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Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
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Beach Ordinance

PURPOSE: Whereas the use of the Sebago Town Beach has increased substantially during the last few years, and it is anticipated that the use of the Beach will continue to increase, and in order to attempt to protect Sebago Lake from the influx of milfoil, the Selectmen of the Town of Sebago have adopted the following Ordinance in order to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein and to further the safety, health, comfort and welfare of all persons using the Beach.

1. The Beach area, Boat Launching area, and Parking area of the Town of Sebago shall be reserved for the use of Residents, Taxpayers, and their Guests only.
2. Only those vehicles identified with an Official Beach Pass issued by the Town of Sebago will be permitted to park in the Beach parking area. All others will be towed at the owner's expense.
3. Roadways and boat ramp access must not be blocked at any time.
4. No motor vehicles of any kind will be allowed on the beach from April 1st to October 30th.
5. All persons are responsible for removing their own trash. No glass containers are allowed at the beach.
6. No fires of any kind, including a ban on smoking at the beach.
7. No camping allowed.
8. No animals leashed or otherwise.
9. No alcoholic beverages, controlled substances or persons under the influence of same will be allowed.
10. The Beach area, Boat Launching area and Parking area will be closed from sunset to sunrise April 1st through September 15th.
11. One Beach pass per residence will be issued by the Sebago Town Clerk.
12. Parking will not be allowed at any time along the roads leading to the Town Beach. Violators will be towed at their own expense.
13. The speed limit on the roads leading to the Town Beach shall not exceed 15 miles per hour.
14. Any violation of this Ordinance shall be subject to a fine of \$25.00 for each offense payable within 5 days to the Town of Sebago.
15. Each part of this Ordinance is severable, and if any phrase, clause, sentence or provision is declared contrary to law, the validity of the remainder shall not be affected thereby.
16. This Ordinance shall become effective October 1, 2001.

TOWN OF SEBAGO CABLE TELEVISION ORDINANCE

Section 1. Designation of Ordinance.

This Ordinance shall be known as the Town of Sebago Cable Television Ordinance. It is adopted by the Municipal Officers of the Town of Sebago pursuant to 30-A M.R.S.A. §3008, effective October 16, 2018.

Section 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and vice versa. The word "shall" is always mandatory and not merely directory.

2.1 "Access" or "Access Cablecasting": Cablecasting on the Cable System's access channels for the following purposes: (i) non-commercial and non-discriminatory use by the public; (ii) carriage of non-commercial educational programs or information; and (iii) non-commercial use for governmental purposes in accordance with the Cable Act.

2.2 "Access Channel(s)": A video channel(s) which the Company shall make available to the Town of Sebago, without charge, for the purpose of transmitting programming by/for members of the public, Town departments, boards and agencies, public schools, educational, institutional, non-profit and similar organizations in accordance with the Cable Act.

2.3 "Affiliate" or "Affiliated Person": An entity that owns or controls is owned or controlled by, or is under common ownership with a Cable Operator, herein defined as "Company".

2.4 "Alphanumeric": Consisting of a combination of letters and numbers, used in reference to keyboards permitting communication in such form and in reference to Channels or Programs transmitting information in such form.

2.5 "Area Outage": An area outage occurs when cable or equipment is damaged, fails or otherwise malfunctions (collectively called malfunctions), and ten or more Subscribers receiving services from that section of cable or that equipment receive unusable or no service as a result of that malfunction.

2.6 "Basic Service": The minimum service transmitted to all Subscribers which includes, at a minimum, (1) all signals of domestic television broadcast stations entitled to "must carry" status under FCC rules, (2) any Public, Educational and Governmental programming required by a Franchise Agreement to be carried on

the basic tier, and (3) any additional video programming signals added to the basic tier by the Company in its sole discretion.

2.7 “Broadcast”: Over-the-air transmission by a television station.

2.8 “Cable Act”: The Cable Communications Policy and Communications Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, and as further amended.

2.9 “Cablecast”: Programming (exclusive of broadcast signals) carried on the Cable System.

2.10 “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 (1) video programming carried on the Basic Service tier, and (2) video programming offered on a pay-per-channel or pay-per-program basis.

2.11 “Cable Service”: The one-way transmission to Subscribers of video programming or other programming services, together with Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services.

2.12 “Cable System”: A facility serving the Town, which is owned, constructed, installed, operated and maintained by Company, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service, including video programming, to multiple Subscribers within a head-end service area as defined in accordance with Section 602 of the Cable Act. Such term does not include (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (b) a facility that serves subscribers without using any public right-of-way; (c) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Cable Act) 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; or (d) an open video system that complies with section 653 of this title, or (e) any facilities of any electric utility used solely for operating its electric utility systems.

2.13 “Channel” or “Video Channel”: A portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel (as defined by the FCC by regulation).

2.14 “Company”: Any Person or Persons owning, controlling, operating, managing or leasing a Cable System within the Town, pursuant to this Ordinance, and pursuant to any Franchise granted to it by the Town. This term shall include

any lawful successor(s) to the interest of such Person or Persons where consent to such successor(s) is approved under the provisions of this Ordinance and under any applicable terms of the Franchise Agreement entered into pursuant to this Ordinance.

2.15 “Completion of Construction”: That point when the Company has provided written documentation to the Town that a Cable System serving Sebago has been fully upgraded in accordance with any applicable requirements of this Ordinance and a Franchise Agreement, and service has been made available to Subscribers and potential Subscribers pursuant to the Franchise Agreement.

2.16 “Contractor or Subcontractor or Agent”: Any person or entity who or which directly or indirectly works for or is under the direction of “The Company” for the purpose of installation or repair of any portion of the Company’s Cable system in the Town.

2.17 “Converter”: A special tuner or device attached to the Subscriber’s television set which expands reception capacity and/or unscrambles coded signals distributed over the Cable System.

2.18 “Designated Access Provider”: The entity or entities which may be designated from time to time by the Town to provide PEG access to the residents of the Town of Sebago.

2.19 “Downstream Channel”: A Channel over which signals travel from the Cable System Headend or Sub-headend to an authorized recipient of programming.

2.20 “Downstream Transmissions”: Signals traveling from a Cable System distribution point to an authorized location.

2.21 “Drop” or “Cable Drop”: The interconnection between each home or building and the feeder line of the Cable System.

2.22 “FCC”: The Federal Communications Commission or any successor agency.

2.23 “Feeder Cable”: The cable, connected to trunk cable, from which cable television signal service is distributed to Subscribers, as distinguished from trunk cable (which distributes cable television service throughout the Franchise area) and drop cable.

2.24 “Franchise Authority”: The Board of Selectmen of the Town of Sebago.

2.25 “Franchise”: The non-exclusive Cable Television License to be granted to the Company to include the right, privilege and franchise to construct, operate and

maintain a Cable System, and appurtenances or parts thereof, in the Streets, roads, alleys, and other Public Ways of the Town.

2.26 “Franchise Agreement”: The contract entered into between the Company and the Town governing the terms and conditions of the Company’s use of the Franchise granted to the Company.

2.27 “Gross Annual Revenues”:

Revenue of any form or kind received by the Company from the carriage of Cable Service including, without limitation: the distribution of any Cable Service over the System; Basic Service monthly fees; all other Cable Service fees; fees paid for pay and/or pay-per-view services, installation, reconnection, downgrade, upgrade and any other similar fees; fees paid for channels designated for commercial use; converter, remote control and other equipment rentals, and/or leases and/or sales; all home shopping service(s) revenues; and advertising revenues. Gross Annual Revenue shall not include any taxes or fees other than franchise fees on services furnished by the Company imposed directly on any Subscriber or user by any governmental unit and collected by the Company for such governmental unit. In the event that an Affiliate is responsible for advertising on the Cable System in the Town, advertising revenues shall be deemed to be the pro-rata portion of advertising revenues excluding commissions and/or applicable agency fees, paid to the Company by an Affiliate for said Affiliate’s use of the Cable System for the carriage of advertising. It is the intention of the parties here to that Gross Annual Revenues shall only include such revenue of Affiliates and/or Persons relating to the provision of Cable Service over the Cable System and not the gross revenues of any such Affiliate(s) and/or Person(s) itself, where unrelated to Cable services. Gross Annual Revenue shall be computed in accordance with Generally Accepted Accounting Principles.

2.28 “Headend”: A company owned or leased facility through which Broadcast and cablecast signals are electronically acquired, translated, or modified for distribution over the Cable System.

2.29 “Interactive Service”: Any service that offers to Subscribers the capability of both transmitting and receiving Signals of any kind.

2.30 “Leased Channel” or “Leased Access”: A video and/or audio or data Channel which the Company shall make available pursuant to Section 612 of the Cable Act.

2.31 “Local Origination”: Local programming produced by the Company.

2.32 “Origination Point”: A connection to the cable system which is provided to allow for live or recorded programming to be transmitted from that location Upstream to the Head-end and from there Downstream to the Subscribers over one or more access channels, also referred to in this Agreement as a return feed.

2.33 “Other Programming Service”: Services that the Company may make available to all Subscribers generally.

2.34 “Outlet”: An interior cable connection that connects a Subscriber or User to the Cable System.

2.35 “Parent”: When used in reference to the Company, any Person holding direct or indirect ownership or control of ~~twenty~~ thirty percent (~~23~~30%) or more of the rights of control of the Company; and any Person holding such ownership or control of a Parent to the Company.

2.36 “Pay Cable” or “Premium Service”: Optional additional Program services, provided to Subscribers at a monthly charge in addition to the charge for Basic Service.

2.37 “Pay-Per-View”: Programming delivered for a fee or charge to Subscribers on a per-program or time basis, in addition to the charge or fee to Subscribers for Basic Service, or for such other service tier required by applicable law.

2.38 “PEG”: The acronym for Public, Educational and Governmental, used in conjunction with Access Channels, support and facilities.

2.39 “Person”: Any corporation, partnership, limited partnership, association, trust, organization, other business entity, individual or group of individuals acting in concert.

2.40 Public Building: All state accredited public schools, police and fire stations, public libraries, Town Hall, and other public buildings owned or leased by the Town, but shall not include buildings owned by the Town but leased to third parties or buildings such as storage facilities at which government employees are not regularly stationed.

2.41 “Video Programming”: Programming provided by, or generally considered comparable to Programming provided by, a television broadcast station.

2.42 “Signal”: Any transmission of electromagnetic or optical energy that carries Cable Services from one location to another.

2.43 “State”: The State of Maine.

2.44 “Street” or “Public Way”: The surface of, and the space above and below, any public Street, highway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, Public Way, drive, circle, or other public right-of-

way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Town in the Town which shall entitle the Company to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. “Street” or “Public Way” shall also mean any easement now or hereafter held by the Town within the Town for the purpose of public travel, or for utility or public service use dedicated for public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Company to the use thereof for the purposes of installing or transmitting the Company’s Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System. Reference herein to “Public Way” or “Street” shall not be construed to be a representation or guarantee by the Town that its property rights are sufficient to permit its use for any purpose, or that the Town shall gain or be permitted to exercise any rights to use property in the Town greater than those already possessed by the Town.

2.45 “Sub-headend”: A signed distribution point for part of the Cable System linked to the Headend by fiber optic cable, coaxial supertrunk or microwave, and also referred to as a “Hub.”

2.46 “Subscriber”: Any person, firm, corporation, or other entity who or which elects to subscribe to for any purpose, a Cable Service provided by the Company by means of, or in connection with, the Cable Television System.

2.47 “Subscriber Network”: The 750 MHz bi-directional-capable network to be owned and operated by the Company, over which Cable Service(s) can be transmitted to Subscribers.

2.48 “Town”: The Town of Sebago organized and existing under the laws of the State of Maine and all territory within its existing and future territorial corporate limits.

2.49 “Two-way Capability”: The ability to transmit audio and video signals upstream and downstream on the Cable System.

2.50 “Upstream Channel”: A Channel over which signals travel from an authorized location to a Cable System distribution point.

2.51 “Upstream Transmissions”: Signals traveling from Subscribers or other originating points on the Cable System to a cable distribution point.

Section 3. Franchise Required.

No Person, firm or corporation shall install, maintain or operate within the Town or any of its Public Ways or Streets or other public areas any equipment or facilities for the operation of a Cable System unless a Franchise Agreement authorizing the use of said Public Ways or Streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said Franchise Agreement is in full force and effect.

Section 4. Franchise Agreement.

The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interest of the Town and its residents with one or more Cable Companies for the operation of a Cable System within the Town, including the granting of non-exclusive Franchise Agreements for the operation thereof.

Prior to issuing a request for proposals to any Cable Company for Franchise Agreements or renewals, the Town shall hold a public hearing or conduct some other process to determine any special local needs or interests with respect to Cable Service and shall allow for a period of public comment on the request for proposals.

Franchise Agreement applications, including renewal applications, and any submittals in response to a request for proposals or solicitation of bids and related documents, are public records. Upon the filing of such documents, the Town shall provide reasonable notice to the public that such documents are open to public inspection during reasonable hours.

Each Franchise Agreement between the Town and a Company shall contain but is not limited to, the following provisions:

- (a)** A statement of the area or areas to be served by the Company;
- (b)** A line extension policy;
- (c)** A provision for renewal, the term of which may not exceed ten (10) years;
- (d)** Procedures for the investigation and resolution of Subscriber complaints by the Company;
- (e)** An agreement to comply with the requirements of 30-A M.R.S.A. §3010 regarding consumer rights and protection and any amendments thereto;
- (f)** A franchise fee to be paid by the Company to the Town in accordance with Section 9 of this Ordinance;
- (g)** A provision for access to, and facilities to make use of, one or more local PEG Access Channels; and

- (h) A provision for the assessment of reasonable fees to defray the costs of public notice, advertising and other expenses incurred by the Town in acting upon applications for initial and renewal Franchise Agreements.
- (i) A provision whereby the Company agrees to defend, indemnify and hold harmless the Town and its agents from claims and liabilities arising out of the Company's construction, ownership, operation, maintenance, repair and control of the Cable System; and
- (j) Any other terms and conditions that are in the best interests of the Town;

Section 5. Town's Retained Rights and Authority.

5.1 Right to Grant Additional Franchises. Town expressly reserves the right to grant other such Franchise Agreements in the Town of Sebago on such terms as it deems appropriate and to operate a Town-owned Cable System.

5.2 Eminent Domain. No privilege or power of eminent domain is bestowed upon a Company by the granting of a Franchise.

5.3 Exercise of Police Power. All rights and privileges granted in any Franchise Agreement are subject to the police power of the Town to adopt and enforce local laws, ordinances, rules and regulations necessary to the health, safety and general welfare of the public. Expressly reserved to the Town is the right to adopt, in addition to the provisions of any Franchise Agreement, this Ordinance and any other existing laws, ordinances and regulations (collectively "laws"), such additional laws as it may find necessary in the exercise of its police power. Any conflict between the terms of any Franchise Agreement and any present or future exercise of the Town's police and regulatory powers shall be resolved in favor of the latter.

