each Councilman and to the Town Manager and shall file a reasonable amount of copies in the Office of the Town Clerk and in such other public places that the Council may designate, including the Municipal Building, and shall publish a brief summary of the Ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Town Council. The public hearing shall take place at 7:00 p.m. on January 21, 1997, followed immediately by consideration of the Ordinance by the Town Council. A brief summary of the Ordinance shall be published in the Bangor Daily News on or about January 13, 1997, together with notice that copies of the Ordinance have been filed with the Town Clerk in the Town Hall and are available for inspection during normal business hours. As soon as practicable after adoption of the Ordinance, the Ordinance Summary shall be published again together with notice of adoption by the Council.

01459\goh\veazie\order

I ATTEST THAT THIS IS A TRUE COPY OF THE ORDINANCE  
AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION  
BONDS IN THE PRINCIPAL AMOUNT NOT EXCEEDING \$5,383,000  
FOR CONSTRUCTION OF THE NEW VEAZIE ELEMENTARY SCHOOL (K-8),  
ORDINANCE NO. - 23.00.01 DATED - JANUARY 21, 1997.

  
WILLIAM B. REED - TOWN CLERK





**ORDINANCE AUTHORIZING BORROWING OF FUNDS THROUGH THE SALE OF  
GENERAL OBLIGATION BOND IN THE PRINCIPLE AMOUNT NOT EXCEEDING  
\$120,000 FOR THE PURPOSE OF FINANCING BANGOR HYDRO PAYMENT**

**TOWN OF VEAZIE**

**TOWN COUNCIL**

**ORDINANCE NO. 23.00.02**

**DATE: February 24, 1997**

**THE TOWN OF VEAZIE HEREBY ORDAINS:**

1. That under authority granted by Section 5772 of Title 30-A, Maine Revised Statutes, as amended, and the Charter of the Town of Veazie, and any other applicable authority under Maine law, and subject to approval by the voters of the Town at a Special Town Meeting to be held on February 24, 1997 the Town of Veazie is authorized to issue its General Obligation Bond or Note to a lending institution to be selected by a majority of the Councilors to provide financing of the payment to Bangor Hydro Electric Company for tax abatement (the "Project"), in the principle amount not to exceed \$120,000 including issuance costs to be for a term not to exceed 3 years (the "Bond"), said Bond to be executed and delivered to the lender on behalf of the Town by the Treasurer and countersigned by a majority at least of the Councilors of the Town, and may be callable and at an interest rate and subject to such further terms and conditions as may be determined by the lender and agreed to by the Treasurer and a majority at least of the Town Councilors.
2. That all actions heretofore taken by the municipal officers of the Town of Veazie relating to the issuance of the Bond be and they hereby are ratified, approved, and confirmed.
3. That pursuant to the requirements of the Tax Reform Act of 1996, and Section 265 of the Internal Revenue Code of 1986, as amended, the Town hereby designates the Bond to be a "qualified tax exempt obligation" of the Town, and that the Town shall not issue in 1997 an aggregate total amount of qualified tax exempt obligations in excess of 10,000,000.
4. That, subject to appropriation, the Town shall take any and all actions required under the Tax Reform Act of 1986 and the Internal Revenue Code 1986, as amended, to maintain the tax exempt status of the interest on the Bond, and to maintain the status of the Bond as a "qualified tax exempt obligation" of the Town, and that the Bond may be subject to such further terms and conditions as may be agreed to by a majority at least of the Town Council and the Treasurer of the Town to carry into effect the full intent of the foregoing orders.
5. That the municipal officers and officials of the Town are hereby authorized to execute all documents and certificates, and to take any and all actions, including affixing the seal of the Town, as may be necessary or convenient to carry out the foregoing orders or any one of them.
6. That the Town of Veazie intends to finance, on an interim basis, certain expenditures for the Project from the General Fund, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the Town of Veazie in the maximum principle amount of \$120,000 through the issuance of the Bond and the Note. This resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.
7. That the Secretary to the Council shall distribute a copy of this Ordinance to each Councilor and to the Town Manager and shall file a reasonable amount of copies in the Office of the Town Clerk and in such other public places that the Council may designate, including the Municipal Building, and shall publish a brief summary of the Ordinance together with a notice setting out the time and place for a public hearing

thereon and for its consideration by the Town Council. The public hearing shall take place at 7:00 p.m. on February 24, 1997, followed immediately by consideration of the Ordinance by the Town Council. A brief summary of the Ordinance shall be published in the Bangor Daily News on or about February 8, 1997, together with notice that copies of the Ordinance have been filed with the Town Clerk in the Town Hall and are available for inspection during normal business hours. As soon as practicable after adoption of the Ordinance, the Ordinance Summary shall be published again together with notice of adoption by the Council.

8. That this ordinance shall go into effect only upon approval by the voters of the Town of Veazie, and that a special town meeting be held to decide this question on Monday, February 24, 1997 pursuant to the Town charter and the laws of Maine. The question shall be substantially as follows:

Article Title: Ordinance authorizing borrowing of funds for the payment to Bangor Hydro Electric Company for tax abatement through issuance of general obligation bonds or notes of the Town which may be callable in the principle amount not to exceed \$120,000.

Shall the above-described ordinance be adopted and the municipal officers have the authority to issue general obligation bonds of the Town as described above?

Yes

No

I ATTEST THAT THIS IS A TRUE COPY OF THE ORDINANCE AUTHORIZING BORROWING OF FUNDS THROUGH THE SALE OF GENERAL OBLIGATION BOND IN THE PRINCIPLE AMOUNT NOT EXCEEDING \$120,000 FOR THE PURPOSE OF FINANCING BANGOR HYDRO PAYMENT, ORDINANCE NO. - 23.00.02 DATED - FEBRUARY 24, 1997.

  
WILLIAM B. REED, TOWN CLERK

ORIGINAL

**LEGAL NOTICE  
TOWN OF VEAZIE  
NOTICE OF PUBLIC HEARING AND SUMMARY OF ORDINANCE  
AUTHORIZING SALE OF GENERAL OBLIGATION BONDS'**

Notice is hereby given that a public hearing will be held at 7:00 PM in the Town Council Room, Municipal Building, Veazie, Maine, on February 24, 1997, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of a general obligation bond to be issued by the Town of Veazie in a principle amount not to exceed \$120,000 (the "Bond"), the proceeds to be used for the purpose of financing payment to Bangor Hydro Electric Company for tax abatement (the "Project"), which Project and Bond issue are to be decided by the Town at a Special Town Meeting to be held February 24, 1997. The Town Council will consider adoption of the Ordinance immediately following the close of the public hearing, which ordinance authorizes financing and the issuance of the Bond in the principle amount of \$120,000 to accomplish the Project. Immediately following the Town Council meeting, the Special Town Meeting will be held to consider authorization of the Ordinance and approval of the Bond issue of \$120,000. Copies of the ordinance are available during normal business hours at the office of the Town Clerk and are posted at the Municipal Building. All interested members of the public are invited to attend and written comments may be submitted to the Town Clerk.



William B. Reed  
Town Clerk

Peoples Heritage Bank  
One Portland Square  
P.O. Box 9540  
Portland, ME 04112-9540

J-462-3666  
Tel: 207-761-8500



March 23, 1999

Mr. William Reed, Treasurer  
Town of Veazie  
Town Office  
1084 Main Street  
Veazie, ME 04401-7091

Dear Mr. Reed:

Enclosed you will find one original General Obligation Bond, marked PAID. This document is being returned as your evidence that the loan is paid in full. We would suggest that you hold this document for your auditor's review.

If you have any questions or concerns please contact us. Thank you, and we look forward to continuing to meet your borrowing needs.

Sincerely,

A handwritten signature in cursive script that reads "Kim Cressey".

Kim Cressey  
Administrative Assistant  
Public Finance Division

(kc)winword\misc\paidln.doc

# 56485

\$120,000

April 9, 1997

*Paul*

UNITED STATES OF AMERICA

PAID

TOWN OF VEAZIE, MAINE

1997 GENERAL OBLIGATION BOND

For value received, the Town of Veazie, Maine, promises to pay to the order of Peoples Heritage Bank the principal sum of

ONE HUNDRED TWENTY THOUSAND DOLLARS  
(\$120,000)

in equal principal payments of \$60,000 each on October 1, 1997 and October 1, 1998 with interest payable per annum on the outstanding balance on those dates at the rate of 4.13%, calculated based on a 30\360-day year, both principal and interest being payable to Peoples Heritage Bank in Portland, Maine. Principal and interest hereon may be prepaid in whole or in part without penalty or premium.

This Bond is a general obligation of the Town of Veazie, and is issued under authority of Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town, and pursuant to action taken by the Voters of the Town at a Special Town Meeting held on February 24 and by the Town Council at a meeting held on February 24, 1997.

This Bond has been and is hereby designated a "qualified tax exempt obligation" of the Town of Veazie in accordance with Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified that every requirement of law relating to the issue hereof has been duly complied with, and that this Bond is a valid general obligation of the Town. All acts, formalities and conditions essential to the validity of this Bond have been performed and complied with and this Bond is within every debt and other limit and regulatory authorization prescribed by law or votes of the Town or its municipal officers but this Bond shall not be obligatory unless the certificate of Peoples Heritage Bank has been signed hereon.

IN WITNESS WHEREOF, the Town of Veazie has caused this Bond to be signed in its name and behalf by its Treasurer and countersigned by a majority at least of its Town Councilors, with the corporate seal of the Town impressed hereon and attested by the Town Clerk, all as of this 9th day of April, 1997.

TOWN OF VEAZIE

By

  
Town Treasurer

Countersigned by:

  
Chairman, Town Council

  
Councilor


  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

(SEAL.)

Seal attested by:

  
Town Clerk

### CERTIFICATE OF PEOPLES HERITAGE BANK

Peoples Heritage Bank hereby certifies that the signature and seal affixed to this Bond are genuine and that Eaton, Peabody, Bradford & Veague, P.A., of Bangor, Maine, has rendered an opinion which approves the validity of the issue by the Town of Veazie of this Bond. The original opinion may be examined at our banking rooms in Portland, Maine.

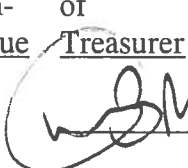
PEOPLES HERITAGE BANK

By

  
Its

## CERTIFICATE OF REGISTRATION OF TRANSFERS

This Bond is registered in the name of the transferee noted hereon on the books of the Town kept by the Treasurer as transfer agent.

Name of Registered Owner or <u>Transferee</u>	Date of Registration <u>of Transfer</u>	Interest <u>Paid</u>	Date to Which Principal <u>Paid</u>	Balance of Prin- cipal due	Signature of <u>Treasurer</u>
Peoples Heritage Bank	April 9, 1997	None Paid	None Paid	All	

01459\gob\vcazie2\bond

1 PHB BANK 001 07/19/98

TOWN OF VEAZIE CST 000119940 NT 00056485 SEQ 000 PART 99  
0 MAIN ST  
EARLIE ME 04401-7091 SSN: 01-6000409 OFF: 568 CLOSED

PHONE H 000-947-2781 SHORT NAME TOWN OF VEAZIE  
NBR 0 207-947-2781-0000

ALANCE INFORMATION

PRIN BAL	0.00	INT RATE	4.13000	NOTE DATE	04/09/97	STATUS	C
ORIG BAL	120,000.00	PRIME 1	00	MATURITY	10/01/98	SEC FLG	1
PRIN ADJ	0.00	PRIME 2	00	LAST RENEW	04/09/97	TIM CLS	2
INT BAL	0.00	PRIME 3	00	LAST MAINT	06/19/98	TAX EXM	1
INT EARN	4,295.19	PRIME USE	0	LAST POST	07/19/98	STOP CD	0
INT ADJ	6.89	PRM ADJ1 0	0.00000	STOP ACCR		ESCROW	N
ESCR DUE	0.00	PRM ADJ2 0	0.00000	INT FROM	07/14/98		
FEES DUE	0.00	NBR RATE CHGS	0	NOTE TYPE	131		
FEES ASSD	0.00	ACCR METHOD	01	COMM CODE	0		
FEES WV	0.00	NBR RENEWALS	0	NBR EXTEN	0		
LATE CHRG	0.00	LAST TRAN	78	NBR MTHS EXT	0		
ADVANCES	0.00						
CUR BAL	0.00						

\*\*\*\*\* P A Y M E N T S C H E D U L E S \*\*\*\*\*  
TP FQ INC STR NXT DUE PYMT AMT/PCT #PMT USED  
3 M 012 01 10/01/98 60,000.00 2 1  
ORIG NOTE 0.00 0 000 00 00/00/00 0.00 0 0  
FIN CHRG 0.00 0 000 00 00/00/00 0.00 0 0  
JNRND CHRG 0.00 0 000 00 00/00/00 0.00 0 0  
0 000 00 00/00/00 0.00 0 0  
000 00 00/00/00 0.00 0 0

ISC AMOUNT FIELDS

Y INT	1,934.22						
BEG BAL	120,000.00	T I M E S	L A T E	PART	NBR		
TOTAL INS	0.00	15	30 60 90 120				
TOTAL REB	0.00	0	0 0 0 0 0				
ORIG CMT	0.00						
AVAIL CMT	0.00						

C A T E G O R I E S F O R R E P O R T S  
COMP FRB FRB COLL PURP BORR QUAL SIC  
CALL 416 416A CODE CODE TYPE CODE CODE  
0000 000 000 800 NA 2 9199

UE INFORMATION

NEXT DUE DATE	10/01/98	AFFILIATED ACCOUNT NUMBER	USE	SYS
NEXT DUE	62,464.23		0	0
PAST DUE DATE				
PAST DUE	0.00			

ROJ 10/01/98 PRIN.....0.00 INT.....0.00 OTH.....0.00

\* \* \* \* \* T R A N S A C T I O N S \* \* \* \* \*

RAN	POST	EFFECTIVE		AMOUNT	BALANCE
10	04/29/97	04/09/97	P	120,000.00	120,000.00
84	04/29/97	04/29/97	I	275.33	120,000.00
72	09/29/97	09/29/97	P	60,000.00	60,000.00
72	09/29/97	09/29/97	I	2,367.86	60,000.00
84	07/17/98	07/17/98	I	27.54-	60,000.00
78	07/17/98	07/13/98	P	60,000.00	
78	07/17/98	07/13/98	I	1,934.22	
84 02	07/19/98	07/19/98	I	6.89-	



1 PHB BANK 001 07/19/98

TOWN OF VEAZIE CST 000119940 NT 00056485 SEQ 000 PART 99

PAGE 2 SSN: 01-6000409 OFF: 568 CLOSED

\*\*\*\*\* COLLATERAL \*\*\*\*\*

OLL: 0000119940-00056485-000-99-001  
EF NO.. UNITS .....0.00 MARG VAL.....0.00 NXT REV 00/00/00



# Town of Veazie 911 Addressing Ordinance

**Chapter 24**

Enacted Veazie Town Council

Attested by:

Date: August 12, 2019

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## **24.01. Title**

This ordinance will henceforth be known as the "911 Addressing Ordinance."