5.4 Use of Public Ways. The right to use and occupy the Streets, Public Ways and public places granted in any Franchise Agreement shall not be exclusive, and the Town reserves the right to grant similar or other uses of the said Streets, Public Ways and public places to any Persons at any time during the term of any Franchise Agreement.

5.5 Conflict With Public Works. The rights and privileges granted to a Company in any Franchise Agreement shall not be in preference or hindrance to the right of the Town or any other governmental agency, improvement district or other authority having jurisdiction, to perform or carry on any public works or public improvement. Should a Company's Cable System in any way interfere with the construction, maintenance or repair of such public works or improvements, the Company shall, at its own expense, protect or relocate its Cable System or part thereof, as directed by the Town or other authority having jurisdiction.

5.6 Removal and Relocation. The Town shall have the power at any time to order and require a Company to remove or relocate any pole, wire, cable or other structure machinery or equipment located within a public way that is dangerous to life or

property. In the event that a Company, after notice, fails or refuses to act within a reasonable time, the Town shall have the power to remove or relocate the same at the sole cost and expense of the Company.

Section 6. Bonds and Insurance.

6.1 Performance Bond to Town. Concurrent with the award of a Franchise to it, a Company shall file with the Town Clerk and shall thereafter annually during the entire term of such Franchise maintain in full force and effect at its own cost and expense a performance bond in the amount of at least \$100,000 to guarantee the faithful performance by the Company of all of its obligations under its Franchise Agreement. The performance bond shall be so conditioned that in the event that the Company shall breach any one or more material provisions of this Ordinance or of ~~such~~ the Franchise Agreement and subsequent to any notice and opportunity to cure provision of this Ordinance and/or the Franchise Agreement, the Town may recover from the surety any penalties assessed in accordance with Section 10 of this Ordinance and any damages or costs suffered or incurred by the Town as a consequence of such breach. Said conditions shall be a continuing obligation during the entire term of the Franchise Agreement. Not less than thirty (30) days' prior notice to the Town shall be provided of the Company's or the surety's intention to cancel, materially change, or not to renew the performance bond or security fund. In the event that the Town recovers against any portion of the performance bond, the Company shall be required to replenish the original bond in an amount equal to the amount recovered by the Town within 30 days. Failure to post an additional bond on a timely basis shall constitute a violation of a material provision of this Franchise Agreement.

6.2 Insurance. Company shall maintain during the full term of this Franchise Agreement such insurance as will protect it and Town from any claims which may arise directly or indirectly or result from Company's ownership, construction, repair, operation or maintenance of Company's cable system serving Sebago, whether such activities are performed by Company, or by anyone for whose acts Company may be liable, under the following policies:

- (a) Workers' Compensation and any other legally required employee benefits, shall be supplied in such amounts as required by law;
- (b) Property insurance, all risk, replacement cost basis, on all insurable Company assets in the Town;
- (c) Commercial General Liability insurance shall be supplied in the following amount: combined single limit for bodily injury, personal injury, death or property damage in the amount of at least \$3,000,000 per occurrence.
- (d) Excess liability (in umbrella form) in the amount of at least \$5,000,000, and

- (e) Automobile liability insurance in the amount of at least \$1,000,000 Per occurrence.

6.3 Non-waiver. Neither the provisions of this Section, nor any bonds accepted by the Town pursuant hereto, nor any damage recovered by the Town there under, shall be construed to excuse unfaithful performance by the Company or limit the liability of the Company under this Ordinance or the Franchise Agreement for damages, either to the full amount of the bond or otherwise.

Section 7. Application.

7.1 Any application for a cable television Franchise Agreement in the Town must contain the following information, except that in the case of a renewal Franchise Agreement, only the information listed under this Section 7.1(a) through 7.1(b)(1), 7.1 (b)(2) and 7.1(b)(3) shall be required:

- (a) The name, address, and telephone, number of the applicant.
- (b) The most recent 10-Q or 10-K of the Company or its ultimate parent company as filed with the Securities and Exchange Commission. In the event the Company does not, at the time of application, file 10-Q or 10-K filings with the Securities and Exchange Commission, it shall instead file with the Town the following: A detailed statement of the corporate or other business entity organization of the applicant, and any other information required by the Town, including without limitation:
 - 1. The names and business addresses of all officers and directors of the applicant.
 - 2. The names and business addresses of all officers, Persons and entities having, controlling, or being entitled to have or control 15% or more of the ownership of the applicant and each Parent, Affiliate or subsidiary of the applicant and the respective ownership share of each such person or entity.
 - 3. The names and addresses of any Parent, Affiliate or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement of the nature of any such Parent, Affiliate or subsidiary business entity, including but not limited to Cable Systems owned or controlled by the applicant, its Parent, Affiliate and subsidiary and the areas served thereby.
 - 4. A detailed description of all previous experience of the applicant in providing Cable Service and in related or similar fields.

5. A detailed and complete financial statement of the applicant, its Parents, Affiliates and its subsidiaries, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Town's Board of Selectmen, setting forth the basis for a study performed by such lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed Cable System in the Town, or a statement from a certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed Cable System in the Town.
6. A statement identifying, by place and date, any other cable television Franchise(s) awarded to the applicant, its Parent, Affiliate or subsidiary, the status of said Franchise(s) with respect to completion thereof; the total cost of completion or such Cable System(s); and the amount of applicant's and its Parent's, Affiliate's or subsidiary's resources committed to the completion thereof.

(c) In the case of an application for an initial franchise for a new cable system serving the Town of Sebago, the applicant shall provide a detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

- (1) A detailed map indicating all areas proposed to be served, and a proposed construction time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served, and the time of commencement of construction and anticipated operation date.
- (2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against Subscribers and all rates and charges to be made against Subscribers and all rates and charges as to each of said classifications, including installation charges and service charges and deposit agreement.
- (3) A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in the FCC's regulations, 47 C.F.R. §§ 76.601, *et seq.* as may be amended from time to time, and shall in addition comply with Section 13 herein.
- (4) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and

any Subscriber and between the applicant and any lessee of any Channel, including provisions for reimbursement in the event of interruption of service.

- (5) A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any Persons, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the contract.
- (6) A detailed statement setting forth in its entirety the proposed Cable System design. Such statement shall include proposals concerning system architecture, Channel capacity, Channel uses, access, programming facilities, studio location, point to point service, two-way service, Subscriber privacy, and interconnection.
- (7) Such other information as required by the Town at the time of the Franchise application.

7.2 Notice. No Franchise, including Franchise renewals, will be granted hereunder without notice to the public and a public hearing pursuant to Section 8.3 of this ordinance.

Section 8. Contract Term, Termination and Renewal.

8.1 Term. Any Franchise awarded by the Board of Selectmen under this Ordinance shall be for a term of not more than ten (10) years.

8.2 Renewal Any renewal of a Franchise Agreement shall be upon such terms and conditions as the Board of Selectmen and the Company may mutually agree upon in accordance with the Cable Act and applicable federal law. Such renewal shall be for a period of not more than ten (10) years from the expiration of the previous Franchise.

8.3 Public Hearing - New Franchise and/or Renewal. Before authorizing the issuance of any such Franchise Agreement, including renewals, the Board of Selectmen shall review, in accordance with federal law, the applicant's legal, financial and technical qualifications, the proposed agreement's ability to meet current and future cable-related needs and interests of the Town in light of the costs of meeting those needs and interests, and the adequacy and feasibility of the applicant's qualifications to operate a Cable System within the Town, and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing. Such public hearing shall provide a reasonable opportunity for public input on the proposed Franchise Agreement or renewal.

8.4 Requests for Information. Any Company operating a Cable System in the Town shall maintain adequate personnel and resources to respond to requests from the Town for renewal information and review of draft franchise agreements in a timely manner. Failure to respond in a timely manner shall be considered a violation of this Ordinance.

Section 9. Fees.

9.1 Franchise Fee. As compensation for the rights and privileges granted by any Franchise awarded pursuant to the provisions of this Ordinance the Company shall pay to Town a franchise fee based on a percentage of the Company's Gross Annual Revenues in accordance with Federal Law. The franchise fee may be changed by Town on 90 days notice to the Company, but not more frequently than once each calendar year to an amount within the then-applicable maximum allowed under federal law.

9.2 Method of Computation. Payments due the Town under the terms of the Ordinance shall be computed quarterly as of March 31, June 30, September 30 and December 31 for the preceding three months and shall be paid on or before the forty-fifth calendar day from each said computation date at the office of the Town Treasurer during regular business hours. The Town shall be furnished a statement with each payment, prepared by a financial representative of the Company, and verified as correct, reflecting the total amount of Gross Annual Revenues generated by all activities within the Town, and the above charges, deductions and computations, for the three month payment period covered by the payment. The Company shall prepare and maintain financial information and records in accordance with generally accepted accounting principles and generally accepted auditing standards in the cable television industry. At Town's option, the information provided by the Company shall be subject to audit by an outside firm of certified public accountants selected by Town. Any such audit shall be at Town's expense except unless such audit shall disclose an underpayment of any franchise fees of more than four percent (4%) payable for the period of the audit, in which event the Company shall reimburse Town for the expense of such audit. Repeated failure to pay the franchise fee on a timely basis may be grounds for revocation of the Franchise under this Ordinance. Interest shall accrue on any and all overdue franchise fees at the rate of twelve percent (12%) simple interest per annum.

9.3 Rights of Recomputation. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a franchise fee under this Ordinance or for the performance of any other obligation hereunder. However, there shall be an accord and satisfaction with respect to any payment not subject to an audit within thirty-six (36) months following the close of the fiscal year to which such payment relates.

Section 10. Penalties.

10.1. Assessment. If a Company fails to observe any obligation under this Ordinance, the Town may assess the Company a monetary penalty in accordance with the Schedule of Penalties set forth in Section 10.8 through 10.12 below. Such assessment shall not constitute a waiver by Town of any other right or remedy it may have under this Ordinance or the Franchise Agreement, or under any other applicable law, including, without limitation, its right to recover from the Company such additional damages, losses, costs and expenses as may have been suffered or incurred by Town by reason of or arising out of such breach of this Ordinance or the Franchise Agreement; provided, that any penalties collected by Town from the Company pursuant hereto shall be applied against, and reduce accordingly, the amount of any recoveries due Town pursuant to this sentence for the failure to perform for which such penalties were assessed.

10.2. Notification. Upon Town's assessing a penalty pursuant to Section 10.1 above, notice of such assessment shall be sent to the Company, with a concise statement of the reasons therefore.

10.3. Procedures.

- (a) Within ten (10) days after receipt of a notice pursuant to Section 10.2 above, the Company may request a hearing before the Town's Town Manager or his/her designee. Such hearing shall be held within thirty (30) days after receipt of the request therefore. The pendency of a request of hearing shall suspend payment of the penalty until ten (10) days after receipt by the Company of the decision of the Town Manager or designee confirming the penalty in whole or in part.
- (b) During the public hearing, Company shall have the right to appear and be heard, including the opportunity to present evidence, question witnesses, if any, and the hearing shall follow the procedures set forth for public hearings before the Town Council.
- (c) Following the hearing, the Town Council shall determine (i) whether a failure or violation has occurred; (ii) whether such failure or violation is excusable; and (iii) whether such failure or violation has been or will be cured by the Company; and (iv) the appropriate remedy for the failure or violation.
- (d) If the Town Council determines that such failure has not occurred, or that such failure either has been or will be cured in a manner and in accordance with a reasonable schedule satisfactory to the Town Council or that the failure is excusable, such determination shall conclude the matter, unless Company fails to comply with the schedule for cure.

- (e) The Company shall have the right to appeal any decision of the Town Council under this Section within thirty (30) days of the date of the decision or ruling to the Maine Superior Court pursuant to M.R. Civ. P. 80B.

10.4. Payment. Except as provided in Section 10.3 above, the Company shall pay the full amount of any penalty to Town within ten (10) days after receipt of a notice pursuant to Section 10.2 above and the cure period has expired.

10.5. Default. Subsequent to the notice and opportunity to cure provision herein, upon failure of the Company to make timely payment of an assessed penalty, Town may recover the amount of any such penalty from the performance bond or security fund pursuant to Section 6.1 above. Failure of the Company to make timely payment of an assessed penalty is a violation of this Ordinance.

10.6. Disposition. Amounts received by Town as penalties assessed against a Company may be used by Town for any purpose it deems fit.

10.7. Schedule of Penalties. Pursuant to Section 10.1, 10.2 and 10.3 above, the following monetary penalties shall apply, and liability therefore shall accrue from the date of receipt of notice pursuant to Section 10.2 above, and upon failure to cure within the time period specified below, if any opportunity to cure is provided.

10.8.-Minor Per-Day Penalty. The penalty for the following violations shall be fifty dollars (\$50.00) per day until the violation is cured:

- (a) Abandonment of service or a portion of that service without having obtained the written consent of the Town Council or having provided the Town with at least six (6) months' prior written notice of abandonment.
- (b) Failure to maintain the Company's required insurance pursuant to Section 6(c) with the penalty beginning 30 days after Company receives written notification of the violation.
- (c) Failure to make timely payment of the franchise fee pursuant to Section 9 with the penalty beginning 30 days after Company receives written notification of the violation.
- (d) Violation of the privacy restrictions in Sections 12.7(d) of this Ordinance. This penalty shall be assessed with the penalty beginning 7 days after Company receives written notification of the violation.

- (e) Failure to restore damaged property within the specified period pursuant to Section 11.11 with the penalty beginning 5 days after Company receives written notification of the violation.
- (f) Failure to make and maintain records as required by Section 13.6 with the penalty beginning 30 days after Company receives written notification of the violation. This penalty shall be assessed for each such record not maintained.
- (g) Failure to obtain and maintain the performance bond or security fund pursuant to Section 6.1 with the penalty beginning 30 days after Company receives written notification of the violation.
- (h) Failure to remove, relocate or protect the Company's system pursuant to Sections 5.5, 5.6 and 11.17 with the penalty beginning 7 days after Company receives written notification of the violation.
- (i) Failure to eliminate objectionable interference pursuant to Section 11.18 with the penalty beginning 14 days after Company receives written notification of the violation.
- (j) Failure to provide reports within the time required by Section 18 assessed for each report not provided with the penalty beginning 14 days after Company receives written notification of the violation.

10.9. Per Subscriber Penalty. The penalty for the following violations shall be five dollars (\$5.00) per Subscriber affected by the violation per day until the violation is cured.

- (a) Failure to respond to a request for repair or adjustment within the time required by Section 13.4. This penalty shall begin 24 hours after the Town notifies the Company in writing of the violation.
- (b) Failure to commence service to a Subscriber within the time required by Section 14.0 beginning two (2) days after the Town notifies Company in writing of the violation.
- (c) Failure to pay a refund due a Subscriber upon termination within the time required by Section 15.6. This penalty shall begin five (5) days after the Town notifies the Company in writing of the violation.
- (d) Failure to respond to a billing complaint within the time required by Section 16.3. This penalty shall begin two (2) days after the Town notifies the Company in writing of the violation.
- (e) Failure to respond to a service complaint within the time required by

Section 16.4. This penalty shall begin two (2) days after the Town notifies the Company in writing of the violation.