## **24.02. Purpose**

The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of Veazie.

## **24.03. Authority**

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

## **24.04. Administration**

This ordinance shall be administered by the Code Enforcement Officer and or Addressing Agent which is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in 24.05 and 24.06. The designated addressing authority stated above or another designated individual shall be responsible for maintaining the following official records of this ordinance:

24.04.1. A municipal map(s) for official use showing road names and numbers.

24.04.2. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.

24.04.3. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Council shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

## 24.05. Naming System

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

24.05.1. No two roads shall be given the same name (ex. Pine Road and Pine Lane).

24.05.2. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).

24.05.3. Each road shall have the same name throughout its entire length

## 24.06. Numbering System

The following criteria shall govern the numbering system:

24.06.1. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with odd numbers appearing on the left side of the road and even numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.

24.06.2. All number origins shall begin from State Street at the Bangor line or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

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

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 numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

## **24.07. Compliance**

All owners of structures shall, by the date stipulated in 24.09, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

24.07.1. 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.

24.07.2. Number at the Road Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

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

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

## **24.08. New Construction and Subdivisions**

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

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

24.08.2 New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the designated addressing authority stated above or another delegated individual or board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

## **24.09. Effective Date**

This ordinance shall become effective as of August 12, 2019. It shall be the duty of the designated addressing authority stated above or another designated individual to notify by mail each property owner and the U.S. Postal Service of their new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

## **24.10. Enforcement**

Any violation of this ordinance shall be deemed a nuisance under M.R.S.A. Title 30-A § 4452



*The Town of Veazie hereby ordains an ordinance authorizing the Town Manager to execute in behalf of the Town the following agreement to enter into a lease entitled "Option to Enter into a Lease Between the Veazie Village Senior Housing Associates Limited Partnership and the Town of Veazie, Maine"*

### **Option to Enter into Lease**

This Option to Enter into Lease (the "Agreement") is by and between Veazie Village Senior Housing Associates Limited Partnership, a Maine limited partnership (the "Partnership") and the Town of Veazie (the "Town") and is dated as of October 16, 2006.

1. The Partnership intends to construct, own and operate a 24 unit elderly affordable housing project, financed with, among other things, Low Income Housing Tax Credits and Affordable Housing Program Funds from the Federal Home Loan Bank of Boston (the "Project"). The Partnership intends to construct the Project on an approximately 3.1 acre parcel of land located in Veazie, as shown on Exhibit A hereto along with existing rights of way for ingress and egress and utility access (the Site"). The Site is currently owned by the Town.
2. The Town agrees that it will enter into a long term ground lease with the Partnership, pursuant to which the Town leases the Site to the Partnership for a term of 99 years, with an annual lease payment of One Dollar, and subject to the other terms and conditions described in this Agreement (the "Ground Lease"). The Ground Lease shall be on such terms and conditions as will satisfy the requirements of the Low Income Housing Tax Credit Program, 26 U.S.C. § 42, and will transfer substantially all of the benefits and burdens of ownership of the Site to the Partnership, while legal title remains vested in the Town, and the terms of such Ground Lease shall be reasonably satisfactory to the Partnership's financing sources and to the Town's Council and attorney. The Town agrees to execute the Ground Lease and to commence the Partnership's tenancy thereunder within any time frames required by the Partnership to meet the requirements of the parties providing financing for the Project and the requirements of the Low Income Housing Tax Credit program.
3. The Ground Lease shall provide that the Town shall have reserved to it certain rights allowing members of the public to use a portion of the Site for recreational purposes. Such recreational purposes shall be limited to access for walking and hiking, and such activities shall be located on a portion of the Site

that shall not adversely affect the usage of the Project as elderly affordable housing. The Town shall also have reserved to it certain rights allowing members of the public to use the currently existing basketball and tennis courts and allowing the Town's maintenance of said courts. Such recreational usages shall not take place within a reasonable buffer zone surrounding the building to be constructed by the Partnership.

4. The Town shall provide the Partnership with liability insurance coverage relating to (i) the recreational activities which members of the public engage in on the Site and (ii) any work performed by Town employees or independent contractors relating to the construction, maintenance, use and operation of such recreational facilities. Such coverage limits and the terms and conditions of such policies shall be subject to the reasonable requirements of the Partnership.

5. The planning and code enforcement staff of the Town shall provide reasonable cooperation and support for the Project before the Town Planning Board or any other municipal authority with jurisdiction over the Project. The parties acknowledge, however, that nothing herein shall be construed as a guarantee that the Project will necessarily receive any required municipal permits.

6. The Partnership may, in its sole discretion, terminate this Agreement in the event that (i) it is not given an award of low income housing tax credits by the Maine State Housing Authority ("MSHA") pursuant to MSHA's 2007 Qualified Allocation Plan or (ii) the Partnership does not obtain approval of entry into the Ground Lease from MSHA and/or the U.S. Department of Housing and Urban Development following environmental assessment of the Site. Such right to terminate may be exercised by the Partnership delivering written notice of such termination to the Town Manager, and upon such termination, this Agreement shall be null and void, and no party shall have any further obligation hereunder. The Town may, in its sole discretion, terminate this agreement or the Ground Lease if construction of the Project is not commenced by July 30, 2008. Such right to terminate may be exercised by the Town delivering written notice of such termination to Penquis C.A.P., Inc., and upon such termination, this Agreement or the Ground Lease shall be null and void, and no party shall have any further obligation to the other.

7. This Agreement, and the application and interpretation hereof, shall be governed by and construed in accordance with the laws of the State of Maine.

8. This Agreement shall be binding on the parties hereto, their heirs, executors, personal representatives, successors, and assigns.

9. This Agreement may not be amended, modified or waived orally, but only in writing signed by the party to be charged.

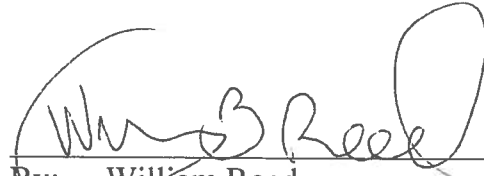
10. If any part of any term or provision of this Agreement shall be held or deemed to be invalid, inoperative or unenforceable to any extent by a court of competent jurisdiction, such circumstance shall in no way affect any other term or provision of this Agreement, the application of such term or provision in any other circumstances, or the validity or enforceability of this Agreement.

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The next page is the signature page.]

NOW THEREFORE, each party warrants to the other that it is duly authorized to enter into and perform its obligations under this Agreement.

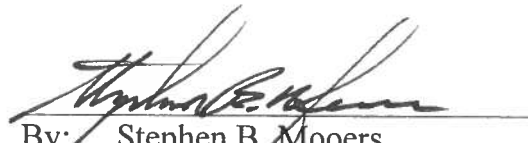
Executed as of the date first set forth above.

TOWN OF VEAZIE

  
By: William Reed  
Its: Town Manager

VEAZIE VILLAGE SENIOR HOUSING  
ASSOCIATES LIMITED PARTNERSHIP

By: Penquis Development, Inc.  
Its: General Partner

  
By: Stephen B. Mooers  
Its: Chief Executive Officer

**STORM WATER  
ORDINANCE  
TOWN OF VEAZIE**

**26.01.00 Title, Purpose and General Provisions**

**26.01.01 Title**

This Ordinance shall be known as the “Storm water” Ordinance of the Town of Veazie, Maine.

**26.01.02 Authority**

The Purpose of the Ordinance to authorize the Town Manager or his designee to enforce this Ordinance under the Clean Water Act (33 U.S.C. et 1251 seq) and the National Pollutants Discharge Elimination System (NPDES)

**26.01.03 Purpose and Intent**

The purpose and intent of this Ordinance is to:

- (a) Ensure the health and safety, and general welfare of citizens, and protect and enhance the water quality of watercourse and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq) by reducing pollutants in storm water discharges to the maximum extent practicable and prohibiting non-storm water discharges to the storm drain system.
- (b) Establish minimum criteria to control and minimize the quantitative and qualitative impacts of storm water runoff from development within the Town of Veazie, Maine.
- (c) Encourage sustainable development. Prudent site planning should include special consideration for preserving natural drainage ways, maximizing infiltration, slowing storm water runoff from individual sites en route to streams and rivers by use of effective runoff management, structural and non-structural best management practices, drainage structures and storm water facilities.

**26.01.04 Applicability**

The provisions of the Ordinance shall apply to all areas within the planning jurisdictional limits of the Town of Veazie, Maine. This Ordinance shall be permanently on file in the Town Office of the Town of Veazie, Maine.

**26.01.05 Exceptions to the Applicability**

The following activities are excluded from under this Ordinance:

State-funded or conducted activities that are subject to the State Site Erosion Control and Storm Water Runoff Plan

Agricultural land uses as defined in this Ordinance, except where the Storm water Administrator determines that runoff from such uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

Small land disturbing activities such as gardens, minor landscaping modifications, and minor repair of sidewalks, paths, or driveways, except where the Storm water Administrator

determines that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

#### **26.01.06 Definitions**

Agricultural storm water runoff means any storm water runoff from orchards, cultivated crops, pastures, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations.

Best Management Practices (BMP) means schedules of activities prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and waters of the United States. BMPs include but are not limited to include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, of non-storm water, sludge or waste disposal, or drainage from raw material storage.

BMP Construction Activities subject to NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavation and, demolition.

Construction Site An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply system, the MS4, Waters of the State, or waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water.

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system MS4 or into waters of the United States.

Discharger means any person who caused, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Drainage Structures Shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed to convey storm water.

Erosion The detachment and movement of soil, sediment particles or rock fragments by water, wind, ice or gravity.

Excavation Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed.

Existing Grade The vertical location of the existing ground surface prior to excavation or filling.

Fill Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location and shall include the resulting condition.

Final Stabilization That all lands disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Grading Altering the elevation of the land surface by stripping, excavating, filling, or stockpiling of soil materials of any combination thereof, and shall include altering the elevation of the land from which the material was taken or upon which it was placed.

Harmful Quantity means the amount of any substance that will cause pollution of waters in the State, waters of the United State, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms belonging to the Town of Veazie, Maine, upon their exposure to samples of any discharge into waters in the state, waters of the United States, or the MS4.

Hazardous Materials Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of. Or otherwise managed.

Illegal Discharge Any disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, or other discharge of any substance other than storm water into a storm water conveyance system, the waters of the state, or upon the land such that the substance is likely to reach a storm water conveyance system or waters of the State constitutes an illegal discharge.

Illicit Connections Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyance system which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records, and approved by the Town of Veazie, Maine.

MS4 (Municipal Separate Storm Sewer System) means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Veazie, Maine and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements.

Natural Drainage Way shall mean an incised channel with a defined channel bed and banks that are part of the natural topography. Construction channels such as drainage ditches shall not be considered a natural drainage way unless the constructed channel was a natural drainage way that has been relocated, widened, or otherwise improved.

NOI means Notice of Intent

Non-point source means any source of any discharge of a pollutant that is not a "point source"

Non-Storm Water Discharge any discharge to the storm drain system that is not composed entirely of storm water.

Notice of Intent

NPDES means the National Pollutant Discharge Elimination System.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state and local government entities.

PH means the logarithm to the base 10 of the reciprocal of the concentration in grams per liter of hydrogen ions, a measure of the acidity or alkalinity of a solution, expressed in standard units.

Point Source means any discernible, confined, and discrete conveyance, including by not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant means anything, that causes or contributes to pollution. Pollutants may include by are not limited to: paints, varnishes, and solvents, oil, and other automotive fluids, non-hazardous liquid and solid waste and yard waste, refuse, rubbish, litter, or other discarded or abandoned objects, floatables, pesticides, herbicides, and fertilizers hazardous substance and wastes, untreated commercial car wash water and industrial discharges, contaminated fountains drains and cooling water, fecal coliform and pathogens, dissolved and particulate metals, animal waste dredged spoil solid waste incinerator residue, sewage, garbage, sewage sludge, filter backwash munitions, chemical waste, biological materials, toxic materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, recreational, and agricultural waste discharged into water or onto the municipal separate sewer system.

Pollution means the alteration of the physical, thermal, r biological quality of, or the contamination of, any Waters of the State, or Waters of the United States, that renders the water harmful, detrimental, or injurious to human, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose. The human-made or human-induced alterations of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonable affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Riparian Buffer An area of trees, shrubs, or other vegetation that is adjacent to a natural drainage way. Riparian buffers reduce the impact of upland sources by trapping, filtering, and converting nutrients, sediments, and other chemicals, and maintain the integrity of the natural drainage way.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into ground-water, subsurface soils, subsurface soils, surface soils the municipal separate storm sewer system (MS4), the Waters of the State, the Waters of the United States.

State means the State of Maine

Storm Drain System Publicly-owned facilities operated by the Town of Veazie by which storm water is collected an/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curb, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human – made or altered drainage channels, reservoirs, and other drainage structures.



October 7, 2003

Storm Water means any surface flow, runoff, and drainage occurring during any form of precipitation, including snow melt.

Storm Water Administrator The person designated by the Town of Veazie to have authority to review and approve Storm Water Permits and storm water management plans. The Storm Water Administrator shall also be responsible for inspecting development and making sure the provisions of this Ordinance are being followed.

Storm Water Pollution Prevention Plan means a plan required by a permit to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

SWPPP means storm water pollution prevention plan.

TTS (total suspended solids) means solids that either float on the surface, or are in suspension in water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device.

Uncontaminated means not containing a harmful quantity of any substance.

U.S.C. means United States Code.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water in the State means ground-water, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the State of Maine and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, all interstate waters, including interstate wetlands, all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, all impoundments of waters otherwise defined as water of the United States under this definition all tributaries of water identified in this definition all wetlands adjacent to waters identified in this definition and any waters within the federal definition of "waters of the United States".

Wetland means an area that is inundated or saturated by surface or ground-water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

#### **26.01.07 Interpretations**

In interpretation and applying this Ordinance, the requirements are intended to be minimum requirements that are imposed and are to be conformed to, and not in lieu or, all other legal requirements.

This Ordinance shall not be deemed to interfere with or annul or otherwise affect in any manner whatsoever any ordinance, rules, regulations, permits, or easements, covenants, or other agreements between parties, provided however that, where this Ordinance imposes greater restrictions and controls with respect to storm water management, the provisions of this Ordinance shall prevail.

#### **26.01.08 Responsibility for Administration**

The Storm Water Administrator of the Town of Veazie shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Storm Water Administrator may be delegated in writing by the Storm Water Administrator to persons or entities acting in the beneficial interest of or in the employ of the Town of Veazie.