- (f) Failure to pay a rebate or apply a credit for service loss within the time required by Section 13.5. This penalty shall begin 5 days after the Town notifies the Company in writing of the violation.

10.10. Major Per Day Penalty. The penalty shall be five hundred dollars (\$500.00) for the following violations beginning 60 days after the Town notifies the Company in writing of the violation until the violation is cured.

- (a) Failure to complete any system rebuild as required by Section 11.1 and the terms of the Franchise Agreement. This penalty shall be assessed per day until compliance is achieved.
- (b) Failure to make service available to unserved areas within the time required by this Ordinance and the terms of the Franchise Agreement. This penalty shall be assessed per day until compliance is achieved.
- (c) Failure to provide access channels, facilities and equipment funding as required by this Ordinance and the terms of the Franchise Agreement. This penalty shall be assessed per day until compliance.

10.11. Violation of Subscriber Privacy. The fine for a violation of Section 12.7(e) is one thousand dollars (\$1,000) per occurrence of selling or disclosing subscriber lists, viewing habits or personally identifiable information (and not per day or per affected subscriber).

10.12. Failure to Provide Emergency Override Capabilities. The Cable System shall incorporate emergency audio override capabilities in accordance with FCC Emergency Alert System (EAS) standards and as required by Section 11.3. The fine for a failure of the system to perform as described in the event of a public emergency or vital public information situation, shall be one thousand dollars (\$1,000) assessed per occurrence, except to the extent the Cable System is rendered non-functional due to damage caused by factors outside of the Company's reasonable control.

10.13. Force Majeure. The Company shall not be assessed any penalties for any delay or failure to perform its obligations under the Ordinance if doing so is prevented by Act of God, the inability to secure materials despite the use of all commercially reasonable efforts by the Company, flood, storm, fire, explosions, strikes, riots, wars whether or not declared, insurrections, epidemics, or any law, rule or act of any court of competent jurisdiction or instrumentality of government or any other occurrence outside of the control of the Company when using all commercially reasonable efforts.

10.14. Further Recourse. In addition to the foregoing penalties, upon the failure, refusal or neglect of the Company to cause any work or other act required by law

or by this Ordinance or the Franchise Agreement to be properly completed in, on, over or under any Street or Public Way within any time prescribed, Town may (but shall not be required to) cause such work or other act to be performed or completed in whole or in part and upon so doing shall submit to the Company an itemized statement of the costs thereof. The Company shall, within thirty days after receipt of such statement, pay to Town the entire amount thereof.

Section 11. Construction and Operation of Facilities

11.1 Design. Except as otherwise provided for in the Franchise Agreement, any Cable System serving Sebago shall in any event be designed and built for technical quality in conformance with the highest state of the art in the cable television industry for Cable Systems of comparable size. Not later than one year from the effective date of the Franchise Agreement the Cable System shall be designed and built for operation at a minimum of 750 MHz and a minimum eighty (80) video channel capacity, with full bi-directional capability. All downstream and upstream channels shall be activated by such date.

11.2. Emergency Power. The Cable System shall incorporate equipment capable of providing standby powering of the Headend and all Sub-headends for a minimum of four hours.

11.3. Emergency Override. The Cable System shall incorporate emergency audio override capabilities in accordance with FCC Emergency Alert System (EAS) standards.

11.4. Subscribers' Antennae. Notwithstanding a required disconnection of a Subscriber's existing broadcast antennae and downloads to receivers connected to the Cable System, the Company shall not remove or suggest to the Subscriber the removal of such antennae and downloads. The Company shall furnish to each Subscriber so requesting, at reasonable cost, an A/B switch permitting the Subscriber to change from cable reception to home antenna reception, and back, at the option of the Subscriber. Installation of such switches at the time of initial installation of service to a Subscriber shall be without charge other than for such purchase cost.

11.5. Switching. The Headend or Sub-headend shall have the capability of accepting programming on the upstream channels of the Cable System and simultaneously transmitting such programming on the downstream channels of the Cable System.

11.6. VCR/Cable Compatibility. In order that Subscribers to the Cable System have the capability to simultaneously view and tape any channel and set their VCR to record multiple channels remotely, the Company shall provide to any Subscriber, upon request, an A/B switch, installed at reasonable cost.

11.7 General Construction Requirements. In the construction, reconstruction, maintenance and repair of the Cable System, the Company shall utilize materials of good and durable quality and shall perform or cause to be performed all work so associated with the system in a safe, thorough and reliable manner.

11.8 Live Programming Origination Points. To facilitate live programming within the Town of Sebago each Company shall install Origination Points at the public buildings and public locations as are designated in the Franchise Agreement.

11.9 Compliance With Regulations. All work, including all working conditions and facilities, associated with the construction, operation, maintenance, repair and removal of the Cable System shall comply with:

- (a) All applicable Federal and State laws, rules and regulations;
- (b) All applicable laws, codes, ordinances, rules and regulations of Town; and
- (c) The National Electric Code, National Electrical Safety Code, the National Cable Television Association Standard Code, and the National Safety Code.

11.10. Town Rights. Town reserves the right to inspect all construction and installation work and to make such tests as it shall deem necessary to ensure compliance with applicable laws, codes, ordinances and regulations and with provisions of this Ordinance and the applicable Franchise Agreement, and may order corrections of any violations.

11.11. Restoration of Damage. The Company, at its sole expense, shall restore all damage to property, both public and private, caused by the construction, operation, maintenance or repair of the Cable System, so as to return the damaged property to a condition as good as before the damage was done. Such restoration shall be made as soon as practicable after completion of work necessitating the restoration, and shall be done in a manner approved by the owner or tenant in possession. In no event shall such restoration be made later than ten days, weather permitting and subject to force majeure, after the Company's receipt of notification from the owner of the property so damaged unless otherwise mutually agreed by the Company and the property owner; provided, that if any such damage involves streets, water-mains, storm or sanitary sewers, or other public facilities, such damage shall be repaired within forty-eight (48) hours or as soon as practicable. If the Company fails to make such restoration on a timely basis, Town may fix a reasonable time for such restoration and repairs and shall notify the Company in writing of the restoration and repairs required and the time fixed for performance hereof. Upon failure of the Company to comply within the specified time period, Town may cause proper restoration and repairs to be made and the Company shall pay the reasonable expense of such work upon demand by Town.

11.12. Identification. Each Company shall ensure that all of its vehicles are clearly identified to the general public as being associated with the Company, and that all of its employees, and the employees of any agents or contractors, who enter upon private property wear an employee identification card issued by the Company, which card shall bear a picture of said employee and shall be worn in a conspicuous place.

11.13. Public Ways Hazards. Any openings or obstructions in streets or other municipal or public property made by any Company shall be guarded and protected at all times by the placement of adequate barriers, fences, boarding or other protective devices at the sole expense of the Company. During the periods of dusk and darkness, the protective devices shall be clearly designated by warning lights.

11.14. Location of Physical Facilities. Within sixty (60) days after the effective date of any Franchise Agreement, the Company shall provide Town with strand maps of the Town of Sebago clearly showing the location of all distribution lines (indicating underground, where applicable), tower, antennae, receivers, headend, and sub-headends. Revised and corrected strand maps shall be submitted to Town not later than ninety (90) days after such changes or additions are made.

11.15. Cable Location. Insofar as practicable, the distribution system (trunk and feeder cable) shall run along public rights-of-way. Where the cable or wire facilities of all public utilities are installed underground, the Company shall install its cable distribution system underground. Vaults and pedestals shall be suitably landscaped, such landscaping to be subject to the approval of the owner or tenant in possession, which approval shall not be unreasonably withheld. In all areas where public utility lines are aerially placed, if subsequently during the term of the Franchise Agreement all such utility lines are relocated underground pursuant to applicable law under the Town's police powers, the Company shall similarly relocate its cable distribution system underground at its sole expense. Wherever possible, the distribution system shall use the existing facilities of the public utilities. Poles shall not be installed for the sole purpose of supporting a portion of the distribution system without written justification and approval of Town, which approval shall not be unreasonably withheld, pursuant to Town's law, ordinances, rules and regulations.

11.16. Location of Construction. All lines, cables and distribution structure, and equipment, including poles and towers, erected, installed or maintained by any Company within the Town of Sebago shall be located so as not to obstruct or interfere with the proper use of Streets and Public Ways and to cause minimum interference with the rights of property owners who abut any of the said Streets and Public Ways, and not to interfere with existing public utility installations. A Company shall not place new poles, towers or other obstructions in Streets or Public Ways, or relocate existing poles, towers or other obstructions, without first obtaining Town's approval, which approval shall not be unreasonably withheld. A Company shall have no vested right in any location, and the Company shall remove such construction at its own cost and expense whenever the same restricts or obstructs or interferes with the operation or location or any future operation or location of said Streets or Public Ways.

11.17. Grade or Location Changes. If at any time during the term of a Franchise Agreement Town shall elect to alter, or change the grade or location of any Street, or shall engage in any construction, reconstruction, widening, repairs or other public works in, on or under the Streets, any Company shall, upon reasonable notice by Town, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures (“fixtures”) at its own expense, and in each instance comply with the Town’s standards and specifications.

11.18. No Interference. A Company shall not place fixtures above or below ground where the same will interfere with any gas, electricity, telephone fixtures, water hydrants, or other utility use, and all such fixtures placed in or upon any street shall be so placed as to comply with all requirements of Town or other applicable authority, and fully comply with local regulations, including zoning ordinances. Each Cable System shall be constructed, operated and maintained so that there will be no objectionable interference with television reception, radio reception, telephone communications or other electronic installations in the Town of Sebago or with the operation of any public fire, police, rescue or safety communications system. Should any such interference occur, the Company shall promptly eliminate it.

11.19. Temporary Relocation. A Company shall, on request of any Person holding a permit issued by Town or other appropriate authority, temporarily move its fixtures to permit the moving or erection of buildings or other objects, with the expense of any such temporary removal to be paid in advance by the Person requesting same, and the Company shall be given reasonable notice to arrange for such temporary relocation. A Company shall bear any expense to temporarily move its fixtures to permit the moving or erection of Town- owned or constructed buildings or other public infrastructure.

11.20. Tree Trimming. Each Company shall have the authority to trim any trees upon and overhanging Town’s Streets or Public Ways to the minimum extent necessary to prevent the branches of such trees from coming in contact with the wires and cables of the Cable System; provided that, except for incidental trimming done by the Company employees in the course of performing their other duties, any tree trimming done by the Company shall be subject, in all respects, to Town’s prior approval. Except in an emergency, the Company will notify the abutting property owner(s) prior to starting tree trimming work. In performing tree trimming, the Company shall employ best management practices, shall use its best efforts to avoid any unnecessary damage or injury to trees, and shall comply in all respects with any Town ordinances governing tree trimming. Except for incidental trimming performed by a Company’s employees in the course of performing their other duties, Town may elect to perform tree trimming directly or by agents under Town’s supervision and direction, at the Company’s expense.

11.21. Drops. In areas where the cable distribution is located underground, drop connections to Subscriber’s structure shall be underground; in other areas the drop connection shall be aerial unless the Subscriber requests underground installation and elects to pay the cost thereof. Insofar as practicable, the Company shall adhere to the

Subscriber's desire with regard to point of entry of the drop connection into the structure. Within the Subscriber's structure, drop or cable runs shall be made as unobtrusively as possible. Each drop shall be grounded at the Subscriber's structure, or, at the Company's option, at such other location as may be permitted by the National Electrical Safety Code.

11.22. Zoning and Building Codes. Any and all construction performed by or under the auspices of the Company, and any and all facilities used or operated by the Company, shall comply with all applicable zoning and building ordinances, codes or laws of Town.

11.23. Contractors, Subcontractors and Affiliates. All contractors, subcontractors and affiliates of a Company must be properly licensed under all applicable federal, state and local laws and regulations. Each Company shall be solely and completely responsible for all acts or omissions of any such contractor, subcontractor or affiliate, or any employee or agent of any such contractor, subcontractor or affiliate in the construction, reconstruction, installation, maintenance, operation or removal of the Company's cable system.

11.24. Completion of Work by Town. Upon failure of a Company to commence, pursue or complete any work required by this Ordinance, other applicable law or by the provisions of the Franchise Agreement in any Street or other public place within the time prescribed and to the satisfaction of the Town, Town may, at its option, cause such work to be done with reasonable expenditures therefore and the Company shall pay to the Town the cost thereof in the itemized amounts reported by the Town to the Company within thirty (30) days after receipt of such itemized report.

11.25. Lockout Key. Each Company shall make available to any Subscribers so requesting, for lease or sale, a "parental control device" or "lockout key" which will permit the Subscriber, at his or her option, to eliminate comprehensible reception of any or all of the Basic Service or pay cable Channels. If requested, a lockout key will be installed within twenty (20) days of request.

Section 12. Operation, Service and Maintenance of System.

12.1 Each Company shall construct, maintain and operate its Cable System safely and render efficient service to Subscribers during the term of any Franchise.

12.2 Each Company shall construct, upgrade, install, operate, maintain and remove its Cable System in conformance with Occupational Safety and Health Administration regulations, the Maine Electrical Code, the National Electric Code, the NCTA Safety Manual, the National Electric Safety Code, the Bell Telephone System Code of Pole Line Construction, the rules and regulations of the FCC, all building and zoning codes, and all land use restrictions as they may now exist or may be amended or adopted hereafter.

12.3 Any tower constructed for use in a Company's Cable System shall comply with the standards contained in "Structural Standards for Steel Antenna Towers and

Antenna Supporting Structures", TIA/EIA-222-F as published by the Telecommunications Industry Association, 2500 Wilson Blvd., Arlington, VA 22201.

12.4 Installation and physical dimensions of any tower constructed for use in a Company's Cable System shall comply with all appropriate Federal Aviation Agency regulations, including, but not limited to, "Objects Affecting Navigable Airspace", 14 C.F.R. 77.1 *et seq.*, as they now exist or may be amended from time to time.

12.5 Any antenna structure used, in a Company's Cable System shall comply with "Construction, Marking, and Lighting of Antenna Structures", 47 C.F.R. 17.1 *et seq.*, as may be amended from time to time.

12.6 Each Company shall install and maintain its wire, cable, mixers and other equipment in accordance with the requirements of the generally applicable ordinances of the Town as may be amended, and in such a manner which shall not interfere with any installations of the Town or any public utility serving the Town.

12.7 Privacy.

(a) The Company shall respect the rights of privacy of every Subscriber of the Cable Television System and, pursuant to applicable federal law, shall not violate such rights through the use of any device or Signal associated with the Cable Television System, and as hereafter provided.

(b) The Company shall comply with all privacy provisions contained in this Ordinance and all other applicable federal and State laws including, but not limited to, the provisions of Section 631 of the Cable Act.

(c) The Company shall be responsible for carrying out and enforcing the Cable System's privacy policy, and shall at all times maintain adequate physical, technical and administrative security safeguards to ensure that personal subscriber information is handled and protected strictly in accordance with this policy.

(d) Except as otherwise permitted by applicable law, the Company shall not tap, monitor, arrange for the tapping or monitoring, or permit any other person to tap or monitor, any cable, line, signal, input device, or subscriber outlet or receiver for any purpose, without the prior written authorization of the affected Subscriber; provided, however, that the Company may conduct system-wide or individually addressed "sweeps" solely for the purpose of verifying System integrity, checking for illegal taps, controlling return-path transmission, or billing for Pay Services. The Company shall report to the affected parties any instances of monitoring or tapping of the Cable Television System, or any part thereof, of which it has knowledge, whether or not the Company has authorized such activity, other than as permitted herein. The Company shall not record or retain any information transmitted between a Subscriber and any third party, except as required for lawful business purposes. The Franchisee shall destroy all subscriber information of a personal nature after a reasonable period of time except as authorized not to do so by the affected Subscriber.

(e) Except as otherwise permitted by applicable law, the Company shall not sell, disclose, or otherwise make available, or permit the use of, lists of the names or addresses of its Subscribers or any list or other information which identifies by name or address, Subscribers viewing habits, to any Person or agency for any purpose whatsoever without the prior written consent of the Subscriber; provided that the Company may make such lists available to Persons performing services for the Company in connection with lawful business purposes hereunder (e.g. a billing service) where the availability of such lists is necessary to the performance of such services. A Subscriber may withdraw said consent by providing written notice to the Company. Every Company shall provide annual notice to each Subscriber of the right to withdraw such authorization. In no event shall such authorization be obtained as a condition of service or continuation thereof, except as necessary to adequately provide particular services.

(f) Upon request, the Company shall make available for inspection by a Subscriber at a reasonable time and place all personal subscriber information that the Company maintains regarding said Subscriber. A Subscriber may obtain from the Company a copy of any or all of the personal subscriber information regarding him or her maintained by the Company.

(g) A Subscriber may challenge the accuracy, completeness, retention, use or dissemination of any item of personal subscriber information. Such challenges and related inquiries about the handling of subscriber information shall be directed to the Company's General Manager.

12.8 Performance Standards

(a) Technical Standards. Subject to Section 10.13 above, all signals, including PEG signals, carried on a Cable System shall be transmitted to Subscribers without material degradation and with a quality no less than that prescribed by rules of any Federal or State regulatory agencies having jurisdiction. Anything contained in a Franchise Agreement to the contrary notwithstanding, the technical specifications, operation and performance of the system shall, at minimum, conform at all time to the specifications established by any Federal or State regulatory agencies having jurisdiction thereof, and such specifications existing on the effective date hereof, whichever is of the higher quality.

(b) Performance Testing. At such time as the performance monitoring and testing, conducted pursuant to requirements of any Federal or State regulatory agencies having jurisdiction, provides evidence that the Cable System's transmissions do not meet the prescribed standards, the performance monitoring and testing shall be repeated for all segments of the Cable System which do not meet such prescribed standards, upon completion of the necessary repair or adjustment, notwithstanding the lack of such requirement by the Federal or State agencies, and a report of the second test submitted to Town; provided, that the Company shall not be required to furnish any such reports with respect to technical problems discovered in the course of the Company's routine maintenance testing, except as may be specifically requested by Town in each instance. The Company shall provide and keep accurately calibrated test equipment on hand at all

times for the testing of all services and operational standards outlined in this Franchise Agreement.

Section 13 – Maintenance and Repair.

13.1 Maintenance Policy. Each Company shall promulgate and adhere to a preventative maintenance policy directed toward maximizing the reliability (mean-time-between-malfunctions) and maintainability (mean-time-to-repair) of its Cable System with respect to its delivery of Cable Service to Subscribers at or above the performance standard set forth herein. Whenever it is necessary to interrupt service for the purpose of making scheduled maintenance or repairs, adjustments, installations or other maintenance activities, the Company shall do so at such a time as will cause the least inconvenience to Subscribers. Except in an emergency, and except for interruptions of five minutes or less which may occur during the course of normal maintenance, and except during the rebuild of the Cable System, service is to be interrupted for planned or scheduled maintenance or repairs between the hours of midnight and 7:00 a.m. where practicable.

13.2 Repair. Each Company shall maintain a repair department comprising qualified technicians, service vehicles and equipment to provide prompt and efficient repair service within the parameters set forth below.

13.3 Notice. Except in an emergency, and except for interruptions of five minutes or less, each Company shall give Subscribers at least 24 hours notice of any planned interruption of service for purposes of maintenance or repair. In an emergency, a Company shall give such notice as is reasonable in the circumstances. Notice given on the alphanumeric channels on Basic Service shall be considered sufficient. During any rebuild of the Cable System, a Company shall not be required to provide 24 hour notice of any interruption of service if such interruption is the direct result of rebuild work. However, a Company shall be required to provide written notification to Subscribers of planned rebuild work schedules and when Subscribers may experience service interruptions. The Company shall use its best efforts to minimize the length of any service outage due to a rebuild.

13.4 Repair Procedure. Each Company shall have a toll free telephone number listed in the local area and so operated that requests for repairs or adjustments can be received at any time, twenty-four (24) hours per day, seven (7) days per week. A recording device or answering service may be used during non-business hours. A Company's responses to such requests shall occur no later than 24 hours after the Company's receipt of such a request; provided, the response time for service complaints other than complaints of no or unusable service shall be computed excluding Sundays and holidays.

A Company shall respond within four (4) hours to any area outage that occurs between the hours of 7:00 a.m. and 10:00 p.m. of any day, and by not later than the following 11:00 a.m. to any area outage that occurs between 10:00 p.m. and 7:00 a.m. If a Company responds to a service complaint as herein required and the Subscriber is not satisfied that the problem giving rise to the original complaint has been resolved, the

Subscriber shall notify the Company thereof within forty eight (48) hours of the repair visit by the Company personnel, and the Company shall have an additional period of twenty-four (24) hours within which to correct the problem. If such second complaint is made to Town instead of the Company, the Company shall have a period of twenty-four (24) hours after receipt of oral or written notice from Town within which to make the correction. The requirements for maintenance and repair shall not apply to Subscribers' television or radio receivers or other Subscriber-owned equipment.

13.5 Rebate or Credit for Service Loss. Upon request, for every loss of service in excess of six (6) continuous hours, the Company shall grant a pro rata rebate or credit of the regular monthly charge to the Subscriber. In the event a Subscriber reports a loss of service to the Company, and such outage exceeds six (6) continuous hours, the Company shall grant the credit or rebate whether or not the Subscriber specifically requests it. The credit shall be pro-rated by multiplying the applicable monthly service rate by a fraction whose numerator equals the number of days of the outage and whose denominator equals the number of days in the month of the outage. In no case shall the refund be less than twenty-four (24) hours' credit. For purposes of this paragraph, loss of Basic Service shall be considered a Subscriber's receipt of less than two-thirds of the respective available channels, and loss of pay Cable Service shall be considered the loss of signal on any pay Channel. The Company shall give the Subscriber a credit no later than the next billing cycle. The Company shall include on each Subscriber bill for service, a notice regarding the Subscriber's right to a pro rata credit or rebate for interruption of service upon request in accordance with this Section. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the Company to request the pro rata credit or rebate for service interruption. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the Customer bill in boldface type.

13.6 Records. Each Company shall maintain records of all oral and written complaints regarding quality of service, equipment malfunctions, billing procedure, and similar matters that requires further action on the part of the Company. Such records shall show the exact date and time of receipt of all such customer complaints, identifying the Subscriber, the nature of the complaint and the exact time action was taken by the Company in response thereto, together with a description of such action. Each Company shall also maintain a record of all whole or partial system outages, including the date, approximate time and duration, type and probable cause of each outage, except for outages caused by routine testing or maintenance. Such records shall be available at the Company's local office for at least two (2) years, for inspection by Town as it may from time to time request, during regular business hours and upon reasonable notice, subject to any privacy restrictions imposed by law. The Company shall, within ten (10) days after receiving a written request therefore, send a written report to Town with respect to any complaint. Such report shall provide a full explanation of the investigation, finding(s) and corrective steps taken.

Section 14.0 - Time of Installation.

Service to any Subscriber served by a standard aerial Drop shall commence by not later than seven (7) business days after service is requested; service to any Subscriber served by a standard underground Drop shall commence by not later than forty-five (45) days after service is requested unless additional time is required by severe weather or other circumstances outside of Company's control. The Company shall exert every reasonable effort to commence service to a Subscriber served by a non-standard Drop as expeditiously as possible. A standard Drop, for which the Subscriber shall be charged the Company's standard installation fee, is a drop running not more than two hundred (200) feet from feeder cable to the Subscriber's structure; provided, that any installation which requires Company to cross a street underground shall be considered a non-standard installation. An aerial Drop in excess of two hundred (200) feet in length shall be considered a non-standard installation. If the Company schedules an appointment with a Subscriber for an installation, repair or other service call, and the Company fails to arrive at the Subscriber's premises within one (1) hour of the scheduled time or scheduled window of time (which window shall not exceed four (4) hours) for reasons not caused by the Subscriber unless rescheduled in advance by the Company, the Company shall, in the case of an appointment for a standard installation, make no charge to the Subscriber for the standard installation, and in the case of a repair or other service call, shall apply a minimum twenty dollar (\$20.00) credit to the Subscriber's account to reduce the cost of any make-up or late repair or service call.

Section 15 – Subscriber Rates and Charges.

15.1 Regulation. Town shall have the right to regulate charges to Subscribers for Cable Service to the extent allowed by law.

15.2 Rate or Service Discriminations: Special Classifications. No Company shall subject any person to any prejudice or disadvantage, preference or advantage in connection with rates, charges, service facilities, rules or regulations. Nothing herein shall prohibit the establishment of a graduated scale of rates for classified schedules to which any Subscribers within such classification shall be entitled.

15.3 Connection Charges. Subscribers shall be assessed no special connection charges other than standard installation charges for cable drops from any Company's distribution plant up to two hundred (200) feet. Subscribers requiring drops over two hundred (200) feet shall be charged only for the incremental cost of extending the drop beyond two hundred (200) feet.

15.4 Rates and Programming.

(a) Each Company shall give the Town and each Subscriber thirty (30) days written notice of any change in Subscriber rates or charges. At the Town's request, exercised by the Town giving the Company at least ten (10) days' notice thereof, the Company shall attend, and respond to questions, at any public meeting held by the Town concerning the rate increase. Notice to Subscribers of rate changes shall be by mail.

Each Company shall also provide each Subscriber at least annually with a detailed explanation of downgrade and upgrade policies and the manner in which Subscribers may terminate Cable Service. Subscribers shall have at least thirty (30) days from receipt of notification of any rate increase to either downgrade service or terminate altogether without any charge.

(b) Each Company shall give the Town and each Subscriber thirty (30) days written notice of any change, including additions or deletions, or change in Channel position, in the programming carried on the Cable System, as well as any retiering of such programming, and any other changes in the programming service offered by each Company. At the request of the Town, with at least ten (10) days' notice, each Company shall meet with the Town at a public meeting to discuss programming issues and options and to hear and consider the input of the Town and the public.

(c) Each Company shall use its best efforts to provide a wide diversity of programming options to its Subscribers. Each Company shall provide the following broad categories of programming:

- (1) public broadcasting programming;
- (2) educational programming;
- (3) news programming;
- (4) music programming;
- (5) sports programming;
- (6) children's programming;
- (7) religious programming;
- (8) arts and/or cultural programming; and
- (9) family programming.

(d) Rate schedules shall be provided to Subscribers annually.

15.5 Billing Practices. Each Company shall set forth, in writing its billing and collection practices and policies, and procedures for ordering changes in or termination of services and refund policies, and shall furnish a copy thereof to each new Subscriber and to Town, and thereafter to Town and all Subscribers at such time as there is a change in such policies.

15.6 Pro-Rated Service. In the event a Subscriber's service is terminated, monthly charges for service shall be pro-rated on a daily basis and, where advance payment has been made by a Subscriber, the appropriate refund shall be made by the Company to the Subscriber within thirty (30) days of such termination.

15.7 Disconnection for Non-Payment. The Company shall have the right to disconnect a Subscriber for failure to pay an overdue account; provided, that:

(a) The Company's billing practices and policy statement set forth the conditions under which an account will be considered overdue;

(b) At least twelve (12) days prior to the proposed disconnection, the Company mails to the Subscriber written notice of intent to disconnect for delinquency in payment;

(c) The Subscriber's account is at least sixty (60) days delinquent at the time said notice is mailed, and

(d) The disconnection occurs at least twelve (12) days, and not more than sixty (60) days, after the mailing of the above written notice.

15.8 Notice of Rates and Programming. All rates and charges associated with the provision of Cable Service and the lease of Channel space shall be published. A written schedule of all such rates currently in effect, including special and promotional rates, shall be available and obtainable in person or by mail upon request during business hours at each Company's business office.

(a) At least once each calendar year, each Company shall provide to each Subscriber and the Town a complete schedule of all services, rates and charges for Cable Service provided by the Company and of the programming offered and channel alignment. Such information shall also be provided to all new or prospective Subscribers prior to installation or commencement of service.

(b) Such information shall be written in plain English and shall include, but shall not be limited to, the following: all services, tiers and rates, deposits, if applicable, installation costs, additional television set installation charges, service upgrade or downgrade charges, stolen or lost converter charges, charges for lockout devices and for connecting video cassette recorders to the Cable System.

15.9 General Customer Service. Each Company shall comply with any and all customer service standards provided under Maine law, Federal law, FCC regulations, including those regulations found at 47 C.F.R. §76.309, and as promulgated by the cable industry, (such as NCTA standards), as well as with the provisions of the applicable Franchise Agreement. To the extent of any difference or conflict in the requirements of this Ordinance, the Franchise Agreement, State and federal law, FCC regulations and/or cable industry standards, the strictest of such standards shall govern.

Section 16 – Subscriber Complaints.

16.1 Complaint Policy. Any Company issued a Franchise under this Ordinance shall promulgate within one hundred twenty (120) days of issuance a written policy statement setting forth the procedure for reporting and resolving Subscriber complaints and shall furnish a copy thereof to each new Subscriber and to the Town, and thereafter, annually, to the Town and all Subscribers. Such notice shall comply in all respects with the Cable Act, FCC Regulations, Maine law and this Ordinance.

16.2 Company Response. Each Company shall receive Subscriber complaints at its business office serving Town and shall handle all such complaints promptly but in no event later than as set forth below.

16.3 Billing Complaints. In the case of a billing complaint, the Company shall respond to the complainant by no later than five (5) business days following receipt of the complaint.

16.4 Service Complaints. In the case of a service complaint not requesting repair or adjustment, the Company shall respond to complainant within five (5) business days following receipt of the complaint.

Section 17. Preferential or Discriminatory Practices Prohibited.

The Company shall not, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any undue preference or advantage to any person, nor subject any person to any prejudice or disadvantage.

Section 18. Reports and Records.