#### **26.01.09 Variances**

All applications for variance must be filed with, and will be considered by the Board of Appeals of the Town of Veazie.

#### **26.01.10 Severability**

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

#### **26.01.11 Regulatory Consistency**

This Ordinance shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable regulations.

#### **26.01.12 Storm Water Management**

Reference: Civil Engineering Services, Inc. Storm water Management Plan for the Town of Veazie dated September 2003.

#### **26.01.13 Ultimate Responsibility of Discharger**

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge or pollutants into waters of the State, or water of the United States, caused by said person. This Ordinance shall not create liability on the part of the Town of Veazie, or any agent or employee thereof for any damages that result from any discharger's reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### **26.01.14 Prohibition of Illegal Discharges**

No person shall discharge or cause to be discharged in the Town of Veazie storm drains or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

Discharges from the following activities will not be considered as sources of pollutants to the storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of this Ordinance: potable water line flushing, uncontaminated pumped groundwater and other discharges from potable water sources, landscape irrigation and lawn watering diverted stream flows, rising groundwater, ground water infiltration to the storm drain system, uncontaminated foundation and footing drains, uncontaminated water from crawl space pumps, air conditioning condensation, uncontaminated non-industrial roof drains, springs, individual residential

and occasional non-commercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash waters, flows from firefighting, and fire hydrant flushing.

#### **26.01.15 Prohibition of Illicit Connections**

The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, with limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

#### **26.01.16 Waste Disposal Prohibitions**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, leave, or maintain, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, components of the storm drain system, or waters of the State of Maine, water of the United States, any refuse, rubbish, garbage litter, or other discarded or abandoned object, articles, and accumulations, so that the same may cause or contribute to pollution. Waste deposited in streets in proper waste receptacles for the purpose of collection are exempted from this prohibition.

#### **26.02.00 Regulations and Requirements**

##### **26.02.01 Requirement to Prevent, Control and Reduce Storm water Pollutants**

(a) The Town of Veazie will adopt requirements identifying the Best Management Practices for any activity, operation, or facility, that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. as a separate BMP Guidance Series. Where Best Management Practices requirement are promulgated by the Town of Veazie, or any Federal, or State Agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

(b) New Development and Redevelopment. The Town of Veazie may adopt requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The Town of Veazie shall incorporate such requirements in any land use entitlement and construction of building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this Ordinance.

Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants the owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourse. Facilities to prevent accidental discharges of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

#### **26.02.02 Requirements to Eliminate Illegal Discharges**

Notwithstanding the requirements of Section 1.13 herein, the Storm water Administrator may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinues the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

#### **26.02.03 Requirement to Eliminate or Secure Approval for Illicit Connection**

The Storm water Administrator may require by written notice that a person responsible for an illicit connection to the storm water drain system comply with the requirements of this ordinance to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this ordinance.

#### **26.02.04 Watercourse Protection**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner, or lessee shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

#### **26.02.05 Notification of Spills**

Any discharger who accidentally discharges into the storm water, the storm drain system, or waters of the U.S. any substance other than storm water runoff shall immediately inform the Town of Veazie concerning the discharge. If such information is given orally, a written report concerning discharge shall be filled with the Town of Veazie within five (5) days. The written report shall specify:

The composition of the discharge and the cause thereof.

The exact date, time, and estimated volume of discharge.

All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.

The name and telephone number of the person making the report and the name of a person who may be contacted for additional information on the matter.

A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this ordinance against a discharges for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of cost or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly only if the discharger complies with the requirements of this Ordinance.

#### **26.02.06 Authority to Inspect**

Whenever necessary to make an inspection to enforce any provision of this ordinance, or whenever the storm water Administrator has cause to believe that there exist, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance the Administrator may enter such premises at all reasonable times to inspect the same and to copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the Town of Veazie is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

#### **26.02.07 Record keeping Requirements**

Any person subject to this ordinance shall retain and preserve for no less than five (5) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

#### **26.03.00 Enforcement**

##### **26.03.01 Violations**

Whenever there is a failure to follow an approved storm water management plan or permit or whenever, by the provisions of this Ordinance, the performance of any act is required or prohibited, or any regulation or limitation is imposed on the use of any land, or the erection, use or change of use of any structure, a failure to comply with such provisions shall constitute a violation of this Ordinance.

Any owner, tenant or occupant of any land, structure or part thereof, and any architect, engineer designer, builder, contractor, consultant, agent or other person who, acting individually or in concert, designs or constructs any system, structure, or part thereof, or otherwise directs, assists, allows or participates, either directly or indirectly, in any conduct or activity which creates or maintains a situation that is contrary to the requirements contained in this Ordinance may be held responsible for the violation and therefore subject to the penalties and remedies contained herein.

##### **26.03.02 Notice of Violation**

Upon determining that a violation of this Ordinance has occurred, the Storm water Administrator shall deliver a written notice to the person(s) responsible for the violation by personal service or by registered or certified mail, return receipt requested, indicating the nature of the violation and ordering the action necessary to correct it. Such notice may require, without limitation

The performance of monitoring, analyses and reporting;

The elimination of all illicit connections, practices, operations, or discharges;

The abatement or rededication of storm water pollution or contamination hazards and the restoration of any affected property;

Payment of a fine or civil penalty; and/or

The implementation of source control of treatment BMPs

The final notice of violation, which may also be the initial notice, shall in addition to the above include the words FINAL NOTICE OF VIOLATION in the heading, state the action the Town of Veazie intends to

take if the violation is not corrected, and shall advise that the Storm water Administrator's order may be appealed as provided in this Ordinance

If abatement of a violation and/or rededication of affected property are required, the notice shall set forth a deadline by which such abatement and/or remediation must be completed

#### **26.01.00 Appeals**

#### **26.04.01 Appeals and Variances**

#### **26.04.02 Board of Appeals**

#### **26.04.03 Organization**

A Board of Appeals shall exist in accordance with Title 30-A M.R.S.A. 2691 and Article VI of the Veazie Town Charter, as amended. The members of the Board shall annually elect one(1) of their number chairman to preside at all meetings of the Board and one(1) of their numbers to serve as secretary. A person shall forfeit his membership on said Board if he fails to attend three(3) meetings of the Board in any one calendar year without being excused by the Board.

#### **26.04.04 Authority**

The Board shall have the power to hear and decide matters as expressly authorized by this ordinance or the Town of Veazie Charter. The Board shall not assert jurisdictions over any matter unless the Town of Veazie has, by ordinance or charter, specified the precise subject matter that may be appealed to the board and the official or officials whose action or non-action may be appealed to the Board. No meeting of the Board shall be held without a quorum consisting of three (3) members or associate members authorized to vote. The Board shall act by majority vote of the members present and voting.

#### **26.04.05 Applicability of Law**

Except to the extent that they are inconsistent with the provisions of this ordinance or the Town of Veazie Charter, all the provisions of Title 30-A M.R.S.A. 2961 and 4353, as amended, shall apply to and govern the organization, procedures and jurisdiction of the Board of Appeals.

#### **26.04.06 Variances**

#### **26.04.07 Authority**

A variance may be granted by the Board of Appeals:

#### **26.04.08 Appeals**

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a specific application shall have the right to appeal the to the Board of Appeals of the Town of Veazie. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant and shall state clearly the grounds on which the appeal is based. A non-refundable appeals fee will be collected at the time the appeal is submitted. The appeals fee will be provided for the cost of administration and management of the appeal process. The appeals fee shall be in accordance with a fee schedule set by the Town Council, and may be amended from time to time.

October 7, 2003

#### **26.04.09 Penalties**

Any person violating any provisions of this Ordinance shall be subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S.A. as same may be amended. A fine or penalty shall be imposed for separate offense of each violation. Each day of violation after notification shall constitute a separate offense with respect to each violation.

#### **26.04.10 Effective Date**

And be it further enacted, that this Ordinance shall take effect on \_\_\_\_\_. Developments without an approved storm water management plan by the effective date of this Ordinance, shall be subject to the provisions of this Ordinance.

**Town of Veazie**  
**Emergency Management Ordinance**

**Purpose**

It is the intent and purpose of this Ordinance is to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

**Definitions**

The following definitions shall apply in the interpretation of this ordinance:

**Emergency Management**:- "Emergency management" means the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster.

**Emergency Management Agency**:- "Emergency Management Agency" means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action; or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation; firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

**Emergency Management Agency Forces**:- "Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions, all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies engaged in performing emergency management activities, including, but not limited to, persons called out by the Town Manager pursuant to an emergency promulgation under this ordinance.

**Civil Emergency**:- "Civil Emergency" means (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law or (2) Any natural disaster or manmade calamity, including but not limited to flood, conflagration, cyclone, tornado, hurricane, earthquake or explosion, within the town resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.



## Town of Veazie Emergency Management Ordinance

**Director-** "Director" means the director of the Town of Veazie's Emergency Management Agency, appointed as prescribed in this ordinance.

**Disaster-** "'Disaster' means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, extreme public health emergency pursuant to Title 22, section 802, subsection 2-A, air contamination, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.

### **Organization**

The Town Manager shall be responsible for the agency's organization, administration and operation. The Town Manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.

The Town Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the Town's Emergency Operations Plan.

### **Appointment of Director; Duties and Responsibilities**

The Chairperson of the Town Council shall appoint an Emergency Management Director pursuant to Title 37-B Section 782(1). This person shall coordinate the activities of all Town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Town Manager.

### **Rules and Regulations**

The Emergency Management Director shall prepare, under the direction of the Town Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Town Council prior to becoming effective.

### **Emergency Proclamation**

The Town Manager shall have the power and authority, after consultation with the Chairperson of the Town Council, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the town. If the Town Manager is temporarily absent from the town or otherwise unavailable, the person designated by the Town Manager may issue the proclamation that an emergency exists. If neither the Town Manager nor the person designated to act in the Town Manager's

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**Town of Veazie**  
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absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Police Chief, the Fire Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the town clerk.

Notwithstanding the above, when consultation with the Chairperson of the Town Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or his/her designated alternate as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town. The Town Manager and the Emergency Management Director shall be responsible for submitting a full report to the Town Council of all actions taken as a result of the declared emergency as soon as the Town Council can be convened.

**Termination of Emergency**

When the Town Manager or his/her designated alternate as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another proclamation affecting the sections of the Town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the town clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the Town Council.

**Town Manager's Duties and Emergency Powers**

During any period when an emergency proclamation is in effect, the Town Manager may promulgate such regulations as he deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the town;
2. Regulations facilitating or restricting the movement of persons within the town;
3. Regulations pertaining to the movement of persons from hazardous areas within the town;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, town ordinance or the charter of the Town of Veazie.

The Town Manager or his/her designee may order the evacuation of persons from hazardous areas within the town.

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The Town Manager or his/her designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A.

The Town Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

**Emergency Operations Plan**

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the town, which shall be submitted to the Town Council for approval. The EOP shall incorporate the principals of the National Emergency Management System (NIMS) and the Incident Command System (ICS).

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Town Manager in conjunction with all the town department heads and the Emergency Management Director.

**Immunity from Liability**

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

**Compensation for Injuries**

All Emergency Management Agency Forces shall be deemed to be employees of the state when engaged in training or on duty and shall have all of the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

**Violation of Regulations**

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

**Town of Veazie**  
**Emergency Management Ordinance**

**Penalty**

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and the costs of prosecution.

**Severability**

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

**Conflicting Ordinances, Orders, Rules and Regulations Suspended.**

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.



## **SECTION 28 PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.**

### **Section 28.01 Title**

### **Section 28.02 Preamble**

### **Section 28.03 Purpose and Enabling Legislation**

### **Section 28.04 Title and Definitions**

### **Section 28.05 PACE Program**

### **Section 28.06 Conformity With The Requirements of the Trust**

### **Section 28.07 Program Administration; Municipal Liability**

### **Section 28.08 Liability of Municipal Officials; Liability of Municipality**

### **Section 28.01 Title**

**This ordinance shall be known and be cited as the “TOWN OF VEAZIE Property Assessed Clean Energy Ordinance or PACE Ordinance”**

### **Section 28.02 PREAMBLE**

Section 28.02.01 WHEREAS, the 124<sup>th</sup> Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

Section 28.02.02 WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust (“the Trust”) under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

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

NOW THEREFORE, the Municipality hereby enacts the following Ordinance: on February 27, 2012 with an effective date of March 28, 2012

### **Section 28.03 PURPOSES AND ENABLING LEGISLATION**

#### **Section 28.03.01 Purpose**

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

## Section 28.03.02 Enabling Legislation

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

## Section 28.04 TITLE AND DEFINITIONS

### Section 28.04.01 Title

This Ordinance shall be known and may be cited as "the Town of Veazie Property Assessed Clean Energy (PACE) Ordinance" ("the ordinance").

### Section 28.04.02 Definitions

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

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

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial, or industrial property in a manner approved by the Trust; or

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

**2. Municipality.** "Municipality" shall mean the Town of Veazie

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

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

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

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

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

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

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

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

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

## **Section 28.05 PACE PROGRAM**

Section 28.05 .01. Establishment; funding. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that: 1) adopt a PACE Ordinance; 2) adopt and implement a local public outreach and education plan; 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program; and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

Section 28.05 .02. Amendment to PACE program. In addition, the Municipality may from time to time amend this ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.



## **Section 28.06 CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

Section 28.06.01. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this ordinance and its PACE program to those standards, rules, or model documents.

## **Section 28.07 PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

### **Section 28.07 .01. Program Administration**

#### **A. PACE Administration Contract.** Pursuant to 35-A M.R.S.A.

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

- i. The Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. The Trust or its agent, will create and record a Notice of the agreement in the Penobscot County Registry of Deeds to create a PACE mortgage;
- iii. The Trust or its agent, will disburse the PACE loan to the property owner;
- iv. The Trust or its agent will send PACE assessment statements with payment deadlines to the property owner;
- v. The Trust or its agent, will be responsible for collection of the PACE assessments;
- vi. The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. The Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

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

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

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

**Section 28.08 LIABILITY OF MUNICIPAL OFFICIALS; LIABILITY OF MUNICIPALITY**

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

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

A True Copy

Attested: \_\_\_\_\_

*Joseph E. Hughes*

Adopted – February 27, 2012

**SECTION 29   EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY  
PERSONNEL  
FROM VEHICLE EXCISE TAX**

**Section 29.01 Title**

**Section 29.02 Preamble**

**Section 29.03 Authority**

**Section 29.04 Excise tax exemption; qualifications**

**Section 29.05 Effective date; duration**

**Section 29.01 Title** This ordinance shall be known and be cited as the “TOWN OF VEAZIE ORDINANCE EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX”

**Section 29.02 PREAMBLE**

MUNICIPALITY OF VEAZIE, MAINE ORDINANCE EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL FROM VEHICLE EXCISE TAX

**Section 29.03 Authority.** This ordinance is enacted pursuant to 36 M.R.S.A. §1483-A which expressly authorizes such ordinances.

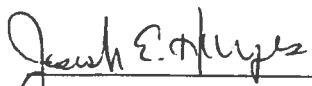
**Section 29.04 Excise tax exemption; qualifications.** Vehicles owned by a resident of Veazie who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident’s vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. §1482.

- a. To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident’s post, station or base, or from the commander’s designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.
- b. For purposes of this section, “United States Armed Forces” includes the National Guard and the Reserves of the United States Armed Forces.
- c. For purposes of this section, “deployed for military service” has the same meaning as in 26 M.R.S.A. §814(1)(A).
- d. For purposes of this section, “vehicle” has the same meaning as in 36 M.R.S.A. §1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. §13001.

**Section 29.05 Effective date; duration.** This ordinance shall take effect immediately upon enactment and shall remain in effect unless and until it or 36 M.R.S.A. §1483-A is repealed.

True and Attested Copy

Adopted on October 1st, 2012

  
\_\_\_\_\_  
Yeazie Town Clerk  
Joseph E. Hayes



# Town of Veazie Shoreland Zoning Ordinance

Chapter 30

Attested By:

Enacted: November 17, 2014

Amended 01-09-2017

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### **SECTION 30.01 PURPOSE**

The purpose of this Ordinance is 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 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 waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

### **SECTION 30.02 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.).

### **SECTION 30.03 APPLICABILITY**

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of a river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; 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.

### **SECTION 30.04 EFFECTIVE DATE**

This Ordinance, which was adopted by the municipal legislative body on June 9, 2015, 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.

## **SECTION 30.05 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.

## **SECTION 30.06 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.

## **SECTION 30.07 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.

## **SECTION 30.08 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.

## **SECTION 30.09 DISTRICTS AND ZONING MAP**

### **30.09.01 Official Shoreland Zoning Map**

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

- Resource Protection
- Stream Protection
- Limited Residential
- Limited Industrial

### **30.09.02 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.

### **30.09.03 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.

### **30.09.04 Changes to the Official Shoreland Zoning Map**

If amendments, in accordance with Section 30.08, 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.

## **SECTION 30.10 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.

## **SECTION 30.11 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.

## **SECTION 30.12 NON-CONFORMANCE**

### **30.12.01 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.



## **30.12.02 General**

### **30.12.02.01 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.

### **30.12.02.02 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.

## **30.12.03 Non-Conforming Structures**

### **30.12.03.01 Expansions**

All new principal and accessory structures, excluding functionally water-dependent uses, must meet water body, tributary stream, or wetland setback requirements contained in Section 30.15.02 (A). 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 30.12.03.01.
  1. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. 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 non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 30.12.03.01 or Section 30.12.03.01 (A), above.

1. 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 or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
2. 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 or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. 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 30.12.03.01(B)(1) and Section 30.12.03.01(C)(1), above.
3. 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 or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. 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 30.12.03.01(B)(1) and Section 30.12.03.01 or Section 30.12.03.01(C)(1), above.

D. An approved plan for expansion of a non-conforming 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 nonconforming 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.

### **30.12.03.02 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 30.12.03.03 Relocation, below.

### **30.12.03.03 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 30.15.18. 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 (5) 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.

#### **30.12.03.04 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 30.12.03.01 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 30.12.03.03 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 30.12.03.03 above, the physical condition and type of foundation present, if any.

#### **30.12.03.05 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 functionally water-dependent uses.



## **30.12.04 Non-Conforming Uses**

### **30.12.04.01 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 30.12.03.01 above.

### **30.12.04.02 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.

### **30.12.04.03 Change of Use**

An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 30.12.03.05 above.

## **30.12.05 Non-Conforming Lots**

### **30.12.05.01 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.

### **30.12.05.02 Contiguous Built Lots**

If two (2) 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 (2) 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.

### **30.12.05.03 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 two (2) or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on July 14, 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 30.12.05.03(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.

## **SECTION 30.16 ESTABLISHMENT OF DISTRICTS**

### **30.13.01 Resource District**

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

- A. Floodplains along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include the 100 year floodplains adjacent to tidal waters as shown on FEMA Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

- B. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- C. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a coastal wetland as defined, and which are not surficial connected to a water body during the period of normal high water.
- D. 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.

#### **30.13.02 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 river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water body or wetland, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

#### **30.13.03 Limited Residential**

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 includes areas which are used less intensively than those in the Limited Industrial District.

#### **30.13.04 Limited Industrial**

The Limited Industrial District includes the following types of existing, intensively developed area:

- A. 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:
  - 1. Areas devoted to manufacturing, fabricating or other industrial activities;
  - 2. Areas devoted to wholesaling, retail trade and services activities, or other commercial activities.
  - 3. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

- B. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the Limited Industrial District may also include residential uses; however, no area shall be designated Limited Industrial District based solely on residential uses.

## **SECTION 30.14 TABLE OF LAND USES**

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform to all of the applicable land use standards in Section 30.15. 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 approval by the Planning Board and permit issued by Code Enforcement Officer

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

### **Abbreviations:**

RP - Resource Protection

SP - Stream Protection

LR - Limited Residential

LI - Limited Industrial



TABLE 1. LAND USES IN THE SHORELAND ZONE

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

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

<sup>4</sup>Provided that a variance from the setback requirement is obtained from the Board of Appeals.

<sup>6</sup>See further restrictions in Section 15( L)(2).

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

<sup>8</sup>Except as provided in Section 15(H)(3).

<sup>9</sup>Single family residential structures may be allowed by special exception only according to the provisions of Section 16(F), Special Exceptions. Two-family residential structures are prohibited.

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

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

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

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 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.

## SECTION 30.15 LAND USE STANDARDS

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

### 30.15.01 Minimum Lot Standard

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
➤ <u>Residential per dwelling unit</u>		
Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
Within Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
➤ <u>Governmental, Institutional, Commercial or Industrial per principal structure</u>		
Within Shoreland Zone Adjacent to Tidal Areas	40,000	200
Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
➤ <u>Public and Private Recreational Facilities</u>		
Within Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

- A. 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.
- B. 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.
- C. 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.

- D. If more than one (1) 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.

### **30.15.02 Principal and Accessory Structures**

- A. All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland. 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:
1. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
  2. 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.
- B. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential 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.
- C. 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 floodplain soils; except that accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance, adopted on March 21, 2009, and need not meet the elevation requirements of this paragraph.

- D. With the exception of, General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities, 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. Industrial District the footprint shall be limited to 60%.

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 nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 in continuous existence since that date.

- E. 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:
1. The site has been previously altered and an effective vegetated buffer does not exist;
  2. 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;
  3. 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;
  4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
  5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
  6. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  7. 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:



- a. 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;
- b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
- c. Only native species may be used to establish the buffer area;
- d. 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;
- e. A footpath not to exceed the standards in Section 30.15.15(B)(1) 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 wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

- F. 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.

**30.15.03 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 Shoreland Stabilization.**

- A. No more than one (1) 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 30.15.01, a second structure may be allowed and remain as long as the lot is not further divided.
- B. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- C. The location shall not interfere with existing developed or natural beach areas.
- D. The facility shall be located so as to minimize adverse effects on fisheries.

- E. 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 shall not be wider than six feet for non-commercial uses.
- F. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below 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.
- G. New permanent piers and docks 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.
- H. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- I. Except in the Limited Industrial District, structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- J. Vegetation may be removed in excess of the standards in Section 30.15.15 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.
  - 1. When necessary, the removal of tress 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.
  - 2. Revegetation must occur in accordance with Section 30.15.18.

#### **30.15.04 Campgrounds**

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

- A. 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.

- B. 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 river, 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.

#### **30.15.05 Individual Private Campsites**

- A. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
- B. 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.
- C. 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.
- D. 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 river, 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. 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.
- F. 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.
- G. 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.
- H. 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.

### **30.15.06 Parking Areas**

- A. 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 in Districts other than the Limited Industrial District 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.
- B. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- C. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - 1. 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, and parking for tractors towing semi-trailers shall be at least seventy-five (75) feet long.
  - 2. Internal Travel Aisles: Approximately twenty (20) feet wide.

### **30.15.07 Roads and Driveways**

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

- A. Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance from the normal high-water line of 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 30.15.07(A) 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 30.15.07(A) except for that portion of the road or driveway necessary for direct access to the structure.

- B. 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.

New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

1. To provide access to structures or facilities within the zone; or
  2. When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- C. 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.
  - D. 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 30.15.19.
  - E. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
  - F. 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.

G. 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:

H. 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.

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

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

2. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
3. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

### **30.15.08 Signs**

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

- A. 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. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

- B. 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.
- C. 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.
- D. 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.
- E. Signs relating to public safety shall be allowed without restriction.
- F. No sign shall extend higher than twenty (20) feet above the ground.
- G. Signs may be illuminated only by shielded, non-flashing lights.

#### **30.15.09 Storm Water Runoff**

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.

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

#### **30.15.10 Septic Waste Disposal**

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.

#### **30.15.11 Essential Services**

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

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.

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

#### **30.15.12 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:

- A. 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 30.15.12(C) below.
- B. No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any 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.
- C. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - 1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - 2. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.



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

#### **30.15.13 Agriculture**

- A. 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).
- B. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of 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.
- C. 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.
- D. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- E. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams. 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.

#### **30.15.14 Timber Harvesting**

Repealed-Bureau of Forestry will administer the regulation of all forestry activities within the municipality.

### 30.15.15 Clearing or Removal of Vegetation for Activities other than Timber Harvesting

- A. 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, and 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.
- B. Except in areas as described in Section 30.15.15(A), above, within a strip of land extending seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
  1. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a 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.
  2. 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 30.15.15(B)(2) a "well-distributed stand of trees" shall be defined as maintaining a rating score of 16 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

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 30.15.15(B)(1) "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.

- 3. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 30.15.15, paragraphs (B) and (B)(1) above.
- 4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- 5. 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.
- 6. 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 30.15.15(B).
- 7. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any 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.

8. 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, including the buffer area, but shall not apply to the Limited Industrial District.
9. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
10. 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).

#### **30.15.16 Hazard Trees, Storm-Damaged Trees and Dead Tree Removal**

- A. 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:
  1. 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.
  2. 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.



3. 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.
  4. 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.
  5. 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.
- B. 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.
1. 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 ( $\frac{1}{3}$ ) 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.
  2. 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.

### **30.15.17 Exemptions to Clearing and Vegetation Removal Requirements**

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 30.15.15, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- A. 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 30.15.15 apply;
- B. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 30.15.02 are not applicable;
- C. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- D. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 30.15.13 are complied with;
- E. 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:
  - 1. A coastal wetland; or
  - 2. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- F. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
  - 1. 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;

2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  3. 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.
- G. 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.

### **30.15.18 Revegetation Requirements**

When revegetation is required in response to violations of the vegetation standards set forth in Section 30.15.15, 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.

- A. 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.
- B. 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.
- C. 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.
- D. Revegetation activities must meet the following requirements for trees and saplings:
  1. All trees and saplings removed must be replaced with native noninvasive species;
  2. Replacement vegetation must at a minimum consist of saplings;
  3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

4. No one species shall make up 50% or more of the number of trees and saplings planted;
5. 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
6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

**E. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:**

1. 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;
2. 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 stormwater;
3. If more than three (3) woody vegetation plants are to be planted, then at least three different species shall be planted;
4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
5. 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

**F. Revegetation activities must meet the following requirements for ground vegetation and ground cover:**

1. 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 stormwater;
2. 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 stormwater; and



3. 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.

#### **30.15.19 Erosion and Sedimentation Control**

- A. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized 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:
  1. Mulching and re-vegetation of disturbed soil.
  2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  3. Permanent stabilization structures such as retaining walls or riprap.
- B. 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.
- C. 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.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

- E. 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.
- F. When an excavation contractor will perform the activities, compliance with the following shall be required:
  - 1. A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall 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.
  - 2. The name and certification number of the person who will oversee activities causing or resulting in soil disturbance shall be required on the plan or permit application.

### **30.15.20 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, and 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.

### **30.15.21 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.

### **30.15.22 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.

## **SECTION 30.16 ADMINISTRATION**

### **30.16.01 Administrative Bodies**

#### **30.16.01.01 Code Enforcement Officer**

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

#### **30.16.01.02 Board of Appeals**

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

#### **30.16.01.03 Planning Board**

A Planning Board shall be created in accordance with the provisions of State law.

### **30.16.02 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.

A. 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 no 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.

- B. 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.
- C. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

### **30.16.03 Permit Application**

- A. 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 30.14.
- B. 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.
- C. 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.
- D. 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.
- E. 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.



#### **30.16.04 Fee Schedule**

The application for a permit shall be accompanied by an application fee in such amount as the Municipal Officers may by rule from time to time establish.

#### **30.16.05 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 30.14, 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:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion, or sedimentation to surface waters;
- C. Will adequately provide for the disposal of all wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to waters;
- F. Will protect archaeological and historic resources as designated in the comprehensive plan;
- G. Will avoid problems associated with floodplain development and use; and
- H. Is in conformance with the provisions of Section 30.15, 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.

### **30.16.07 Special Exceptions**

In addition to the criteria specified in Section 30.16.05 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:

- A. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- B. 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.
- C. All proposed buildings, sewage disposal systems and other improvements are:

- 1. Located on natural ground slopes of less than 20%; and

- D. Located outside the floodway of the 100-year floodplain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain 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 floodplain.

- E. 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.
- F. 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 floodplain, and its proximity to moderate-value and high-value wetlands.

### **30.16.08 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, unless a permit renewal is granted. A permit renewal may only be granted after a substantial start is made and within one year of when the substantial start was made. If a permit renewal is granted, the applicant shall have one year from the issuance of the renewal to complete the project, at which time the permit shall expire.

### **30.16.10 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.

### **30.16.11 Appeals**

#### **30.16.11.01 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.

#### **30.16.11.02 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:**

- 1. 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**
- 2. 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.**

**D. Notwithstanding Section 30.16.11.02(2) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 30.16.11.02(F) and 30.16.11.04(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.

### **30.16.11.03 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.

### **30.16.11.04 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(1)(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:
  - 1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - 2. 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.

#### **C. 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.

#### **D. 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.

### **30.16.12 Enforcement**

#### **30.16.12.01 Nuisance**

Any violation of this Ordinance shall be deemed to be a nuisance.

#### **30.16.12.02 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 ensure 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.

#### **30.16.12.03 Legal**

- A. 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.

#### **30.16.12.04 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.

#### **30.16.17 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 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.