18.1 General Report Filing Requirements. The Town may require each Company to maintain and file such reports, contracts and statements which are reasonably necessary to monitor compliance with this Ordinance and the Franchise Agreement, including but not limited to ownership, accounting, auditing and operating statement, engineering reports, and other data, which the Town shall deem necessary or appropriate to administer the provisions of this Ordinance.

Records which shall be available for inspection and review by the Town shall include, but not be limited to:

- (a) All correspondence among the Company and any of his agents, and all regulators or other government agencies pertaining to the operation of the Cable System in the Town necessary to monitor compliance.
- (b) All reports, applications, and other documents sent to, or required by, any government agency pertaining to the operation of the Cable System in the Town necessary to monitor compliance.
- (c) All oral and written complaints received by the Company or its agents from the Subscribers in the Town for the preceding two (2) years of the term of the Franchise, and the disposition thereof.
- (d) All financial records reasonably necessary to determine compliance with and carry out the provisions of this Ordinance and any Franchise Agreement necessary to monitor compliance.

18.2 Annual Report. No later than April 1 of each year during the term of a Franchise Agreement, each Company shall submit an annual report to the Town for the prior calendar year, which report shall include at a minimum:

- (a) Total number of Subscribers in Sebago, including a breakdown of
- (b) Subscribers taking basic Cable Service, Cable Programming Service and premium services as of December 31 of the prior calendar year.
- (c) The increase or decrease in the number of Subscribers over the prior calendar year for Sebago.
- (d) A specific description of any line extensions in Sebago in the prior calendar year.
- (e) Any price or programming changes in the prior year.
- (f) A description of any technological upgrades or enhancements in Cable Service over the past year.
- (g) A listing of any system outages in Sebago over the prior year in excess of one hour, including the affected locations, the date, time, duration, cause of the outage, and steps taken to address the outage.
- (h) A summary of customer complaint records for the prior year, including an identification of any significant customer service issues raised in Sebago in the prior year and any resolution or changes in service resulting.

Section 18.3 Supplemental Reporting. Upon written request of the Town, the Company shall provide not more than annually, a report listing the following:

- (a) A summary of the most recent FCC proof of performance tests and measurement records interpreted in laymen's language describing the Cable System's compliance or lack of compliance with the FCC Technical Standards set forth in 76 C.F.R. §76.601 et seq. as the same may be modified in the future, identifying any instances of non-compliance and describing all measures taken or under way to achieve compliance;
- (b) A list of any material violations by the Company of the technical rules of the FCC, including but not limited to violations of rules and regulations regarding signal quality and safety during the past 12 months, and describing all measures taken or underway to achieve compliance; and
- (c) A copy of the Company's most recent S.E.C. Forms 10 K and 10Q.

After delivery of the Annual Report, each Company shall, at the request of the Town, attend a meeting with the Town to review and discuss any issues or questions raised in the Town's review of the Annual Report.

Section 19. Rights Reserved to the Town.

19.1 Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the Town to acquire the property of the Company, either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the Town's right of eminent domain.

19.2 Neither the awarding of a franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the Town.

19.3 The Town Manager is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of the Company under this Ordinance, either on behalf of the Town, the Company, or any Subscriber, in the best interest of the public.

19.4 The Town shall have the right to inspect all construction of installation work for a Cable System and to make such inspections as it shall find necessary to insure compliance with the terms of this Ordinance, and Franchise awarded pursuant hereto, and any other pertinent provisions of the law.

19.5 Upon revocation or denial of a renewal under the formal process of the Cable Act of any Cable Franchise, the Town shall have the right to require the Company to remove at its own expense all portions of the Cable System from all Streets and Public Ways within the Town.

19.6 Nothing in this Ordinance or the Franchise shall encumber or prohibit the Town from the collection of property taxes, of whatsoever kind, allowed by state law.

Section 20. Revocation

20.1 Notice and Hearing. The municipal officers of the Town may revoke any Franchise awarded pursuant to the provisions of this Ordinance and federal law upon thirty (30) days written notice to the Company and after hearing, in the event that the Company:

- (a) violates any material provision of its Franchise Agreement, where such violation remains uncured for a period of thirty (30) days;
- (b) ceases to provide service over the Cable System or fails to restore service after ninety-six (96) consecutive hours of interrupted service except in cases of force majeure or when approval of such interruption is obtained from the Town;

- (c) fails to provide or maintain in full force and effect the insurance coverages and the performance bond as required by this Ordinance and under the terms of the Franchise Agreement, where such violation remains uncured for a period of thirty (30) days;
- (d) violates any rule, order or determination of the Town made pursuant to the Franchise Agreement or this Ordinance where such violation remains uncured for a period of thirty (30) days; or
- (e) violates any other provision of law.

20.2 Procedures. The Town shall follow the following procedures in revoking a franchise:

- (a) The Town shall provide the Company with notice of intention to revoke the Franchise. The written notice shall be sent by certified or overnight mail and shall describe in reasonable detail the specific violations alleged to have occurred.
- (b) The Company shall have thirty (30) days from receipt of the notice either to correct the alleged violation or dispute the Town's allegations in writing. In the event that, by nature of the alleged violation, such violation cannot be cured within such thirty (30) day period, the parties shall meet in good faith and agree to a reasonable cure schedule.
- (c) If the Company disputes the Town's allegations, the municipal officers shall conduct a public hearing within thirty (30) days of receipt of notice that the Company disputes the allegations. The hearing shall follow the procedures set forth for public hearings before the Town Council and the Company shall have the right to present evidence, and question witnesses, if any.
- (d) Following the public hearing, the municipal officers shall make a determination as to whether to revoke the Franchise, and shall issue a written decision containing its findings.
- (f) The Municipal Officers of the Town shall, either directly or through their designees conduct public hearings and issue such appropriate orders as it may deem necessary to enforce the provisions of this Ordinance and any Franchise Agreements, including the revocation of Franchise Agreements and the assessment of penalties for violations, as well as to correct any deficiencies in the operation of the system.
- (g) All such orders of the Municipal Officers shall not be in conflict with those that have been or may be adopted by the Federal Communications Commission for the operation of such Cable Systems, except that unless preempted, such ordinances, regulations, rules and orders may

be more detailed, more strict or more restrictive than applicable FCC regulations

- (h) As part of its enforcement authority, the Municipal Officers have the authority to bring legal action for damages, penalties and for injunctive relief. In the event that the Town brings legal action to enforce the provisions of this Ordinance or the Franchise Agreement, and the Town prevails in the action, the Town shall be entitled to recover its costs, including reasonable attorneys fees, incurred in the prosecution of any such action.

20.3 Appeal. The Company shall have the right to appeal any decision of the Town under this Section within thirty (30) days of the date of the decision or ruling to the Maine Superior Court pursuant to M.R. Civ. P. 80B.

Adopted October 16, 2018

ATTEST:

A handwritten signature in cursive script, appearing to read "Maureen F. Scanlon".

Maureen F. Scanlon
Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Dog Ordinance

Section 1. Purpose

The purpose of this ordinance is to control dogs throughout the Town of Sebago in the interest of the health, safety and general welfare of its residents.

Section 2. Definitions as used in this Ordinance unless the context otherwise indicates:

“**DOG**” shall mean both male and female whether neutered or not.

“**OWNER**” shall mean any person, firm, association or corporation owning, keeping or harboring a dog.

“**AT LARGE**” shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

“**DANGEROUS DOG**” shall mean a dog which has bitten or chased a person who was not a trespasser on the owner’s premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner’s premises, to be put in apprehension of eminent bodily harm; or a dog who has damaged the property of any person.

Section 3. License Required

All dogs kept, harbored or maintained by their respective owners in the Town of Sebago shall be licensed and tagged in accordance with the appropriate laws of the State of Maine 7, M.R.S.A. 3921.

Section 4. Disturbing the Peace

It shall be a violation of this ordinance for an owner of a dog to cause or permit such dog to bark, howl, yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more between the hours of 8:00 p.m. and 6:00 a.m. It shall be a violation of this ordinance for an owner to cause or permit a dog to be a dangerous dog.

Section 5. Running at Large

It shall be a violation of this ordinance for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

Section 6. Confinement of Certain Dogs

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public and the dog itself. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the Animal Control Officer, and only if all the provisions of the section entitled, “Impoundment Fee” have been met.

Section 7. Impounding

Any Police Officer, Animal Control Officer, or Constable within the Town of Sebago may seize, impound, or restrain any dog violating this ordinance or State law.

Section 8. Impoundment

When impounding any dog, the Animal Control Officer or Police Officer shall, at the time of such impoundment, list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Sebago with written instructions setting forth conditions under which the dog may be released. When a dog is impounded under the provisions of

this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall make a reasonable effort to notify the owner or keeper if it can be ascertained.

The ultimate disposition of impounded dogs shall be according to M.R.S.A. Title 7, Sections 3912, 3913, and 3952 depending upon which category the dangerous dog or dog in heat, meets.

Section 9. Impoundment Fees

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and State law and by paying to the Town a fee of fifty dollars (\$50.00) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. Fees must be paid and a

receipt of same presented to the shelter prior to the release of the dog. All fees to be deposited in the separate account as required by M.R.S.A. Title 7, Section 3945.

Section 10. Enforcement

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility for enforcing this Ordinance. Police officers, Cumberland County Sheriffs, and constables of the Town of Sebago may also enforce this ordinance.

Section 11. Penalties

Any owner found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County. The owner shall also be responsible for the Town of Sebago's attorney's fees and costs. All fines collected shall be recovered to the use of the Town of Sebago and deposited in a separate account as required by M.R.S.A. Title 7, Section 3945.

Section 12. Severability Clause

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

Section 13. Amendments

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

Section 14. Effective Date

This Ordinance shall be in full force and effect upon passage.

Adopted : May 25, 2010

A true copy attest:



Michele A. Bukoveckas, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

E911 Ordinance 911

Section 1. Purpose

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

Section 2. Authority

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

Section 3. Administration

This ordinance shall be administered by the **Board of Selectmen, and the Addressing Authority**, 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 Sections 4 and 5. **The Board of Selectmen, and the Addressing Authority**, shall also be responsible for maintaining the following official records of this ordinance:

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

Section 4. Naming System

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

The following criteria shall govern the naming system:

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

Section 5. Numbering System

Numbers shall be assigned every fifty (50) feet along both sides of the road, and in some instances, every ten (10) feet with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. (The frontage interval may vary in more densely or lightly populated areas, and it should be so indicated where that particular interval applies.)

The following criteria shall govern the numbering system:

- a. All number origins shall begin from the designated center of Sebago or that end of the road closest to the designated center. (The numbering origin does not have to be the town center, but could be a border with another community.) For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. (I.e., duplexes will have two separate numbers; apartments will have one road number with an apartment number such as 235 Maple Street, Apt. 2.)

Section 6. Compliance

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

- a. **Number on the Structure or Residence.** Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.
- b. **Number at the Street Line.** Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line next to the walk or access drive to the residence or structure.
- c. **Size and Color of Number.** Numbers shall be numerals and displayed in a color and size approved for use by the **Board of Selectmen, and the Addressing Authority**, and shall be located to be visible from the road, and contrasting colors shall be 4" minimum.
- d. Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. **Interior Location.** All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

Section 7. 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:

- a. **New Construction.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the **Board of Selectmen, and the Addressing Authority**. This shall be done at the time of the issuance of the building permit.
- b. **New Subdivisions.** Any prospective sub-divider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. 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 to aid in assignment of numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective as of December 1, 2000. It shall be the duty of the **Board of Selectmen, and the Addressing Authority**, to notify by mail each property owner and the Post Office of a new address at least thirty (30) days before 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 thirty (30) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

Enforcement of this ordinance shall be the responsibility of the Selectmen who may designate authority to any of the following: Town Manager

Code Enforcement Officer
Public Works Director
Fire Chief
Constable

Dated at Sebago this 30th day of November, 2000.

Ruth Douglas, Selectperson

Lisa Hutchins, Selectperson

Attest: Michele A. Bukoveckas, Clerk-Treasurer

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Fire Department Ordinance

ARTICLE 1

TITLE, PURPOSE, AUTHORITY, DEFINITIONS

SECTION 101. TITLE

This ordinance shall be know as the Town of Sebago Fire Department Ordinance.

SECTION 102. PURPOSE

The purpose of this ordinance is to establish in the manner provided by law a municipal fire department, and to define the powers and duties of the chiefs of this department. The further purpose of this ordinance is to provide the maximum legal protection available to the department chiefs and municipal fire fighters, and to best protect the health, safety, and welfare of the residents of Sebago.

SECTION 103 AUTHORITY

This ordinance is enacted pursuant to M.R.S.A. 30-A. § 2001 et seq., §3001 et seq., and §3151 et seq.

SECTION 104 DEFINATIONS

104.1 MUNICIPAL FIRE DEPARTMENT-A municipal fire department means an organized fire fighting unit established pursuant to this ordinance.

104.2 MUNICIPAL FIRE FIGHTERS-A municipal fire fighter shall mean an active member, whether a full time, part time, or on call, of a municipal fire department, who aids in the extinguishment of fires or an individual who receives compensation from the municipality for aiding in the extinguishment of fires and is at least 18 years of age.

ARTICLE II**MUNICIPAL FIRE DEPARTMENT****SECTION 201 ESTABLISHMENT**

There shall be a Municipal Fire Department which is hereby established by this ordinance.

SECTION 202 DUTIES

The Municipal Fire Department shall provide firefighting protection within the Town of Sebago and elsewhere as provided by mutual aid or other contractual agreement approved by the Municipal Officers.

SECTION 203 FIRE CHIEF**203.1 APPOINTMENT**

The head of the Municipal Fire Department shall be the Fire Chief, who shall be appointed by the Selectmen.

203.2 TERMS, COMPENSATION

The Fire Chief shall be appointed by the Municipal Officers for a term of 1 year. The compensation of the Fire Chief shall be established by the Municipal Legislative Body.

203.3 POWERS AND DUTIES

- (a) The Fire Chief shall have the powers and duties established by M.R.S.A. 30-A § 3153 as amended, except that administrative rules and regulations promulgated by the Fire Chief shall not be effective until approved by the Selectmen.
- (b) The Fire Chief shall submit a written monthly report on the Activities of the department and shall discharge such other duties as may be required by the Selectmen.

203.4 POWERS AND DUTIES

Municipal firefighters shall have the powers and duties set forth in M.R.S.A. 30-A § 3151 et. Seq. and set forth in any rules and regulations adopted pursuant to Section 203.3 (a) above.

203.5 DEPUTY FIRE CHIEF

A Deputy Fire Chief may be appointed by the Selectmen to act with full authority of the Fire Chief in the absence of the Fire Chief in any emergency or activity of the Municipal Fire Department.

203.6 OTHER OFFICERS

The Fire Chief may appoint with the Selectmen's approval, other officers necessary or required by the Standard Operating Procedures of the Municipal Fire Department

203.7 PRIVILEGES, IMMUNITIES

Members of the Municipal Fire Department shall enjoy the privileges and immunities provided by the Maine Tort Claims Act when acting in their capacity as firefighters.