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

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

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

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

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

**Excavation contractor** – an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

**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 structures on a premises, including but not limited to cantilever or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, 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 two or more contiguous acres; or less than five 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 five 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, waters and that cannot 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 cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

**Hazard tree** – a tree with structural defect, combination of defects, or disease resulting in a structural defect that under 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.

**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.

**Nonvegetated surfaces (lot coverage)** – any surface area that is devoid of or functionally devoid of vegetation within the shoreland zone, excluding surfaces that are naturally nonvegetated and not a result of land use activities. Nonvegetated surfaces include, but are not limited to: areas that are constructed through use such as areas of compacted soil; areas of gravel, asphalt, or other similar material; parking areas; driveways; roofs; roads; campsite pads; and engineered paver products of any type, regardless of whether vegetation is present on these surfaces.

**Normal high-water line** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers 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 during the period of normal high-water are considered part of the river.

**Outlet stream** – any perennial stream 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 below 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.

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

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

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

**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 saltmarsh cordgrass (*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 cordgrass (*Spartina patens*) and black rush; common threesquare 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:

A. In the case of electric service

- i. 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
- ii. the total length of the extension is less than one thousand (1,000) feet.

B. In the case of telephone service

- i. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- ii. 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 river; within 250 feet 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 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 channel between defined banks created by the action of surface water, 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 is connected hydrologically with other water bodies or wetlands; or a free-flowing body of water depicted as an intermittent 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 body of water becomes a river or flows to another water body or wetland 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. Includes streams identified on Town of Veazie Shoreland Map created by James W. Sewall Company dated 1989.

**Structure** –whether temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind; and anything built, 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; wiring, guy wires, gut anchors and other aerial equipment normally associated with service drops; 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; and 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*.

**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 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 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 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.

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

# Town of Veazie Wireless Telecommunications Facilities Ordinance

**Chapter 31**

Adopted on 01-09-2017



## Section 1. Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Ordinance" of the Town of Veazie Maine, (hereinafter referred to as the "ordinance").

## Section 2. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

## Section 3. Purpose

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to:

Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;

Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;

Allow competition in telecommunications service;

Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Town of Veazie

Permit and manage reasonable access to the public rights of way of [municipality] for telecommunications purposes on a competitively neutral basis;

Ensure that all telecommunications carriers providing facilities or services within the Town of Veazie comply with the ordinances of the Town of Veazie.

Ensure that the Town of Veazie can continue to fairly and responsibly protect the public health, safety and welfare;

Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;

Enable the Town of Veazie to discharge its public trust consistent with rapidly-evolving federal and state regulatory policies, industry competition and technological development;

Further the goals and policies of the comprehensive plan, while promoting orderly development of the town with minimal impacts on existing uses; and

Protect the scenic and visual character of the community.

## **Section 4. Applicability**

This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in section 4.1.

### **4.1. Exemptions**

The following are exempt from the provisions of this ordinance:

- A.) Temporary wireless communication facilities for emergency communications by public officials.
- B.) Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
- C.) Parabolic antenna. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.
- D.) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
- E.) Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.
- F.) Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit less than thirty-five (35) feet in height.

## **Section 5. Review and Approval Authority**

### **5.1. Approval Required**

No person shall construct or expand a wireless telecommunication facility without approval of the Code Enforcement Officer (CEO) or the Planning Board as follows:

- A.) Expansion of an Existing Facility and Colocation. Approval by the CEO is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or colocation on an existing wireless telecommunications facility.

- B.) New Construction. Approval of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

## **5.2. Approval Authority**

In accordance with Section 5.1 above, the CEO or Planning Board shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.

## **Section 6. Approval Process**

### **6.1. Pre-Application Conference**

All persons seeking approval of the CEO or the Planning Board under this ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

### **6.2. Application**

All persons seeking approval of the CEO or the Planning Board under this ordinance shall submit an application as provided below. The CEO shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

- A.) Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

- 1.) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.
- 2.) A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- 3.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 70w(5); 36 CFR 60 and 800).
- 4.) Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.
- 5.) For proposed expansion of a facility, a signed statement that commits the owner of the facility, and his or her successors in interest, to:

- a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
  - b.) negotiate in good faith for shared use by third parties;
  - c.) allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;
  - d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- B.) Application for Planning Board Approval. An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:
- 1.) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.
  - 2.) A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
  - 3.) A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.
  - 4.) A site plan:
    - a.) prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

- b.) certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and
  - c.) a boundary survey for the project performed by a land surveyor licensed by the State of Maine.
- 5.) A scenic assessment, consisting of the following:
- a.) Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;
  - b.) A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
  - c.) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
  - d.) A narrative discussing:
    - i.) the extent to which the proposed facility would be visible from or within a designated scenic resource,
    - ii.) the tree line elevation of vegetation within 100 feet of the facility, and
    - iii.) the distance to the proposed facility from the designated scenic resource's noted viewpoints.
- 6.) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
- 7.) Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:
- a.) Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,
  - b.) Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

c.) Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

i.) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

ii.) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

iii.) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d.) For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access;

8.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

9.) A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but

is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10.) A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

11.) Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

### **6.3. Submission Waiver**

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

### **6.4. Fees**

#### **A.) CEO Application Fee**

An application for CEO approval shall include payment of an application fee of \$500.00. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Veazie to review the application.

#### **B.) Planning Board Application Fee**

An application for Planning Board approval shall include payment of an application fee of \$1500.00. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Veazie to review the application.

#### **C.) Planning Board Review Fee**

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application. The review fee shall be paid in full prior to the start of construction.

That portion of the review fee not used shall be returned to the applicant within fourteen (14) days of the Planning Board's decision.

### **6.5. Notice of Complete Application**

Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within five (5) working days of receipt of an application, the CEO shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the [Planning Board, Planning Office, Code Enforcement Office, Engineering Department, Police Department, and Fire Department].

If the application is incomplete, the CEO shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, and requires Planning Board review, the CEO shall notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

### **6.6. Public Hearing**

For applications for Planning Board approval under Section 5.1(B), a public hearing shall be held within 30 days of the notice of the complete application.

### **6.7. Approval**

- A.) CEO Approval. Within thirty (30) days of receiving a complete application for approval under section 5.1(A), the CEO shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Section 7.1 of this ordinance.

The CEO shall notify all abutters of the decision to issue a permit under this section. The time period may be extended upon agreement between the applicant and the CEO.

- B.) Planning Board Approval. Within ninety (90) days of receiving a complete application for approval under section 5.1(B), the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that



decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within 60 days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

## **Section 7. Standards of Review**

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

### **7.1. CEO Approval Standards**

An application for approval by the CEO under Section 5.1(A) must meet the following standards.

- A.) The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
- B.) The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
- C.) The proposed facility increases the height of the existing structure by no more than twenty (20) feet.
- D.) The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
- E.) The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

### **7.2. Planning Board Approval Standards**

An application for approval by the Planning Board under Section 5.1(B) must meet the following standards.

#### **A.) Location**

New wireless telecommunications facilities may only be permitted within the Industrial Zone

B.) Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

- 1.) The proposed location complies with applicable municipal policies and ordinances.
- 2.) The proposed facility will not interfere with the intended purpose of the property.
- 3.) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

C.) Design for Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.

D.) Height. A new wireless telecommunications facility must be no more than one hundred twenty five (125) feet in height above original grade as measured from base of tower or twenty (20) feet above the average tree canopy height.

If the applicant can demonstrate that the tower, including any affixed antenna(s) must exceed 125 feet above ground level or 20 feet above average tree canopy height to receive and transmit RFR signals for its stated purpose or application, the tower height may be extended to achieve the minimum height necessary for proper operation. However, in no case may the tower height exceed 192 feet above ground level.

E.) Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement

F.) Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

G.) Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

H.) Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements.

However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

- I.) Color and Materials. A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.
- J.) Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- K.) Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.
  - 1.) In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:
    - a.) The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;
    - b.) the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
    - c.) the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);
    - d.) the amount of vegetative screening;
    - e.) the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
    - f.) the presence of reasonable alternatives that allow the facility to function consistently with its purpose.
- L.) Noise. During construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 8 a.m. and 9 p.m. is exempt from existing municipal noise standards.

- M.) Historic & Archaeological Properties. The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

### **7.3. Standard Conditions of Approval**

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

- 1.) The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
  - a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
  - b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
  - c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation.
  - d.) require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.
- 2.) Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

### **Section 8. Amendment to an Approved Application**

Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Section 5.

## **Section 9. Abandonment**

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

## **Section 10. Appeals**

Any person aggrieved by a decision of the CEO or the Planning Board under this ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

## **Section 11. Administration and Enforcement**

The CEO, as appointed through either the Zoning Ordinance by the Town Council, shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

The Town Council, or their authorized agent, are 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 a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

## **Section 12. Penalties**

Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

## **Section 13. Conflict and Severability**

### **13.1. 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, the more restrictive provision shall apply.

### **13.2. Severability**

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

## **Section 14. Definitions**

**The terms used in this ordinance shall have the following meanings:**

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

"Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Average Tree Canopy Height" an average height found by inventorying the height, above ground level of all trees over twenty feet in height within the area that extends for a distance of tree hundred feet from the base of the mount, security barrier, or designated clear area for access to equipment, whichever is greater. Trees removed for construction shall not be used in this calculation. The default tree canopy height in Veazie is assumed to be sixty-five feet and this value may be used in place of a measurement.

"Colocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

"Expansion" means the addition of antennas, towers, or other devices to an existing structure.

"FAA" means the Federal Aviation Administration, or its lawful successor.

"FCC" means the Federal Communications Commission, or its lawful successor.

"Height" means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

"Historic or Archaeological Resources" means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Historic District" means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

"Historic Landmark" means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

"Line of sight" means the direct view of the object from the designated scenic resource.

"Parabolic Antenna" (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency.

# Town of Veazie Subdivision Ordinance

**Chapter 32**

Enacted Veazie Town Council

Attested by:

Date:



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## **SECTION 1: GENERAL PROVISIONS**

### **1.1. TITLE**

This Ordinance shall be known and be cited as the “Subdivision Ordinance of the Town of Veazie, Maine,” and will be referred to herein as the “Ordinance.”

### **1.2. AUTHORITY**

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403, as amended.

### **1.3. APPLICABILITY**

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401, as amended. The current statute is reproduced in part below.

“...Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, and buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ...”

“...A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection. ...”

### **1.4. CONFLICT WITH OTHER ORDINANCES**

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

### **1.5. SUPERSEDURE**

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the



time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

## **1.6. SEPARABILITY**

In event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

## **1.7. AMENDMENTS**

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

### **1.7.1. INITIATION**

A proposal to amend this Ordinance may be initiated by:

- 1.7.1.1. The Planning Board, by majority vote;
- 1.7.1.2. The Town Council, through a request to the Planning Board; or
- 1.7.1.3. The Public, through a written petition signed by at least twenty-five (25) residents registered to vote in the Town of Veazie.
- 1.7.1.4. When an amendment is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

### **1.7.2. PROCESS OF AMENDMENT**

The process to be followed in adopting an amendment to this Ordinance is as follows:

- 1.7.2.1. Proposed amendments must first be submitted to the Planning Board for their consideration.
- 1.7.2.2. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- 1.7.2.3. Notice of the public hearing shall be given pursuant to the provisions of Section 3.8. of this Ordinance.
- 1.7.2.4. The Planning Board shall make its official report and recommendation at the next Town Council meeting following the public hearing.
- 1.7.2.4 The Town Council shall vote on adoption of the amendment.

## **1.8. EFFECTIVE DATE**

The provisions of this Ordinance shall become effective the day of their enactment.

## **SECTION 2: PURPOSES**

The purposes of this Ordinance are as follows:

### **2.1. PROTECT GENERAL WELFARE**

To assure the comfort, convenience, safety, health and welfare of the citizens of the Town of Veazie ("the Town");

### **2.2. PROTECT ENVIRONMENT**

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

### **2.3. PROMOTE COMMUNITY DEVELOPMENT**

To promote the development of an economically sound and stable community;

### **2.4. BALANCE PROPERTY RIGHTS**

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

### **2.5. REDUCE FISCAL IMPACT**

To provide the means for evaluating subdivision proposals for their fiscal impact on the Town's ability to provide and improve necessary public facilities and services;

### **2.6. ESTABLISH PROCEDURES AND STANDARDS**

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

## **SECTION 3: ADMINISTRATION**

### **3.1. ADMINISTERING BODY**

The Planning Board of the Town of Veazie, hereinafter called the Board, with the assistance of the Code Enforcement Officer and the Town Manager, as specified in this Ordinance, shall administer this Ordinance.

### **3.2. APPROVAL REQUIRED**

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

### **3.3. APPLICATION REQUIRED**

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

### **3.4. PERMITS TO BE APPLIED FOR BEFORE APPROVAL**

Applications for approval under this Ordinance will not be considered complete for processing until evidence that all other required local, state, and federal permits have been acquired, has been provided to the Board.

### **3.5. COMMENCEMENT AND COMPLETION OF WORK**

All required improvements on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months of approval. Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board. Construction activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than (30) days prior to the pending commencement or completion date.

### **3.6. CERTIFICATE OF CONSTRUCTION REQUIRED**

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

### **3.7. CONDITIONS OF APPROVAL**

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

3.7.1. Specific sewage or other waste disposal facilities;

3.7.2. Specific water supply facilities;

3.7.3. Landscaping and planting screens;

3.7.4. Sureties and bonds;

3.7.5. Restrictive covenants;

3.7.6. Location of piers, docks, parking areas and signs; and

3.7.7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

### **3.8. PUBLIC HEARINGS**

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Town Council in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

## **SECTION 4: REVIEW CRITERIA**

In approving applications submitted pursuant to this Ordinance, the Board shall find that the following requirements are met as designated under the Planning and Land Use Laws, Statutes of the State of Maine in accordance with the provisions of Title 30-A, MRSA, Section 4404, as amended.

### **4.1. POLLUTION**

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

- 4.1.1. The elevation of the land above sea level and its relation to the flood plains;
- 4.1.2. The nature of soils and subsoils and their ability to adequately support waste disposal;
- 4.1.3. The slope of the land and its effect on effluents;
- 4.1.4. The availability of streams for disposal of effluents; and
- 4.1.5. The applicable state and local health and water resource rules and regulations.

#### **4.2. SUFFICIENT WATER SUPPLY**

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

#### **4.3. MUNICIPAL WATER SUPPLY**

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

#### **4.4. EROSION**

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;

#### **4.5. TRAFFIC**

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 and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, M.R.S.A. section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 M.R.S.A., section 704 and rules adopted under that section;

#### **4.6. SEWAGE DISPOSAL**

The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

#### **4.7. MUNICIPAL SOLID WASTE DISPOSAL**

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

#### **4.8. AESTHETIC, CULTURAL AND NATURAL VALUES**

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat 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;

#### **4.9. CONFORMITY WITH LOCAL ORDINANCES AND PLANS**

The proposed subdivision conforms with this Subdivision Ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

#### **4.10. FINANCIAL AND TECHNICAL CAPACITY**

The subdivider has adequate financial and technical capacity to meet the standards of this section;

#### **4.11. SURFACE WATERS; OUTSTANDING RIVER SEGMENTS**

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.

4.11.1 When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

4.11.1.1 To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

4.11.1.2 The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

#### **4.12. GROUND WATER**

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

#### **4.13. FLOOD AREAS**

If the subdivision, or any part of it, is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by applicant, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries 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 their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

#### **4.14. FRESHWATER WETLANDS**

All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

##### **4.14-A. FARMLAND**

All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

#### **4.15. RIVER, STREAM OR BROOK**

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

#### **4.16. STORM WATER**

The proposed subdivision will provide for adequate storm water management.

#### **4.17. SPAGHETTI-LOTS PROHIBITED**

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

#### **4.18. LAKE PHOSPHORUS CONCENTRATION**

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.

#### **4.19. IMPACT ON ADJOINING MUNICIPALITY**

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

#### **4.20. LANDS SUBJECT TO LIQUIDATION HARVESTING**

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A., section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32 M.R.S.A. chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in Title 12, M.R.S. A. section 8868, subsection 6 and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

#### **4.21. STATE SUBDIVISION LAW CRITERIA**

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to title 30-A, MRSA, Section 4404, from time to time.

#### **4.22. WRITTEN FINDINGS OF FACT REQUIRED**

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

#### **4.23. BURDEN OF PROOF**

**In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision. SECTION 5: ADMINISTRATIVE PROCEDURES**

#### **5.1. AGENDA REQUIRED**

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

#### **5.2. AGENDA MAY BE LIMITED**

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

#### **5.3. APPROVAL REQUIRED**

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

### **SECTION 6: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW**

#### **6.1 GENERAL**

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan. This is the pre-application conference and sketch plan review phase of the process.

#### **6.2 PROCEDURE**

The procedure for a Pre-Application Conference and Sketch Plan Review is as follows:

**STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED** The applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda, for a pre-application conference,



at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

#### STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Chair of the Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection 6.3. of this section.

#### STEP 3: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS

At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

#### STEP 4: CLASSIFICATION OF SUBDIVISION

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing. (See Section 26: Definitions)

#### STEP 5: ON-SITE INSPECTION DATE SET

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

### **6.3. SUBMISSION PACKET**

The submission packet required for Sketch Plan Review shall include the following:

#### **6.3.1 SKETCH PLAN**

6.3.1.1 Sketch Plan, showing the information specified in subsection 6.1.1.5. below, shall be submitted to the Planning Board.

6.1.1.2. NUMBER OF COPIES: eight (8) paper copies of the Sketch Plan shall be submitted.

6.1.1.3. SHEET SIZE: The Sketch Plan shall be at least 8 ½ x 11 inches, but no larger than 24 x 36 inches in size.

6.1.1.4. PLAN SCALE: The Sketch Plan shall be drawn to scale.

6.1.1.5. INFORMATION TO BE SHOWN ON THE PLAN: The following information shall be shown on all Sketch Plans:

6.1.1.5.1. The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;

6.1.1.5.2. True North arrow;

6.1.1.5.3. The scale to which the plan is drawn;

6.1.1.5.4. The proposed layout of lots, roads, driveways, and building locations;

6.1.1.5.5. Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams and floodplains;

6.1.1.5.6. Location of public utilities proposed to be utilized;

6.1.1.5.7. Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property;

6.1.1.5.8. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and

6.1.2.5.9. The present zoning classification of the parcel.

#### 6.3.2. EXHIBITS TO ACCOMPANY SKETCH PLAN

6.3.2.1. Evidence that the applicant has right, title or interest in the property.

6.3.2.2. An aerial photograph enlarged to a scale not less detailed than 1 inch:400 feet, to show the relationship of the proposed area to be subdivided to adjacent properties and to the total areas owned in whole or in part by the applicant. The aerial photograph shall include:

- Property boundaries in the area;
- Locations and names of existing streets and roads;
- Boundaries and designations of zoning districts;
- Wetlands, regardless of size, with designation prepared by a State-Certified Soil Scientist or Geologist registered in the State of Maine, based on an on-site investigation;
- Streams or ponds located in whole or in part on the parcel proposed to be subdivided;
- The boundaries of the 100-year floodplain;
- Public land; and
- Land protected under conservation easements.

6.3.2.3. One or more maps of the site at the same scale as the aerial photograph showing topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 15 inches or more, steep slopes over 20% grade,

rock outcrops, soil types, ponds, ditches, drains, streams, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads.

6.3.2.4 Names and addresses of abutters.

#### 6.3.3. ADMINISTRATIVE FEE

### **An administrative fee for Pre-Application Conference/Sketch Plan Review shall be submitted as specified in Section 13 of this Ordinance.**

#### **6.4. ON SITE INSPECTION**

The Planning Board may conduct an on-site inspection of the site. The on-site inspection shall be jointly attended by the applicant or his/her duly authorized agent and by at least one member of the Planning Board or an individual appointed by the Chairperson of the Planning Board to act as the Board's authorized representative for such inspection. Comments made by the Planning Board, the CEO, or other local officials at the inspection shall be interpreted as suggestions only. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions made, at the on-site inspection. After the on-site inspection, the Planning Board shall determine the contour levels for subsequent submissions and shall notify the application in writing of the required contour interval.

If a review is pending during a period when there is snow cover, or when conditions otherwise make site inspection impossible (e.g. very wet conditions), the deadline by which the Planning Board shall take action on the pre-application conference and site inspection may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct the site inspection.

#### **6.5. RIGHTS NOT VESTED**

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302, as amended.

## **SECTION 7: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS**

### **7.1. MINOR SUBDIVISION MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS**

The Planning Board may require, where it deems it necessary for the protection of public health, safety and general welfare, that a Minor Subdivision, which is defined as any subdivision containing not more than four (4) lots or dwelling units, comply with all or any of the procedural and submission requirements of a Major Subdivision.

### **7.2. SUBMISSION PACKET**

The submission Packet required for Minor Subdivisions shall include the following:

**7.2.1. APPLICATION AND EXHIBITS**

An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section 10 of this Ordinance.

**7.2.2. FINAL SUBDIVISION PLAN**

A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section 12 of this Ordinance.

**7.2.3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT**

An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section 13 of this Ordinance.

**7.3. PROCEDURE**

The procedure for reviewing Minor Subdivision Plans is as follows:

**STEP 1: REQUEST FOR FINAL PLAN REVIEW**

Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall submit a complete Final Plan and request, through the Town Clerk, to be placed on the Planning Board's agenda. Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard. Failure to do so within six (6) months of classification may require a new pre-application conference.

**STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS**

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and the application placed on the agenda of the first available scheduled Planning Board meeting.

**STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY**

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

#### **STEP 4: PLANNING BOARD REVIEW OF PLAN AND APPLICATION**

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application. The applicant shall have thirty (30) days thereafter to submit a complete application. If the applicant fails to submit a complete application within that time, the Planning Board may require a new pre-application conference and sketch plan. If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final plan approval.

Full evaluation of the Final plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

#### **STEP 5: FINAL PLAN PUBLIC HEARING DISCRETIONARY**

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity so as to warrant a public hearing, and determine not to hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of a public hearing shall be given pursuant to the provisions of Section III. H. of this Ordinance, should the Planning Board decide one is necessary.

#### **STEP 6: PLANNING BOARD DECISION ON FINAL PLAN**

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision.

The Planning Board's failure to grant an approval within the deadlines specified above shall constitute a denial of the application by the Board, unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section 4 of this Ordinance.

### **STEP 7: SIGNATURES**

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

### **STEP 8: FILING OF APPROVED FINAL PLAN**

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section 9 of this Ordinance.

## **SECTION 8: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS**

### **8.1. SUBMISSION PACKET**

The submission packet required for Major Subdivisions, which are defined as any subdivision containing more than four (4) lots or dwelling units, shall include the following:

#### **8.1.1. APPLICATION AND ATTACHMENTS**

An application and attachments for Planning Board Review of Major Subdivisions shall be submitted as specified in Section 10 of this Ordinance.

#### **8.1.2. FINAL SUBDIVISION PLAN**

A Final Subdivision Plan for Planning Board Review of Major Subdivisions shall be submitted as specified in Section 12 of this Ordinance.

#### **8.1.3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT**

An administrative fee and escrow account for Planning Board review of Major Subdivisions shall be submitted as specified in Section 13 of this Ordinance.

### **8.2. PROCEDURE**

The procedure for reviewing Major Subdivision Plans is as follows:

#### **STEP 1: REQUEST FOR REVIEW OF PRELIMINARY PLAN**

Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

## **STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS**

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, he/she shall return the submissions to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and the application placed on the agenda of the next regularly scheduled Planning Board meeting.

## **STEP 3: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY**

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail the CEO, all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give general description of the proposal.

## **STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION**

Within thirty (30) days from receipt of an application, the Planning Board shall review the preliminary plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application. The applicant shall have thirty (30) days thereafter to submit a complete application. If the applicant fails to submit a complete application within that time, the Planning Board may require a new pre-application conference and sketch plan.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until final plan approval.

Full evaluation of the preliminary plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

#### **STEP 5: PRELIMINARY PLAN PUBLIC HEARING**

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the preliminary plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.

#### **STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN**

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed preliminary plan does or does not meet the criteria in Section II of this Ordinance. The Planning Board is not required to sign a preliminary plan.

#### **STEP 7: REQUEST FOR REVIEW OF FINAL PLAN**

Within six (6) months after approval of a preliminary plan for a Major Subdivision, the applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for final plan review. Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard. Failure to do so within six (6) months of preliminary plan approval shall require that the preliminary plan be re-reviewed as provided in Steps 1 through 6, above.

#### **STEP 8: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS**

The Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for final plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, he/she shall issue the applicant a Dated Receipt of Application and place the applicant on the agenda of the next regularly scheduled Planning Board meeting.

#### **STEP 9: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN**

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning



Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a final plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

#### **STEP 10: PLANNING BOARD REVIEWS FINAL PLAN**

Within thirty (30) days from receipt of the final plan, the Planning Board shall notify the applicant in writing either that the final plan is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

#### **STEP 11: FINAL PLAN PUBLIC HEARING**

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the final plan of the proposed Major Subdivision.

#### **STEP 12: PLANNING BOARD DECISION ON FINAL PLAN**

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the final plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section 4 of this Ordinance.

#### **STEP 13: SIGNATURES**

Upon approving the final plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

#### **STEP 14: FILING OF APPROVED FINAL PLAN**

Planning Board Orders and approved final plans for Major Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section 9 of this Ordinance.

## **SECTION 9: FILING PROCEDURES FOR APPROVED SUBDIVISIONS**

### **9.1. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS**

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Penobscot County Registry of Deeds. The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section 9.1.2 below.

#### **9.1.1. FILING SECURITY DEPOSIT REQUIRED**

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Town with a filing security deposit, in the form of a cashier's check made payable to the Town of Veazie in the amount as may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule)

#### **9.1.2. SIGNING OF APPROVED FINAL SUBDIVISION PLANS**

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Penobscot County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Board Order is recorded in the Penobscot County Registry of Deeds.

After entering the book and page numbers, those members of the Planning Board voting for approval shall sign their names in ink in the places provided, on two (2) polyester film (mylar) (or other reproducible format, if approved by the Board) copies and four (4) paper copies of the approved Final Subdivision Plan. One (1) paper copy is for the Planning Board files and one (1) paper copy is for the Tax Assessor.

##### **9.1.2.1. FILING OF THE SIGNED SUBDIVISION PLAN**

The applicant will be given the signed original polyester film (mylar) and two (2) signed paper copies of the Final Subdivision Plan. Within ninety (90) days of the date of Planning Board signatures, the applicant shall file the polyester film (mylar) (or other reproducible format, if approved by the Board) and one (1) paper copy with the Penobscot Registry of Deeds and be responsible for having the second paper copy stamped and dated by the Registry of Deeds and returned to the Town of Veazie.

##### **9.1.2.2. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT**

In the event that the applicant fails to file the approved Final Subdivision Plan within the ninety (90) days provided in Section 9.1.2.1. above, the Planning Board's approval shall be considered void and the filing security deposit forfeited.

#### 9.1.2.3. RETURN OF FILING SECURITY DEPOSIT

Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the filing security deposit shall be refunded to the applicant by the Town.

#### 9.1.2.4. FORFEITED DEPOSITS ACCRUE TO THE TOWN

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

## **SECTION 10: SUBDIVISION APPLICATION AND ATTACHMENTS**

### **10.1. APPLICATION FORM**

The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant, and shall include the information required below.

### **10.2. INFORMATION TO BE SUBMITTED**

The following information shall be included in the application forms submitted to the Planning Board with the final plans for all Minor Subdivisions and with the preliminary plans for all Major Subdivisions:

#### 10.2.1. INFORMATION REGARDING THE APPLICANT

10.2.1.1. The name, address, and phone number of the Owner of Record (Applicant).

10.2.1.2. Information regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.

10.2.1.3. Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.

10.2.1.4. The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).

10.2.1.5. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.

10.2.1.6. The name, address, and phone number of the individual(s) to whom all communications from the Planning Board should be directed.

10.2.1.7. Information regarding the applicant's interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

10.2.2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED

10.2.2.1. The book and page numbers from Registry of Deeds, and a copy of the deed describing the parcel proposed to be subdivided.

10.2.2.2. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.

10.2.2.3. The existing use of the property proposed to be subdivided.

10.2.2.4. The total acreage of parcel proposed to be divided.

10.2.2.5. The present zoning of parcel proposed to be subdivided.

10.2.2.6. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.

10.2.2.7. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.

10.2.2.8. Whether or not there are any freshwater wetlands based on an on-site investigation by a State Certified Soil Scientist or Geologist registered in the State of Maine), streams or ponds located in whole or in part on the parcel proposed to be subdivided.

10.2.2.9. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.

10.2.2.10. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.

10.2.2.11. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.

10.2.2.12. Documentation of the location of any groundwater contamination risks found on abutting parcels to the proposed subdivision.

10.2.3. INFORMATION REGARDING PROPOSED SUBDIVISION

10.2.3.1. Name of the proposed subdivision.

10.2.3.2. Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)

10.2.3.3. Number of lots and/or units proposed.

10.2.3.4. Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.

10.2.3.5. Information regarding proposed methods of supplying water required by the proposed subdivision.

10.2.3.6 Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.

10.2.3.7. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.

10.2.3.8. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.

10.2.3.9. Information regarding proposed interior subdivision roads.

10.2.3.10. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.