ARTICLE III

SEVERABILITY, EFFECTIVE DATE

SECTION 301 SEVERABILITY

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

SECTION 302 EFFECTIVE DATE

This ordinance shall be effective on its adoption at Town Meeting. (June 7, 1997)

TOWN OF SEBAGO CONSUMER FIREWORKS ORDINANCE

1. PURPOSE

The purpose of this Ordinance is to restrict and manage the use of fireworks in the Town of Sebago in order to protect the health, safety and welfare of the residents of the Town of Sebago. The issues of fire safety and respectful consideration of neighbors are at the center of the purpose.

2. TITLE & AUTHORITY

This ordinance shall be known as the "Town of Sebago Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

3. SCOPE

This Ordinance shall apply to the use and or sale of Consumer Fireworks, as defined below, within the limits of Sebago, Maine

4. DEFINITIONS

Consumer Fireworks as used in this Ordinance, "Consumer Fireworks" means any firework that is authorized by the State of Maine for the sale to the general public.

Public Land means land owned or leased by the Town of Sebago, State of Maine, or another governmental or quasi-governmental agency or entity. "Public Land" expressly includes, without limitation, all Town and State streets, roads, highways, parks and preserves.

5. SEVERABILITY

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

6. PERMITS

Anyone planning to use consumer fireworks in Sebago must obtain a permit for the use of said fireworks with the following exceptions. No permits are required for consumer fireworks: July 4, December 31, the weekends immediately before and after July 4 and December 31. All other requirements of this ordinance remain in effect. Permits are available from the Town Clerk at the Town Office during normal business hours and must be on file prior to the use of any consumer fireworks. If it is deemed necessary by the Selectmen, permits may also become available from other Town Officials.

7. HOURS

Consumer fireworks may be used between the hours of 9:00 am and 10:00 pm, except that on the following dates they may be used from 9:00 am and 12:30 am the following day: July 4, December 31, the weekends immediately before and after July 4 and December 31.

8. FIRE CONDITIONS

There are times when weather conditions that greatly increase the potential for consumer fireworks to start a fire. In an effort to decrease the danger to our community, the use of consumer fireworks is prohibited during the periods that the fire danger is a Class 4 or Class 5. Each person wishing to use consumer fireworks shall be responsible for verifying the fire danger level with the Town of Sebago, Town Office, or searching for Wildfire Danger Report on maine.gov.

9. PROPERTY

A. A person may use consumer fireworks only on that person's property or on the property of a person who has given written consent for the use of consumer fireworks on that property.

B. Owners and landlords of rental properties are required to insure that their tenants are made aware of this Ordinance by including full information in rental agreements and or by posting prominently on the premises.

10. AGE

Consumer fireworks shall not be purchased, used or possessed by any person under the age of 21.

11. IMPAIRMENT

A person may not use, display, fire or cause to be exploded consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

12. PROXIMITY

Consumer fireworks shall not be used within 50 feet of any combustible structure, overhead power lines or public right of way.

Consumer fireworks shall not be used within 300 feet of a licensed daycare, school, or church.

Consumer fireworks shall not be used within 500 feet of any marina or docking facility engaging in the sale of fuel or oil.

Consumer fireworks shall not be used within 1000 feet of a pasture with livestock present without specific written permission from the owner of the pastured livestock.

13. TOWN PROPERTY

The use of consumer fireworks on Town owned property, including roadways, public parks, and public rights of way, is prohibited.

14. LIABILITY

The Town assumes no liability for injuries or destruction of property that result from the use of consumer fireworks.

15. FIRES

Means to extinguish any spot fires resulting from the use of consumer fireworks must be available including, but not limited to, fire extinguishers and garden hoses. Access to 911 by landline or mobile telephone must also be available during the use of consumer fireworks should an emergency arise.

16. BOATS

Consumer fireworks may not be used on, in or from any watercraft located within the waters of the Town of Sebago.

17. COMPLAINTS

Complaints should be made to the Cumberland County Sheriff's Office by dialing 911, or any other number designated by the Sheriff's Office as appropriate for this type of complaint. Any written complaints should be directed to the Selectmen of the Town of Sebago.

18. VIOLATIONS

If a fire starts from actions in violation of this ordinance, the property owner is financially responsible for extinguishing said fire. If the damage is to another person's property, the holder of this permit may also be responsible for those damages. In addition to the financial responsibility for extinguishing a fire caused by the use of consumer fireworks, fines will be imposed for any breach of the above limitations on the use of consumer fireworks.

19. FINES

First Offense: Written warning, Second Offense: \$250 fine, Subsequent Offenses will result in the denial of future permits for the use of consumer fireworks.

20. ENFORCEMENT

This ordinance shall be enforced by any authorized law enforcement provider or any duly authorized agent of the Town of Sebago approved by the Selectboard to enforce this ordinance

21. MISCELLANEOUS

Nothing in this Ordinance shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time. Nothing in this Ordinance shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by State law.

22. Notification recommendations

Neighbors within 200 feet of the originating location of the consumer fireworks display should be notified in advance of the date and time of the planned event. As a courtesy, people with young children or pets, shift workers, those adverse to loud noises such as former or current military members with

PTSD, and anyone else suspected to be sensitive to the use of fireworks, should be advised of any fireworks plans so they have the opportunity to adequately prepare.

Adopted on: May 14, 2019

Attest: 
Maureen F. Scanlon, Town Clerk

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF SEBAGO, MAINE

Enacted: June 4, 1994

STATEMENT OF PURPOSE AND INTENT

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

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

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

This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to MRSA Title 30-A § 3001-3007, 4352 and 4401-4407.

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FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I-ESTABLISHMENT

The Town of Sebago, 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 Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) 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 Sebago, Maine.

The areas of special flood hazard, Zones A, A1-30, AE, AO and AH identified by FEMA in a report entitled "Flood Insurance Study-Town of Sebago, Maine, Cumberland County" dated October 1, 1989 with accompanying "Flood Insurance Rate Map" dated April 1, 1981 is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II- PERMIT REQUIRED

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

ARTICLE III-APPLICATION FOR PERMIT

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

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage system proposed;

- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:
 - 1. Base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, AE, AO and AH from data contained in the “Flood Insurance Study-Town of Sebago, Maine,; as described in Article I; or
 - b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
 - 2. Highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. Lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. Level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III. G.R; VI.G; and other applicable standards in Article VI.
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV- APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$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 Code Enforcement 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 Code Enforcement Officer may appeal that decision to the Board of Appeals.

ARTICLE V-REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.

- A. 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 Article VI (Development Standards) have, or will be met:
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study-Town of Sebago, Maine," as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation, and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.G.1.b.; Article VI. I; and Article VIII.D, in order to administer Article VI of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;
- F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to built 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 Article VI, paragraphs F,G,H, and K. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and;
- G. 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 Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI-DEVELOPMENT STANDARDS

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

- A. New construction or substantial improvements of any structure shall:
 - 1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,
 - 4. use electrical, heating, ventilations, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.
- D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- F. New construction or substantial improvement of any residential structure located within:
 - 1. Zones A1-30, AE and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 - 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified.
 - 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III. G.1.b.; Article V.B; or Article VIII.D.
- G. New construction or substantial improvement of any non-residential structure located within;
 - 1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base food elevation, or together with attendant utility and sanitary facilities shall:

- a. 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;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the 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.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.
 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. together with attendant utility and sanitary facilities be floodproofed to meet the elevations requirements of this section and floodproofing standards of Article VI, paragraph G.1.
 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b; Article V.B; or Article VIII.D.
- H. New or substantially improved manufactured homes located within:
1. Zones A1-30, AE, or AH shall:
 - a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
 - b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

- (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 40 feet long require one additional tie per side); or by,
- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).
- (3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. meet the requirements of Article VI.H.1. (a) (b).
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new

construction, substantial improvement, and other development shall not be permitted 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 will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

3. 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 Article VI, paragraph I.2.
- J. New construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, “stilts,” or crawlspaces less than three feet in height may be enclosed below the elevations requirements provided all the following criteria are met or exceeded:
1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,
 2. Enclosed areas are not “basements” as defined in Article XIII; and,
 3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
 - a. be certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria;

- (1) a minimum of two openings having a total net area or not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of 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,
4. The enclosed area shall not be used for human habitation; and,
 5. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII- CERTIFICATE OF COMPLIANCE

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

- A. The applicant shall submit an Elevation Certificate completed by:
 1. a registered Maine surveyor for compliance with Article VI, paragraph F,G,H, or K; and,
 2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI.G; and,
- B. 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.
- C. 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.

ARTICLE VIII- REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS.

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
- E. 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 Article VI of this ordinance and that such requirement will be included in any deed, lease, 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 or any other document previously described. The construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX- APPEALS AND VARIANCES

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determinations that failure to grant the variance would result in “undue hardship,” which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI-I are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. Variances may be issued 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 Article IX, paragraphs A through D.
- F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. The Board of Appeals shall submit to the Planning Board and/or Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X- ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to M.R.S.A. 30-A § 4452.
- B. The penalties contained in M.R.S.A. 30-A § 4452 shall apply to any violation of this ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the

Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identify or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;
3. a statement that the public body making the declaration has authority to do so and a citation to that authority.
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI- VALIDITY AND SEVERABILITY

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

ARTICLE XII- CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII- DEFINITIONS

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

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

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

AREA OF SPECIAL FLOOD HAZARD- means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

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

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

BREAKAWAY WALL- means a wall that is not part of the structural support or the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING-see Structure

CERTIFICATE OF COMPLIANCE- a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

CODE ENFORCEMENT OFFICER-any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

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

ELEVATED BUILDING-means a non-basement building:

- (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO or AH to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, 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 or AH, **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.

ELEVATION CERTIFICATE- An official form (FEMA Form 81-31, 05/90, as amended) that:

- (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (ii) is required for purchasing flood insurance.

FLOOD OR FLOODING- means:

- (a) A general and temporary condition of partial or complete inundation or normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused

by an unusually high water level in a natural body of water, accompanied by a water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

FLOOD ELEVATION STUDY- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM)- means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY- see **Flood Elevation Study**

FLOODPLAIN OR FLOOD-PRONE AREA- means any land area susceptible to being inundated by water from any source (see flooding).

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

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

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

FLOODWAY- see **Regulatory Floodway**

FLOODWAY ENCROACHMENT LINES- mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

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

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

HISTORIC STRUCTURE- means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or

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

LOCALLY ESTABLISHED DATUM- means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

LOWEST FLOOR- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than an basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI of this ordinance.

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

MANUFACTURED HOME PARK OR SUBDIVISION- means a parcel (or contiguous parcels) of land divided into two or more manufactured homes lots for rent or sale.

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

NEW CONSTRUCTION- means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100 YEAR FLOOD- see **Base Flood**

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

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

SPECIAL FLOOD HAZARD AREA- see **Area of Special Flood Hazard**

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

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

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

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

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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

ARTICLE XIV- ABROGATION

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

TOWN OF SEBAGO
LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE
AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM
IN THE TOWN OF SEBAGO, CUMBERLAND COUNTY, MAINE

§1. Title

This ordinance, adopted by the Town of Sebago (hereinafter “the Town”), shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

§2. Preamble

We, the People of the Town of Sebago, have the right to produce, process, sell, purchase, and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms; sustainable agricultural practices; and food processing by individuals, families, and non-corporate entities offer stability to our rural way of life by enhancing the economic, environmental, and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that certain federal and state regulations unnecessarily impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health; nourishes individuals and the community; and sustains producers, processors, and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote reasonably unimpeded access to local foods.

All individuals have a natural, inherent, and unalienable right to acquire, produce, process, prepare, preserve, and consume the food of their own choosing for their own nourishment and sustenance. Furthermore, all individuals have a right to barter, trade, and purchase food and to save and exchange seed from the sources of their own choosing for their own physical health and well-being. Every individual is fully responsible for the exercise of these rights, which may not be infringed.

§3. Purpose

It is the policy of this State to encourage food self-sufficiency for its citizens. The purpose of the Local Food and Community Self-Governance Ordinance is to:

1. Through local control, preserve the ability of individuals and communities to save and exchange seed, to produce, process, sell, purchase, and consume locally produced foods;
2. Ensure the preservation of family farms and traditional foodways through small-scale farming, food production, and community social events;
3. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through unimpeded access to wholesome, nutritious foods by encouraging

ecological farming;

4. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families;
5. Enhance rural economic development and the environmental and social wealth of rural communities; and
6. Protect access to local food through direct producer-to-consumer transactions.

§4. Definitions

As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:

- A. **COMMUNITY SOCIAL EVENT:** An event where people gather as part of a community for the benefit of those gathering or for the community, including, but not limited to, a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers' market, agricultural fair, and other public events.
- B. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** An exchange of local food within a local food system between a producer or processor and a patron by barter, trade, or purchase on the property or premises owned, leased or rented by the producer or processor of the local food; at roadside stands, fundraisers, farmers' markets, and community social events; or through buying clubs, deliveries or community supported agriculture programs, herdshare agreements, and other private arrangements.
- C. **LOCAL FOOD SYSTEM:** A food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional foodways to enhance the environmental, economic, social, and physical health of the municipality and its residents.
- D. **LOCAL FOOD:** Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons.
- E. **PATRON:** An informed individual who acquires local food directly from a processor or producer.
- F. **PROCESSOR:** An individual who processes or prepares products of the soil or animals for food or drink.
- G. **PRODUCER:** A farmer or gardener who grows or raises any plant or animal for food or drink.
- H. **TRADITIONAL FOODWAYS:** The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

§5. Authority

This ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, §2 of the Constitution of the State of Maine, which declares *inter alia*: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

Article VIII, Part Second of the Constitution of the State of Maine, which establishes Home Rule: "The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character."

§1-A of Title 7 of the Maine Revised Statutes, which states *inter alia*: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high-quality food and fiber, deserves a place of high priority in the determination of public policy. For this purpose, there is established the Department of Agriculture, Forestry, and Conservation"

§1-B of Title 7 of the Maine Revised Statutes, which states *inter alia*: The [...] preservation of rural life and values in the State [is] to be the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms [...] and improve health and nutrition.

§284 of Title 7, Chapter 8-F, Maine Food Sovereignty Act, which states *inter alia*: "a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions that are governed by the ordinance."

§3001 of Title 30-A of the Maine Revised Statutes, which implements Home Rule and grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town where those powers have been conferred on the towns by the Legislature or not otherwise limited.

§6. Statements of Law

A. Right to Self-Governance. Citizens the Town have the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

B. Right to Acquire and Produce Food. Citizens of the Town possess the right to save and exchange seed and to produce, process, sell, purchase, and consume local foods of their choosing.

C. Exemption from Licensure and Inspection. The producers and processors of local food intended for direct producer-to-consumer transactions in the Town governed by this ordinance shall be exempt from state licensure and inspection. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce those state food laws, rules, or regulations with respect to those transactions as defined in Section 4.

The transactions enumerated in Section 4 are governed by this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act

D. Meat and Poultry. This ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program.

This ordinance is applicable to shared animal ownership agreements in compliance with the federal acts as defined in Title 22, Chapter 562-A, §2511 of the Maine Revised Statutes and similar private contractual agreements, herdshare agreements, and buying clubs.