10.2.3.11. Estimated dates of starting and completing any proposed construction.

10.2.3.12. Estimated costs of required and proposed improvements.

### **10.3. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS**

In order for the Planning Board to make its required positive findings that the proposed subdivision in fact meets the Criteria of Approval contained in Section 4 of this Ordinance, applicants are required to submit clear and sufficient evidence in support of each criteria.

The Planning Board shall from time to time adopt and keep up-to-date specifications of the nature and extent of the evidence it deems necessary to make positive findings with regard to the various criteria of approval.

## **SECTION 11: SPECIFICATIONS: PRELIMINARY PLANS**

### **11.1. PRELIMINARY SUBDIVISION PLANS**

Preliminary subdivision plans shall be prepared and submitted to the Planning Board, as follows:

**11.1.1. SHEET SIZE**

Preliminary subdivision plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the border line on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

**11.1.2. NUMBER OF COPIES TO BE SUBMITTED**

Preliminary subdivision plans shall be submitted in nine (9) sets of one or more maps or drawings, printed or reproduced on paper, this includes one (1) for the Fire Chief's review. Eight (8) copies of the plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted. In addition, eight (8) copies of the application and required exhibits shall be submitted with the preliminary plans.

**11.1.3. PLAN SCALE**

Preliminary subdivision plans shall be drawn to a scale of not more than one hundred feet (100') to the inch.

**11.2. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS**

The following information shall be shown on preliminary subdivision plans:

**11.2.1. GENERAL INFORMATION**

The proposed name of the subdivision, name of the Town, the date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

**11.2.2. BOUNDARY SURVEY**

Survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed professional land surveyor, as being a survey as defined and adopted by the Maine Board of Licensure for Professional Land Surveyors. The type of monument set or found at each parcel corner shall also be shown. Said boundary survey shall include, but not limited to, the following:

11.2.2.1. Boundary lines of the tract with bearings no less than to the nearest 30 seconds, distances no less than to the nearest 0.01-foot, curve data and any additional information to reproduce the survey mathematically;

11.2.2.2. Type of monument set or found at each parcel corner;

11.2.2.3. Rights of way and easements of record within or immediately surrounding the tract.

**11.2.3. CONTOUR LINES**

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

**11.2.4. PROPOSED LOT LINES AND LOT NUMBERS**

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet and proposed lot numbers.

**11.2.5. EXISTING FOREIGN FEATURES**

The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

**11.2.6. EXISTING NATURAL FEATURES**

The location and configuration of existing waterbodies, watercourses and wetlands on or immediately adjacent to the parcel, prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation, existing water bodies, watercourses and the cover types (open field, open shrub, wooded, etc.), and other significant physical features, including the location of any trees larger than twenty-four (24) inch diameter at breast height in areas of proposed construction or where clearing of trees will be likely to occur, and the cover types (open field, open shrub, wooded, etc.), and other significant physical features.

**11.2.7. NAMES OF ADJACENT PROPERTY OWNERS**

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

**11.2.8. PROPOSED IMPROVEMENTS**

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, and common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

**11.2.9. PUBLIC IMPROVEMENTS**

The location and width of any existing and proposed roads or other public improvements, within the subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

**11.2.10. COMMON AND/OR PUBLIC AREAS AND FACILITIES**

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

**11.2.11. FLOOD HAZARD AREA BOUNDRIES**

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

**11.2.12. EXISTING ZONING**

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

**11.2.13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL**

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning Consultant who designed the plan.

## SECTION 12: SPECIFICATIONS: FINAL SUBDIVISION PLAN

### 12.1. FINAL SUBDIVISION PLANS

Final minor and final major subdivision plans shall be prepared and submitted to the Planning Board, through the Town Clerk, in the same manner as required for preliminary subdivision plans in Section 11.

### 12.2. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS

In addition, the following shall be shown on all final minor and final major subdivision plans:

#### 12.2.1. FINAL PLAN APPROVAL BLOCK

An approval block to record the approval of the final plan shall be permanently affixed to final minor and final major subdivision plans and shall read as follows:

APPROVAL BLOCK
<p>This Subdivision Plan has been approved with/without conditions by the Veazie Planning Board in accordance with Title 30-A, MRSA, Section 4401, et seq.</p> <p>Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on _____, and recorded in the Penobscot County Registry of Deeds in Book _____ on page _____</p> <p>Signed</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Date _____</p>



**12.2.2. 9-1-1 LOT NUMBERING SYSTEM**

Lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

## **SECTION 13: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT**

### **13.1 ORDINANCE FEE**

The non-refundable fee for each copy of this Ordinance is the cost of reproduction per copy, as the same may be established from time to time by the Town Council, after notice and hearing. Copies of the Ordinance will be available for review at the Town Office. (see Fee Schedule)

### **13.2. PRE-APPLICATION CONFERENCE/SKETCH PLAN AND APPLICATION PROCESSING FEES**

The Pre-Application and Application Processing Fees are required to cover the administrative handling costs associated with subdivision review under this Ordinance. The non-refundable fee to accompany Pre-Application Conference/Sketch Plan and Preliminary Plan applications of Subdivisions as the same may be established from time to time by the Town Council, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

### **13.3. TECHNICAL REVIEW ACCOUNT**

In addition to the fees for copies of the Ordinance, Pre-Application Conference/Sketch Plan, and Application Processing Fees, the applicant shall pay a separate fee per lot or dwelling unit as the same may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule) This fee to be deposited in a special account designed for the particular subdivision application, to be used by the Planning Board for hiring independent Consulting or legal services to review the application.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid to the Town of Veazie and the purpose of the fee shall be clearly indicated on the receipt for same. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

If the balance in this account is drawn down by 50% or more, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant as the same may be established from time to time by the Town Council, after notice and hearing. (see Fee Schedule) The Board shall continue to notify the applicant and require an additional fee per lot or dwelling unit as set by the Town Council to be deposited as necessary whenever the balance of the account is drawn down by 50% of the original deposit.

Any Balance in the account remaining, after the approval of the subdivision, shall be returned to the applicant.

## **SECTION 14: REVISION OF APPROVED PLANS AND TRANSFERS OF APPROVAL**

### **14.1 REVISION OF APPROVED SUBDIVISION PLANS**

Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended. Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification. The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section IV.

### **14.2. TRANSFER OF SUBDIVISION APPROVAL**

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and action.

## **SECTION 15: ADDITIONAL REQUIRED IMPROVEMENTS**

The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

### **15.1 MONUMENTS**

15.1.1. Iron pin or stone monuments shall be set at all road intersections and points of curvature.

15.1.2. Stone monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length. After they are set, drill holes, one-half (1/2) inch deep shall locate the point or points described above.

15.1.3 Development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:

- 15.1.3.1. A granite monument;
- 15.1.3.2. A concrete monument;
- 15.1.3.3. An iron pin; or
- 15.1.3.4. A drill hole in ledge.

## **15.2. WATER SUPPLY**

- 15.2.1. The Board may allow the use of individual wells or a private central water supply system.
- 15.2.2. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.
- 15.2.3. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
- 15.2.4. The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon a finding by the Board that adequate, alternate firefighting provisions exist or will be built as part of the approved plan. When calculating the minimum water supplies needed for firefighting, generally accepted standards, including but not limited to the 2017 edition of National Fire Protection Association 1142, Standard on Water Supplies for Suburban and Rural firefighting, shall be used.

## **15.3. SUBSURFACE WASTEWATER DISPOSAL**

- 15.3.1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
- 15.3.2. Disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

## **15.4. SURFACE DRAINAGE**

- 15.4.1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The surface water management system shall be designed by a Registered Professional Engineer.
- 15.4.2. Drainage easements for existing water courses or proposed drainage ways of adequate dimension conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.
- 15.4.3. The developer shall provide a statement from a qualified professional that the proposed development will not create erosion, drainage or runoff problems

either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

- 15.4.4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section 21, shall be submitted.

## **SECTION 16: RESERVED FOR FUTURE USE**

## **SECTION 17: VIOLATIONS AND ENFORCEMENT**

### **17.1 RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED**

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

### **17.2 CONVEYANCE WITHOUT RECORDING PROHIBITED**

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

### **17.3. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED**

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in an approved subdivision which is not shown on the Final Plan as a separate lot.

### **17.4. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED**

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 Board.

### **17.5 DEVELOPMENT PRIOR TO APPROVAL PROHIBITED**

Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this Ordinance.

### **17.6. ROAD COMPLETION PRIOR TO OCCUPANCY REQUIRED**

No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

#### **17.7. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL**

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

#### **17.8 FAILURE TO PAY**

Failure to pay application fees, filing fees, and technical review accounts as required by this Ordinance shall be considered a violation of this Ordinance, which will stop the review process and void approvals.

#### **17.9 OWNER RESPONSIBLE FOR OFF-SITE SEDIMENTATION**

Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance.

#### **17.10. NUISANCES**

Any violation of this Ordinance shall be deemed a nuisance.

#### **17.11 CODE ENFORCEMENT OFFICER**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the person or persons responsible for such violation, the Town Council and the Planning Board, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

#### **17.12 LEGAL ACTIONS**

When there is a violation of this Ordinance, the Town Council, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq., as amended. In any case, the Town Attorney may prosecute such actions.

#### **17.13 FINES AND FEES**

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452, as amended. The provisions of that statute governing fines and fees is expressly applicable to

violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

#### **17.14 CONTRACTOR LIABILITY**

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

### **SECTION 18: GENERAL PERFORMANCE STANDARDS**

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

#### **18.1 CONFORMANCE WITH COMPREHENSIVE PLAN**

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

#### **18.2 RELATIONSHIP TO MUNICIPAL SERVICES**

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

#### **18.3 PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE**

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

#### **18.4 RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD**

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity.

#### **18.5. RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES**

- 18.5.1. In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least thirty (30) percent of his total area as usable open space. In any subdivision twenty (20) acres or less, or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at

least two (2) acres in size and easily accessible from all lots within the subdivision.

18.5.2. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended and deemed adequate by the Board.

18.5.3. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

18.5.4. If the Planning Board determines that the reservation of land for parks and/or recreation purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such payment shall be placed in a trust to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.

18.5.5. The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches in diameter four feet (4') in height above the ground; the replacement of trees and vegetation, graded contours, streams and the preservation of scenic , historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

18.5.6. The Board and Applicant may negotiate an area that connects other open space or Town owned land in order to create green way in lieu of the percentage requirements in 18.5.1.

#### **18.6. LAND NOT SUITABLE FOR DEVELOPMENT**

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

18.6.1. Land which is situated below the normal high water mark of any water body or below the upland edge of any wetland;

18.6.2. Land which is part of a right-of way, or easement, including utility easements;

18.6.3. Land that has been created by filling or draining a pond or wetland;

### **18.7. TOPSOIL AND VEGETATION REMOVAL**

- 18.7.1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- 18.7.2 Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact whenever feasible to prevent soil erosion.
- 18.7.3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody, and extending one hundred (100) feet inland from all points along the upland edge of the wetland shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

### **18.8. EROSION AND SEDIMENTATION CONTROL**

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.

- 18.8.1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
- 18.8.2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices.
- 18.2.3. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion.
- 18.2.4. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- 18.2.5. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.
- 18.2.6. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- 18.2.7. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- 18.2.8. Disturbed soils shall be stabilized as quickly as practicable.
- 18.2.9. Temporary vegetation or mulching shall be used to protect disturbed areas during development.
- 18.2.10. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the BSWD or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.



- 18.2.11. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
- 18.2.12. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board.
- 18.2.13. During grading operations, methods of dust control shall be employed wherever practicable.
- 18.2.14. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance. Under extenuating circumstances the Code Enforcement Officer may grant an extension of time.
- 18.2.15. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and
- 18.2.16. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

#### **18.9. LOT STANDARDS**

- 18.9.1. All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.
- 18.9.2. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.
- 18.9.3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- 18.9.4. Wherever possible, side lot lines shall be perpendicular to the road.
- 18.9.5 The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.

18.9.6. If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road or barrier to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.

18.9.7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.

18.9.8 All lots shall have a minimum of four (4) sides.

#### **18.10. UTILITIES**

18.10.1 The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.

18.10.2 Underground utilities shall be installed prior to the installation of final gravel base of the road.

18.10.3 The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Board.

#### **18.11. CONSTRUCTION IN FLOOD HAZARD AREAS**

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

### **SECTION 19: ROAD DESIGN AND CONSTRUCTION STANDARDS**

#### **19.1 GENERAL REQUIREMENTS**

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

19.1.1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.

19.1.2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall

assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

19.1.3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

19.1.4. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

## 19.2. ROAD DESIGN STANDARDS

19.2.1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

19.2.2. Roads shall be designed to discourage through-traffic within residential developments except where such roads are proposed in the Town's Official Map, Land Use Plan, or Development Plan. The Planning Board may consider allowing single-lane, one-way roads provided that such one-lane roads meet emergency vehicle access requirements.

19.2.3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Planning Board may require that the development plan indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of this Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or State.

19.2.4. Any development containing fourteen (14) or more dwelling units or lots shall have at least two (2) road connections with existing public roads, roads shown on an Official Map and an approved development plan for which performance guarantees have been filed and accepted.

19.2.5. The following design standards apply to subdivision roads:

DESCRIPTION	DIMENSION
Minimum Right Of Way Width	50'
Minimum Traveled Way	18'
Shoulder Width	2'

Maximum Grade	8%
Roadway Crown	¼" /ft
Angle of all Road Intersections	90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

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

19.2.7. DEAD END ROADS:

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Sixty five (65) foot property line radii and fifty (50) foot outer edge of travel way radii. The Board may require the reservation of a twenty (20) foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road.

The Board may also require the reservation of a fifty foot (50') easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.

19.2.8 GRADES, INTERSECTIONS AND SIGHT DISTANCES:

19.2.8.1. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

19.2.8.2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

POSTED SPEED (MPH)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (ft)	150	200	250	300	350	400	450	500	550

19.2.8.3. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table above.

19.2.8.4. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

19.2.8.5. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other

important traffic intersections. A minimum distance of two hundred (200) feet shall be maintained between centerlines of side roads.

### 19.3. ROAD CONSTRUCTION STANDARDS

#### 19.3.1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION

ROAD MATERIALS	
AGGREGATE SUB-BASE COURSE Maximum sized stone = 4"	18"
18" CRUSHED AGGREGATE BASE COURSE	4"

#### 19.3.2. PREPARATION:

19.3.2.1. Before any clearing has started on the right of way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.

19.3.2.2. On soils which have been identified as not suitable for roadways, such as stumps, organic duff, and loam, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.