E. Liability Protection. Producers and processors of local food may enter into private agreements with patrons to waive any liability for the consumption of local food.

§7. Civil Enforcement.

Any individual citizen of the Town shall have standing to enforce any rights secured by this ordinance which have been threatened or contested by any person, whether natural or juridical, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

§8. Effect

This ordinance shall be effective immediately upon its enactment.

§9. Severability Clause

To the extent any provision of this ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed and the balance of the ordinance shall remain valid.

§10. Repealer

All inconsistent provisions of prior ordinances adopted by the Town are hereby repealed, but only to the extent necessary to remedy the inconsistency.

§11. Human Rights and Constitutionality

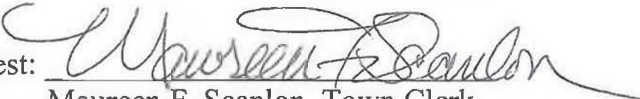
Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

§12. Mutual Recognition and Inter-municipal Government Collaboration

The Town hereby recognizes producers and processors of local foods in other municipalities that have also adopted a Local Food and Community Self-Governance Ordinance. Those producers and processors

of local foods from other municipalities operating under a similar ordinance may also operate under this ordinance.

Adopted on: May 14, 2019

Attest: 
Maureen F. Scanlon, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

General Provisions

SECTION 1 – GENERAL PROVISIONS

A. TITLE

The Ordinance shall be known and cited as the Land Use Ordinance of the Town of Sebago, Maine, and will be referred to as “this Ordinance”.

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, and the provisions of Title 30-A, Sections 3001, and 4352 of the Maine Revised Statutes Annotated.

C. PURPOSE

The purposes of this Ordinance are:

1. To implement the provisions of the Town Comprehensive Plan.
2. To encourage growth in the identified growth areas of the community and to limit growth in the rural areas.
3. To promote the health, safety, and general welfare of the residents of the community.
4. To encourage the most appropriate use of land throughout the community.
5. To promote traffic safety.
6. To provide safety from fire and other elements.
7. To provide an allotment of land area in new developments sufficient for adequate enjoyment and community life.
8. To conserve natural resources.

D. APPLICABILITY

The provisions of the Ordinance shall govern all land and all structures within the boundaries of the Town of Sebago, exclusive of the land and water area subject to the Town’s Shoreland Zoning Ordinance.

If a proposed use is not covered by this or any other Town Ordinance, State and Federal Law may be applied.

E. CONFLICT WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

F. 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.

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of the adoption by the legislative body on June 7, 2014.

H. ANNUAL ADMINISTRATION REVIEW

The Code Enforcement Officer, Planning Board and Board of Appeals each shall report annually to the Town Manager and Board of Selectman on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Manager and Board of Selectman shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance.
2. Enhance the implementation of the purposes of the Ordinance contained in subsection C, items 1-8 above.

I. **AMENDMENTS**

- This Ordinance may be amended by majority vote of the Legislative body.
- The Board of Selectmen has the authority to review/adjust any and all fees as needed.

Town of Sebago

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Non-Conformance

SECTION 2 – NON-CONFORMANCE

A. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use or lot is a lawfully existing non-conforming structure, use or lot, as defined in this Ordinance, shall in all instances be upon the owner of such non-conforming structure, use or lot and not upon the Town of Sebago.

B. CONVERSION TO CONFORMANCE ENCOURAGED

Owners of all existing non-conforming structures, uses or lots shall be encouraged to convert such existing non-conforming structures, uses or lots to conformance wherever possible and shall be required to convert to conforming status as required by this Ordinance.

C. CONTINUANCE

The use of any building, structure, or parcels of land, which is made non-conforming by reason of enactment of this Ordinance, or which shall be made non-conforming by reason of subsequent amendment, may be continued, subject to the following provisions:

1. **EXISTING NON-CONFORMING USES OF LAND** – Continuance of non-conforming uses of land shall be subject to the following provisions:
 - a. An existing non-conforming use may not be enlarged or increased, nor extended to occupy a greater area of land than that occupied at the effective date of this Ordinance, or any amendment so as to increase non-conformance.
 - b. If any non-conforming use of land ceases for any reason for a period or more than twelve (12) consecutive months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
 - c. A non-conforming use may be moved within the boundaries of the lot provided the planning board finds that the change on the lot is appropriate in regards to:
 1. Location and character
 2. Fencing and screening
 3. Landscaping, topography, and natural features
 4. Traffic and access
 5. Signs and lighting
 6. Potential nuisance
- **EXISTING NON-CONFORMING STRUCTURES** – Continuance of non-conforming structures shall be subject to the following provisions:
 - a. No such structure shall be enlarged or altered in any way that increases its non-conformity.
 - b. Should any structure, exclusive of the foundation, be destroyed or damaged by any means, exclusive of the planned demolition, said structure may be rebuilt on the existing foundation to the dimensions of the structure which was destroyed provided rebuilding is begun within one year.
 - c. A non-conforming structure may be moved within a lot in a manner which would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 1. Location and character
 2. Fencing and screening
 3. Landscaping, topography, and natural features
 4. Traffic and access

- 5. Signs and lighting
- 6. Potential nuisance

3. EXISTING NON-CONFORMING USE OF STRUCTURES – Continuance of non-conforming structures shall be subject to the following provisions:

- a. No structure devoted to a non-conforming use shall be enlarged or extended without Planning Board approval.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building.
- c. Any non-conforming use of a structure or premises may be changed to another non-conforming use provided the Planning Board shall find that the proposed use is more consistent with the District's purpose than the existing non-conforming use, at no time shall a use be permitted which is less conforming nor revert back to the previous non-conforming use.
- d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed.
- e. If any such non-conforming use of a structure ceases for any reason for a period more than twelve (12) consecutive months, any subsequent use of such structure shall comply with standards specified by this Ordinance for the district in which such structure is located.
- f. A structure, housing an existing non-conforming use, may be moved within the lot in a manner which would be a more appropriate location, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - 1. Location and character
 - 2. Fencing and screening
 - 3. Landscaping, topography, and natural features
 - 4. Traffic and access
 - 5. Signs and lighting
 - 6. Potential nuisances

4. CONSTRUCTION BEGUN PRIOR TO ORDINANCE – This ordinance shall not 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 has been made, provided that the application has been subject to substantive review or a permit that has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of this Ordinance. Such construction shall start within sixty (60) days after the issuance of the permit.

D. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimension of which are recorded on a document or map recorded in the Registry of Deeds which at the effective date of adoption or subsequent amendment of this Ordinance, does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record even though such lot may be contiguous with any other lot in the same ownership, provided that all other provisions of this Ordinance are met.

E. TRANSFER OF OWNERSHIP

Ownership of land and structures that remain lawful but become non-conforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
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Establishment of Districts

SECTION 3 – ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Sebago is hereby divided into the following districts:

1. Village (V)
2. Rural Residential District (RR)
3. Rural District (R)

B. STANDARDS ESTABLISHING DISTRICTS AND DISTRICT DESCRIPTIONS

1. VILLAGE DISTRICT (V)

- a. Purpose: The Village District is established as a district which will allow a range of uses as described in Table 4-1 of Section 4 (Schedule of Uses).
- b. Areas Included: The location of the Village District is illustrated on the Official District Map of the Town of Sebago.

2. RURAL RESIDENTIAL DISTRICT (RR)

- a. Purpose: The Rural Residential District is established as a district which will allow a range of uses as described in Table 4-1 of Section 4 (Schedule of Uses).
- b. Areas Included: The location of the Rural Residential District is illustrated on the Official District Map of the Town Of Sebago.

3. RURAL DISTRICT (R)

- a. Purpose: The Rural District is established as a district which will allow a range of uses as described in Table 4-1 of Section 4 (Schedule of Uses).
- b. Areas Included: The location of the Rural District is illustrated on the Official District Map of the Town of Sebago.

C. OFFICIAL DISTRICT MAP

Districts established by this Ordinance are bounded and defined as shown on the official "Land Use District Map of Sebago, Maine." The following rules of interpretation shall apply:

The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk, and retained on file in the office of the Town Clerk.

D. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundary lines of Districts as shown on the "Land Use District Map of Sebago," the following rules of interpretation shall apply:

1. Boundaries indicated are approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines.

2. Boundaries indicated as being approximately following shore line of any lake or pond shall be construed as following the normal high water mark.
3. Boundaries indicated as being the extension of center lines of streets shall be construed to be the extension of such center lines.
4. Boundaries indicated as approximately following the center lines of streams, rivers or other continuous flowing water courses shall be construed as following the channel center line of such watercourses.
5. Boundaries indicated as being parallel to extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map.
6. Where physical or cultural 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 the boundary, the Planning Board shall interpret the district boundaries.

E. DIVISION OF LOTS BY DISTRICT BOUNDARIES

In the event that a District boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact, finds that such extensions will not create unreasonable adverse impacts on the existing uses of the adjacent properties, may:

1. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the restrictive portion.
2. When that portion of the lot which is located in the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion.
3. This provision applies to lots of less than 10 acres when that portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, the Planning Board may extend the regulations applicable to the less restrictive portion to the entire more restrictive portion.
4. Except that, no such extensions shall be granted by the Planning Board into any Protection Districts.

F. AMENDMENTS TO THE DISTRICT BOUNDARIES

The Board of Selectman, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at a Special or Annual Town Meeting. A warrant article shall not be presented for consideration without written finding of fact upon substantial evidence that:

1. The change would be consistent with:
 - a. the standards of the District boundaries in effect at the time
 - b. the Comprehensive Plan
 - c. the purpose, intent and provisions of this Ordinance
2. The change in District boundaries will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources, or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Board of Selectman will not act upon this petition for a change of District boundaries unless notice is first given by certified mail to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Board of Selectman may require, as part of any petition for a change of District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners.

Town of Sebago

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Schedule of Uses

SECTION 4 – SCHEDULE OF USES

A. ACTIVITIES DESCRIBED

A schedule listing the uses permitted in the various Districts, under this Ordinance begins in subsection F (Schedule of Uses) of this Section. The permitted uses may be affected by State and Federal law.

The various land uses contained in the schedule are organized according to the following activity classifications:

1. Resource Extraction and Rural Uses
2. Residential Uses
3. Institutional Uses
4. Commercial Uses
5. Industrial Uses
6. Transportation and Utilities

B. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. DISTRICT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
V	Village District
RR	Rural Residential District
R	Rural District

2. PERMIT SYMBOLS

<u>SYMBOL</u>	<u>DESCRIPTION</u>
Y	Uses Allowed Without a Permit
NO	Uses Prohibited Within District
CEO	Use Requires a Code Enforcement Permit
PB	Use Requires a Planning Board Permit

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT** – Uses substantially similar to those allowed without a permit, but that are not listed in the Schedule of Uses, may be permitted upon ruling by the Code Enforcement Officer that such use is substantially similar to uses listed in schedule.
2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT** – Uses substantially similar to those requiring a Code Enforcement Officer Permit, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.
3. **USES REQUIRING A PLANNING BOARD PERMIT** – Uses substantially similar to those requiring a Planning Board Permit, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

D. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses, shall be prohibited.

E. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the application requirements and performance standards contained in Section 5 (Land Use Standards).

F. SCHEDULE OF USES

Table 4-1

	Village District	Rural Res. District	Rural District
Resource Extraction and Rural Uses			
1. Agriculture	PB	Y	Y
2. Boarding and riding stables	PB	PB	PB

3. Commercial timber harvesting provided that all State required permitting has been obtained	Y	Y	Y
4. Filling, grading, draining, dredging or alteration of a water table or level; and not meaning a pit or hole sunk into the earth to reach a supply of water, with appropriate state permits	PB	PB	PB
5. Outdoor recreation such as parks, playgrounds and golf courses	PB	PB	PB
6. Private, non-commercial stables	CEO	Y	Y
7. Roadside produce stand	CEO	Y	Y
8. Earth materials extraction or storage for road purposes only, affecting an area of less than two acres in size (see also Commercial Uses, # 11)	CEO	CEO	CEO
9. Earth materials extraction or storage for road purposes only, affecting an area of two acres or greater in size (see also Commercial Uses, # 11)	PB	PB	PB
10. Accessory structure, uses, or services that are essential for the exercise of uses listed above	PB	PB	PB
Residential Uses			
1. Single-family dwelling	CEO	CEO	CEO
2. Single family mobile home	CEO	CEO	CEO
3. Duplex (two family)	CEO	CEO	CEO
4. Multi-family dwelling	PB	PB	PB
5. Mobile home park (see Section 5-Land Use Standards)	PB	PB	N
6. Home Occupation	PB	PB	PB
7. Accessory apartment	PB	PB	PB
8. Accessory structures, uses or services that are essential for the exercise of uses listed above (#s 1, 2, 3, 7)	CEO	CEO	CEO
9. Accessory structures, uses or services that are essential for the exercise of uses listed above (#s 4, 5, 6)	PB	PB	PB
Institutional Uses			
1. Cemetery	PB	PB	PB
2. Church	PB	PB	PB
3. Day care center	PB	PB	PB
4. Fraternal order and service club	PB	PB	PB
5. Governmental facilities and grounds	PB	PB	PB
6. Group development, congregate housing, boarding home facility	PB	PB	PB
7. Hospital	PB	PB	PB
8. Medical clinic, nursing home, assisted living, rehabilitation facility	PB	PB	PB
9. Museum	PB	PB	PB
10. Public or private school	PB	PB	PB
11. Religious services as ancillary use	PB	PB	PB
12. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB
Commercial Uses			
1. Art gallery, craft shop, gift shop	PB	PB	PB
2. Auction barn	PB	PB	PB
3. Automobile sales lot	PB	NO	NO
4. Automobile service station and repair garage	PB	PB	PB
5. Aviation (helipad, seaplane base, airfield)	PB	PB	PB
6. Bed and breakfast	PB	PB	PB
7. Campground, tents only	PB	PB	PB
8. Campground, RVs, trailers	PB	NO	NO
9. Commercial complex	PB	NO	NO
10. Commercial greenhouse, garden, landscaping business	PB	PB	PB
11. Commercial removal of earth materials (see also Resource Extraction and Rural Uses, #s 8 and 9)	PB	PB	PB

12. Communication facility	PB	PB	PB
13. Commercial towers	PB	PB	PB
14. Financial institution	PB	NO	NO
15. Funeral home	PB	PB	NO
16. Grocery and variety store	PB	PB	PB
17. Health spa, fitness club, gym	PB	PB	PB
18. Indoor entertainment and recreation	PB	PB	PB
19. Kennel-boarding site	NO	PB	PB
20. Laundry, dry cleaning establishment	PB	NO	NO
21. Liquor store	PB	NO	NO
22. Motel, Hotel	PB	PB	PB
23. Outdoor storage business	PB	PB	PB
24. Professional offices, office building	PB	NO	NO
25. Redemption center	PB	PB	NO
26. Rental cabins and cottages	PB	PB	PB
27. Restaurant	PB	PB	NO
28. Repair service (other than auto)	PB	PB	PB
29. Retail outlets	PB	NO	NO
30. Self storage building	PB	PB	PB
31. Service business	PB	PB	PB
32. Signs	CEO	CEO	CEO
33. Take out food service	PB	PB	PB
34. Veterinary clinic	PB	PB	PB
Industrial Uses			
1. Automobile graveyard, junkyard	PB	PB	PB
2. Bulk oil and fuel storage, in excess of 50 gallons except for on site purposes	NO	PB	PB
3. Construction equipment storage	CEO	Y	Y
4. Firewood processing – no structures	CEO	Y	Y
5. Light manufacturing assembly plant	PB	PB	PB
6. Lumber yard	PB	PB	PB
7. Manufacturing			
A. Newspaper facility	PB	PB	PB
B. Print shop	PB	PB	PB
C. Pulp mill	PB	PB	PB
D. Saw mill - no structures	PB	Y	Y
E. Sewage treatment facility	PB	PB	NO
F. Solid waste transfer station	NO	PB	PB
G. Transportation facility and terminal	PB	PB	PB
H. Warehouse	PB	PB	PB
8. Wholesale business facility	PB	PB	PB
9. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB
Transportation and Utilities			
1. Major utility facilities such as transmission lines, but not including service drops	PB	PB	PB
2. Road construction projects, other than land management roads, and not part of a project requiring Planning Board approval	PB	PB	PB
3. Road construction projects, other than land management roads, which are part of a project requiring Planning Board approval	PB	PB	PB
4. Accessory structures, uses or services that are essential for the exercise of uses listed above	PB	PB	PB

G. DIMENSIONAL REQUIREMENTS

1. PREAMBLE

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.