19.3.2.3. Side slopes of exposed soil shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

19.3.2.4 All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

#### 19.3.3. BASES AND PAVEMENT:

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

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
¾ inch	25-70%
No. 40	0-30%
No. 200	0-7%

19.3.3.2. Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve. If Geotextile Fabric is proposed, or required it shall be installed under Sub-base course.

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

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

19.3.4 PAVEMENT JOINTS: Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

19.3.5 CURBS AND GUTTERS: Road curbs and gutters shall be installed as required by the Board. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

19.3.6 PAVEMENTS: Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than three quarter (3/4) inch maximum, applied in a two inch (2") minimum compacted thickness.

19.3.7 Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than one half (1/2) inch maximum, applied in a one inch (1") minimum compacted thickness.

#### 19.4. CLEANUP

Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

### **19.5. ROAD NAMES, NUMBERING, SIGNS, AND LIGHTING**

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Town 911 Addressing Officer. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as required and approved by the Board, and paid for by the developer.

Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. The approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

### **19.6. DRIVEWAY CULVERTS**

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter. The minimum and maximum lengths respectively shall be twenty-four (24) and thirty-six (36) feet in length.

PVC pipe can be used as long as it has a minimum of eighteen (18) inches of cover, this means compacted, with suitable material, (no rocks larger than one (1) inch) on all sides of pipe.

### **19.7. CERTIFICATION OF CONSTRUCTION**

Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine, approved by the Planning Board, shall be submitted to the Planning Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans may be required by the Planning Board.

## **SECTION 20: BUFFER AND SCREENING STANDARDS**

### **20.1. BUFFERS AND SCREENING**

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following buffer and screening standards:

20.1.1. All areas located along Town Ways, within twenty (20) feet of the edge of the right-of-way shall be used as buffer areas.

20.1.2. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.

20.1.3. Buffers shall be considered in or for the following areas and purposes:

- 20.1.3.1. Along property lines, to shield various uses from each other;
  - 20.1.3.2. Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
  - 20.1.3.3. Parking areas, garbage collection areas, and loading and unloading areas; and
  - 20.1.3.4. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
- 20.1.4. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public road ways, and to otherwise prevent any nuisances.
- 20.1.5. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six (6) feet or more in height.
- 20.1.6. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.
- 20.1.7. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, and stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- 20.1.8. Evergreens can be used as buffers, provided they are planted in two (2) or three (3) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreens planted six (6) feet on center.
- 20.1.9. Fencing and screening shall be durable and properly maintained at all times by the owner.
- 20.1.10 Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- 20.1.11. All buffers shall be maintained in a neat and sanitary condition by the owner



## **20.2. PLANT MATERIAL MAINTAINANCE GUARANTEE REQUIRED**

Prior to the issuance of any permit, the applicant shall furnish to the Town of Veazie a three (3) year guarantee that plantings be maintained in accordance with the terms of the Board's approval and in good and healthy condition. A maintenance bond may be required by the Planning Board. Notwithstanding the requirement of a bond from the applicant, the owner of any premises approved by the Board under any section of this Ordinance shall have a continuing obligation to maintain required plantings in accordance with the terms of the Board's approval and in a good and healthy condition.

## **SECTION 21: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS**

### **21.1. GENERAL PROVISIONS**

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

- 21.1.1 The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.
- 21.1.2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

### **21.2. STORM WATER MANAGEMENT DESIGN STANDARDS**

- 21.2.1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
- 21.2.2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Veazie, Maine.
- 21.2.3. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths, respectively shall be twenty-four (24) and thirty-six (36) feet in length. Maximum trench width at pipe

crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.

21.2.4. Catch basins shall be installed where necessary.

21.2.5. Inlets and outlets of culverts shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.

21.2.6. The storm water management system shall be designed to accommodate complete watershed drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of fifty percent (50%) for potential increases in upstream runoff.

21.2.7. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from any development. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased flows.

21.2.8. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

### **21.3. STORM DRAINAGE CONSTRUCTION STANDARDS**

#### **1. REINFORCED CONCRETE PIPE:**

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

#### **2. CORRUGATED METAL PIPE:**

Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5) percent.

#### **3. ABS PIPE:**

ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

4. CORRUGATED PLASTIC PIPE: Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

5. ACCESS HOLES:

Access holes, if required, shall be of precast concrete truncated cone section construction meeting requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

6. CATCH BASINS:

Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. DRAIN INLET ALIGNMENT:

Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after Consultation with the Town's Consulting Engineer.

8. ACCESS HOLE PLACEMENT:

Access holes, if required, shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred foot (400') intervals.

9. CATCH BASIN AND ACCESS HOLE MAINTENANCE:

Upon completion, each catch basin or access hole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until the Town will accept the road.

## **SECTION 22: PROVISION FOR CLUSTER DEVELOPMENT**

### **22.1. PURPOSE**

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance. In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

- 22.1.1. Additional open space and recreation areas;
- 22.1.2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and
- 22.1.3. An efficient use of land resulting in small networks of utilities and streets.

### **22.2. ALLOWABLE REDUCTION IN REQUIREMENTS**

To accomplish the purposes above, the layout and dimensional requirements of this ordinance may be reduced as follows:

- 22.2.1. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;
- 22.2.2. The Board shall not increase building height limitations; and
- 22.2.3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required;

### **22.3. PERFORMANCE STANDARDS**

All cluster developments approved by the Board must meet the following requirements:

- 22.3.1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
- 22.3.2. The minimum area of land in a cluster development shall be ten (10) acres.
- 22.3.3. No building shall be constructed on soil types that are poorly drained.
- 22.3.4. Where a cluster development is proposed on a parcel which abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
- 22.3.4. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas in accordance with an overall plan for site development and landscaping.

## **SECTION 23: PERFORMANCE GUARANTEES**

### **23.1. TYPES OF GUARANTEES**

With submittal of the application for final plan approval for any subdivision, the Board may require the developer to provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the timespan of the construction schedule and the inflation rate for construction costs.

- 23.1.1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section 23.3, below;
- 23.1.2. A performance bond payable to the Town issued by a surety company, approved by the Town Council and Town Attorney, as provided for in Section 23.4., below;
- 23.1.3. An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Town Council and Town Attorney, as provided for in Section 23.5., below; or
- 23.1.4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section 23.6., below. The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town's Road Commissioner, Municipal Officers and/or Attorney.

### **23.2. CONTENTS OF GUARANTEE**

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and date after which the developer will be in default allowing the Town access to the funds to finish construction, as provided for in Section 23.8., below.

### **23.3. ESCROW ACCOUNT**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer.

### **23.4. PERFORMANCE BOND**

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

### **23.5. LETTER OF CREDIT**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan

### **23.6. CONDITIONAL AGREEMENT**

The Board, at its discretion, may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that only up to three (3) lots may be sold or built upon until:

26.6.1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; and

26.6.2. A performance guarantee, acceptable to the Town is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Subsection 23.8.

### **23.7. PHASING OF DEVELOPMENT**

The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots or buildings abutting that section of the proposed development's road which is covered by performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead-end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

### **23.8. RELEASE OF GUARANTEE**

Prior to the final release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements.

### **23.9. DEFAULT**

If, upon inspection, the Board, or its qualified agent, finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall so report in writing to the Code Enforcement Officer, the Town Council, and the subdivider or developer. The Town Council shall take any steps necessary to preserve the Town's rights.

### **23.10. PRIVATE ROADS**

Where the development roads are to remain private roads, the following words shall appear on the recorded plan: "All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

Neither the Applicant's intention, nor the lack of such a notation on the recorded plan, shall be deemed to constitute, be evidence of, or create any expectation of acceptance of any road or easement by the Town Council in its capacity as the legislative body of the Town.

## **SECTION 24: WAIVERS**

### **24.1. WAIVER OF SUBMISSION REQUIREMENTS**

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

### **24.2. WAIVER OF PERFORMANCE STANDARDS**

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

### **24.3. WAIVERS OF REQUIRED IMPROVEMENTS**

Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity to the proposed subdivision or development, it may waive the requirement for such improvements, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or any Ordinance.

### **24.4. WAIVERS FOR ROAD DESIGN AND CONSTRUCTION STANDARDS**

Where the board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the road design and construction standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

#### **24.5. WAIVERS CONDITIONALLY GRANTED**

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met. F.

#### **24.6 WAIVERS LIMITED**

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

#### **24.7. WAIVER REVOCABLE**

All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

### **SECTION 25: APPEALS**

#### **25.1. Board of Appeals**

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 is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

### **SECTION 26: DEFINITIONS**

#### **26.1. CONSTRUCTION OF LANGUAGE**

In this Ordinance, certain terms and words shall be interpreted as follows:

26.1.1. The words “persons” and “applicant” include individuals, firms, associations, corporations, organizations, and similar entities;

26.1.2. Words used or defined in one tense or form shall include other tenses or derivative forms;

26.1.3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;



26.1.4. The masculine gender shall include the feminine and the feminine shall include the masculine;

26.1.5. The word “shall” is mandatory;

26.1.6. The word “may” is permissive;

26.1.7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

## **26.2. DEFINITIONS**

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

### **APPLICANT**

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

### **BERM**

A narrow shelf or path such as a ledge at the top of a ditch.

### **BOARD**

The Planning Board of the Town of Veazie, Maine.

### **CLUSTER DEVELOPMENT**

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.

### **COMPLETE APPLICATION**

An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

### **COMPREHENSIVE PLAN OR POLICY STATEMENT**

Any part or element of the overall plan or policy for development of the Town as defined in Title 30- A, MRSA, Section 4301, et. seq., as amended.

### **CONTIGUOUS LOTS**

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

### **DRIVEWAY**

Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots.

**DWELLING UNIT**

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

**EASEMENT**

The authorization of the property owner for the use by another, and for specified purpose, of any designated part of his property.

**ENGINEER**

Municipal Engineer or consulting engineer licensed by the State of Maine.

**FARMLAND**

A parcel consisting of 5 or more acres of land that is: A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or B. Used for the production of agricultural products as defined in Title 7, M.R.S.A., section 152, subsection 2.

**FINAL PLAN**

The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

**FRESHWATER WETLAND**

Freshwater Wetlands shall be defined as in Title 38, MRSA, Sec. 480-A et seq., as amended, Natural Resources Protection Act. According to 2017 statutes, Freshwater Wetlands are defined as follows: "Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas that are: Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and Not considered part of a great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusion of land that do not conform to the criteria of this subsection. Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection.

**FRONTAGE**

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- a. A way accepted by or established as belonging to the Town of Veazie, or the State of Maine, provided access is not specifically prohibited;
- b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan. Frontage dimensions shall meet or exceed the minimum frontage required by the Town's Zoning Ordinance.

**GROUNDWATER CONTAMINATION RISKS**

Reported oil spills or oil storage facilities and other likely sources of groundwater contamination (e.g., active or former oil storage tanks, fueling facilities, solid waste landfills, hazardous waste spills, junkyards, salt piles, etc.)

**HIGH INTENSITY SOIL SURVEY**

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eighth (1/8) acre or less in size.

**LEGISLATIVE BODY**

Town Council.

**LOT**

Any separate or distinct unit of land, structure or part of structure, whether residential or nonresidential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

**NET ACREAGE**

The total acreage available for the subdivision or development, and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

**NGVD**

National Geodetic Vertical Datum.

**NORMAL HIGH WATER ELEVATION OF INLAND WATERS**

Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial: along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

**OFFICIAL MAP**

The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

**OFFICIAL SUBMITTAL DATE**

The date upon which the Board issues a receipt indicating that a complete application has been submitted.

**ONE-HUNDRED-YEAR FLOOD**

The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

**PERSON**

Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

**PLANNING BOARD ORDER**

A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

**PRELIMINARY SUBDIVISION PLAN**

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

**RECENT FLOOD PLAIN SOILS**

The following soil series as described and identified by the National Cooperative Soil Survey: Alluvial, Cornish, Charles, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, Sunday, Winooski.

**REPRODUCIBLE COPIES OF FINAL PLAN**

Polyester film (mylar), or other durable, permanent, stable based, transparent material upon which Final Subdivision Plans are drawn. Reproducible copies must include an approval block for the Planning Board members to sign at the time of final approval.

**RIGHT-OF-WAY**

A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town or other level of government.

**ROAD**

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way to 3 or more lots.

**SUBDIVISION**

As defined by Title 30-A, MRSA, Section 4401, as the same may be amended from time to time. See Section C.

**SUBDIVISION, MAJOR**

Any subdivision containing more than four (4) lots or dwelling units.

**SUBDIVISION, MINOR**

Any subdivision containing not more than four (4) lots or dwelling units.

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM**

Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; including but not limited to: septic tanks; disposal fields; legally existing, nonconforming 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 wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system. An engineered subsurface waste disposal system is any subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more.

**SWALE**

A hollow or depression especially in wet grounds.

**TOWN**

Town of Veazie, Maine

**TRACT OR PARCEL OF LAND**

All contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of the land on both sides of the road after September 22, 1971.

# Property Maintenance Ordinance

**Chapter 34**

Adopted on: 01-09-2017

## **Section 1. Title**

This Ordinance shall be known and cited as the "Property Maintenance Ordinance" of the Town of Veazie Maine, (hereinafter referred to as the Ordinance").

## **Section 2. Authority**

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

## **Section 3. Purpose**

The purpose of this Ordinance is to get a minimum standard for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding said buildings and structures, to include vacant lots. This Ordinance shall apply to all properties in the Town of Veazie.

## **Section 4. Maintenance Required**

All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance insuring that the property itself may be preserved safely, and that hazards to the public health and safety are avoided.

Violations of this Ordinance are established when it is demonstrated that conditions found contrary to this Ordinance create a risk to health and/or safety.

## **Section 5. Maintenance Standards/Premises and Yard Areas**

1. All premises and yard areas shall be maintained in a safe and sanitary condition.
2. Weeds and grass shall be kept from becoming overgrown.
3. All yards, or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other material which may cause a fire, health or safety hazard or may act as a breeding place for vermin.

## **Section 6. Enforcement**

The Code Enforcement Officer of the Town of Veazie shall enforce the provisions of this Ordinance. In the event of a violation, the Code Enforcement Officer shall notify the property owner, serving a written notice by certified mail. Said notice shall explain the nature of the violation and allow no more than thirty (30) days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in Section 7. Appeals from enforcement may be made to the Board of Appeals in writing.

## **Section 7. Penalties**

Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$25.00 for each day the violation continues beyond allotted correction period as referenced in Section 6. In addition, the Town may pursue all remedies and relief available at law and/or inequity, including without limitation the remedies and relief provided in Title 30-A M.R.S.A. §4452.

## **Section 8. Maintenance After Casualty Damage**

Within a period of ninety (90) days after casualty damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therein. The CEO may grant an extension under certain hardship conditions upon written request.

## **Section 9. Effective Date**

This Ordinance shall be effective upon adoption by the Veazie Town Council.