2. MINIMUM LOT STANDARDS:

Table: 4-2

	Village	Rural Residential	Rural
Area – single residential	40,000 square feet 30,000 square feet (cluster development or 10% affordable)	60,000 square feet 50,000 square feet (cluster development or 10% affordable)	3 Acres 2 Acres (cluster development or 10% affordable)
Area – multi family	40,000 square feet (first unit) 20,000 square feet (each additional)	60,000 square feet (first unit) 20,000 square feet (each additional)	3 Acres
Area – commercial	80,000 square feet	60,000 square feet	3 Acres
Shoreland Frontage	200'	200'	200'
Road Frontage	100'	150'	150' (200' State Numbered Highways)
Road setback	50' (See Note 7a.)	75'	75' (Including State Numbered Highways)
Shore line setback	100'	100'	100'
Wetland setback	75'	75'	75'
Side & rear setback	15'	15'	15'
Minimum width	100'	100'	100'

Notes:

- 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.
- 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.
- 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.
- If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.
- Clustered housing within the shoreland zone may be permitted provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.
- The shore front common area shall have a minimum of fifty (50) feet for each Residential dwelling unit.
- Buildings existing at the time of the enacting of this ordinance can be expanded in accordance with the setback requirements existing prior to the enactment, if the setbacks established in this ordinance cause them to be non-conforming.

7a. Road setbacks in the Village district may be reduced to 25', in areas of high density, or in keeping with neighborhood character.

• BACK LOT PROVISION

Access to Lots: No building permit shall be issued to erect any structure on a lot without frontage on a highway, street, lake or pond unless an access road meeting the following criteria has been constructed within a deeded right-of-way, a minimum of thirty (30) feet in width. The access road shall be constructed to a minimum width of fifteen (15) feet. The access road shall contain a minimum depth of fifteen inches of bank-run gravel and have drainage ditches, culverts and turnarounds at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving three dwelling units or more shall meet the road design and construction standards of the Sebago Planning Board Standards for Reviewing Land Subdivisions.

Set Back: No building shall be erected on a lot unless the building shall be set back from the highway right-of-way at least twenty-five feet. [The rear line and side line setback requirements shall change from fifteen (15) feet to five (5) feet for accessory buildings to be placed on lots of less than 20,000 square feet. This shall be meant to include no more than one structure of no more than 150 square feet, of no more than ten (10) feet in height, and shall not be used for additional dwelling unit(s).] [Added as an amendment on October 22, 2002.]

Side Yard Width: No building shall be set less than fifteen (15) feet from any adjoining lot line. [The rear line and side line setback requirements shall change from fifteen (15) to five (5) feet for accessory buildings to be placed on lots of less than 20,000 square feet. This shall be meant to include no more than one structure of no more than 150 square feet, of no more than ten (10) feet in height, and shall not be used for additional dwelling unit(s).] [Added as an amendment on October 22, 2002.]

- The roadway or highway frontage setback measurement is to start at the edge of the established right-of-way.

H. AQUIFER PROTECTION OVERLAY DISTRICT

1. INTENT

To protect the groundwater resources of the Town from adverse development or land use practices (such as but not limited to the disposal or storage of solid wastes, sludge, subsurface waste disposal, road salting materials, gas or other petroleum products) that might reduce the quality and quantity of water that is now, and in the future will be, available for use by the Town, its citizens and businesses.

2. LOCATION

The Aquifer Protection Overlay District shall apply to the land within the Town's sand and gravel aquifers plus the land within 500 feet of these aquifers. The Aquifer Protection Overlay District embraces and overlays other provisions and districts set forth in this Ordinance and as such its requirements are in addition to the requirements of the underlying District. Where the provisions of the Aquifer Protection District conflict with or impose a higher standard than the provisions of any underlying Districts, the provisions of the Aquifer Protection Overlay District shall prevail.

- a. Identification of Aquifer Boundaries – The boundaries of the Aquifer Protection Overlay District shall be as delineated on the Land Use Map or Aquifer Map of Sebago, Maine.
- b. Boundary Disputes – When the official boundaries of the Aquifer Protection Overlay District as delineated on the Zoning Map are disputed due to lack of sufficient detail on the available map, the landowner or agent may submit hydrogeologic evidence to support the claim. The evidence shall be prepared by a Geologist, Certified in the State of Maine.

3. PROHIBITED USES

In addition to those uses prohibited in the underlying District, the following uses are prohibited:

- asphalt/tar processing
- automobile graveyards
- below ground storage of petroleum products or chemicals for new uses
- biological laboratories and chemical laboratories
- car or truck washes
- chemical manufacture
- chemical warehousing
- chemical reclamation
- coal storage
- dry cleaners
- electrical equipment or electronic circuit manufacture
- fuel oil distribution
- furniture stripping, painting, finishing
- industrial waste storage, impoundment or disposal
- injection wells
- junk and salvage yards
- laundromats
- meat packers
- metal plating, finishing or polishing
- mobile home parks
- oil pipelines
- paper mills
- paint shops
- pesticides/herbicides and fertilizer manufacture and warehousing
- pharmaceutical manufacture
- photo processing
- plastic and fiberglass manufacture and fabrication
- printing
- rubber manufacture and fabrication
- septage and recreational vehicle waste receiving stations for commercial use
- slaughter houses
- sludge and septage storage, disposal or processing
- sludge and septage spreading
- snow dumps
- solid and hazardous waste storage, disposal or processing
- solid or hazardous waste transfer sites
- tanneries
- textile mills
- truck terminals
- uncovered salt piles
- uncovered sand/salt piles
- wood treatment processors

4. GROUNDWATER IMPACT ANALYSIS

For projects requiring Site Plan Review, the Planning Board shall require submittal by the applicant of a Groundwater Impact Analysis. The Analysis shall be prepared by a State of Maine Certified Geologist with experience in hydrogeology. The Analysis shall contain the following components unless waived by a specific vote of the Board. (The Board expects the detail of this Analysis to vary with the intensity of the development.)

- a. A map showing:
 1. soil types
 2. surficial geology on the property
 3. the recommended sites for subsurface waste disposal systems and wells in the development
 4. direction of ground water flow
- b. The relationship of surface drainage conditions to ground water conditions
- c. Documentation of existing ground water quality for the site
- d. A nitrate analysis or other contaminant analysis as applicable including calculation of levels at the property line(s) and wells on the property

- e. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies
- f. The Planning Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the Hydrogeologic Study and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.
- g. A list of assumptions made to produce the required information

5. **CONDITIONS/STANDARDS**

In addition to the Site Plan Review Standards, the following standards shall be met:

- a. Sanitary Waste Water Disposal
 - 1. No use including home occupations shall dispose of other than normal domestic waste water on_site. Disposal of waste water shall be in strict compliance with the State Plumbing Code and other relevant state and local laws, rules and ordinances.
 - 2. No more than nine hundred (900) gallons per day of sanitary waste shall be discharged to any one subsurface wastewater disposal system.
- b. Petroleum Storage – For above ground or indoor storage, an impermeable diked area shall be provided; the diked areas must be roofed to prevent accumulation of rainwater in the diked area and shall be properly ventilated. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine. Where required by the Maine Department of Environmental Protection a "Spill Prevention Control & Countermeasure Plan (SPCC)" shall be prepared and submitted to the Code Enforcement Officer.
- Excavation or Mining of Fill, Sand, Gravel and Other Minerals – Excavation shall not be allowed below five feet above the average seasonal high water. The water table shall not be artificially lowered by ditches, trenches, pumping or other methods.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Land Use Standards

SECTION 5 – LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Sebago into additional criteria specified in this Ordinance.

This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL STANDARDS

1. ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for Town residents while protecting the single family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as in-law accommodations.

- a. **Allowed areas** – Accessory apartments are allowed without an increase in the lot size requirement following site plan approval by the Planning Board in all districts where single-family dwellings are allowed.
- b. **Site plan required** – Any request for an accessory apartment shall include a site plan showing the following:
 1. Lot boundaries and dimensions at scale
 2. Land use district
 3. Date of plan
 4. Property owner with deed reference
 5. Lot area
 6. Location and setback of all buildings
 7. Rights of way, public and private
 8. All easements
 9. Street names
 10. Sewerage facilities
 11. Off-street parking spaces
- c. **Building plan required** – Any request for an accessory apartment shall include a building plan showing the following:
 1. Separate floor layout of all finished levels
 2. All plumbing facilities, kind and location
 3. Use of all rooms
 4. All entrances/exits
 5. All partitions, temporary or permanent
 6. Location and type of all appliances
 7. Parking area
- d. **Subsurface waste water disposal** – Any request for an accessory apartment shall conform to all provisions of the Maine Subsurface Waste Water Disposal Rules and no dwelling that is served by an on-site wastewater disposal system shall be

modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

- e. **Entrance** – The dwelling shall have only one front entrance and all other entrances shall be on the side or in the rear of the dwelling. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted.
- f. **Size** – After completion, the main dwelling unit shall have at least fifteen hundred (1500) square feet of floor area. The accessory apartment shall have at least five hundred (500) square feet of floor area but shall not exceed fifty (50) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- g. **Number of units, connection to main unit** – Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence or attached to the main residence by a fully enclosed breezeway not exceeding twenty (20) feet in length.
- h. **Prohibitions** – Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

2. ACCESSORY USES AND STRUCTURES

An accessory use or structure shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer and/or Planning Board.

3. AGRICULTURAL MANAGEMENT ACTIVITIES

Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

4. AIR POLLUTION

Air pollution control and abatement shall comply with applicable minimum Federal and State requirements.

5. BUFFERS

Buffer strips may be required along property lines where the reviewing authority (Code Enforcement Officer or Planning Board) determines it desirable and necessary to accomplish the following:

- a. To shield incompatible uses from one another
- b. To block prevailing winds to stop wind borne debris from leaving development site
- c. To prevent any proposed lighting from interfering with residential properties or with safe driving
- d. To minimize visual impact of all exposed storage areas, sand and gravel extraction operations, timber harvesting operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, loading and unloading areas, and to preserve the rural character of Sebago.
- e. To protect and enhance scenic character and provide visual separation between Routes 11, 114 and 107 and non-residential uses. Such buffer strips shall be a minimum of fifty (50) feet in width, and shall consist of native vegetation, existing or proposed, with a minimum average height of three (3) feet. The property owner shall be responsible for maintaining this buffer strip.

6. CAMPER/TRAILERS AND RECREATIONAL VEHICLES

- Camper/trailers are considered structures for temporary occupancy and are prohibited from year round use.
- For the purpose of this section, year round will mean any occupancy greater than 180 days, in any 12 month period.
- Camper/trailers capable of being used or intending to be used as principle dwellings for periods greater than two weeks must be issued a Camper/Trailer Occupancy Permit.
- Septic systems and wells are not permitted to be attached to a camper/trailer. Commercially manufactured portable toilets, commonly referred to as "Porta Potties", may be permitted if they are regularly serviced. No sewage shall be permitted to be deposited upon the ground or into lakes, rivers, ponds, streams, or wetlands.
- EXCEPTION: This section shall not apply to the use and occupation of camper/trailers, recreational vehicles, and non-permanent structures which are located in a duly recognized campground.

7. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed developments shall be in conformance with the Comprehensive Plan and Policy Statements of the Town contained within the Plan and in conformance with the provisions of all pertinent local ordinances and regulations, State laws and Federal regulations.

8. 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, and Town of Sebago Floodplain Management Ordinance, the plan shall comply with the provisions of Sebago's Floodplain Management Ordinance.

9. CONVERSIONS

Conversions of existing structures into multi-family units, in Districts permitting multi-family dwellings, may be permitted provided that:

- a. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.
- b. Approval of conversion plans by local and state fire, electrical and plumbing inspector (s) is required prior to issuance of a land use permit.
- c. Each dwelling unit shall be at least three-hundred fifty (350) square feet in area for one (1) bedroom units, plus one-hundred and fifty (150) square feet for each additional bedroom.
- d. Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.
- e. Each unit shall be provided with adequate rubbish disposal facilities.

10. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIAL

Emission of odors, dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property must comply with State and Federal standards.

11. DRIVEWAYS

A facility or means of connecting a residential or commercial property to streets, roads, or highways under the jurisdiction of the town.

• General Guidelines

- Any person, firm, or corporation desiring to construct a driveway on any public street in the Town of Sebago shall first obtain a driveway permit from the Code Enforcement Officer. All such permits are issued in accordance with 23 M.R.S.A. sec. 3354.
- If needed, the owner is responsible for the first pipe, or culvert, and the first installation. The town will be responsible for future maintenance, providing the driveway intersects and official town road. In most cases the culvert size shall be at least 15 inches in diameter and 20 feet in length.
- Existing roadside drainage ditches shall not be altered or impeded by the applicant. Surface drainage shall be provided so that all surface water adjacent to the roadway shall be carried away from the road.
- Because field conditions are highly variable, the guidance provided here may not always be completely applicable. Therefore variations from this guidance to meet field conditions are expected, and do not require a need for any type of exception or design waiver, and shall be determined by the Code Enforcement Officer.

• Recommended Design Criteria

- Driveway placement should be such that drivers approaching from the main roadway will have sufficient sight distance to safely decelerate and complete an entry into the driveway. Also, the driveway placement should be such that an exiting driver will have sufficient sight distance to judge a safe gap in oncoming traffic.

Figure 11-1

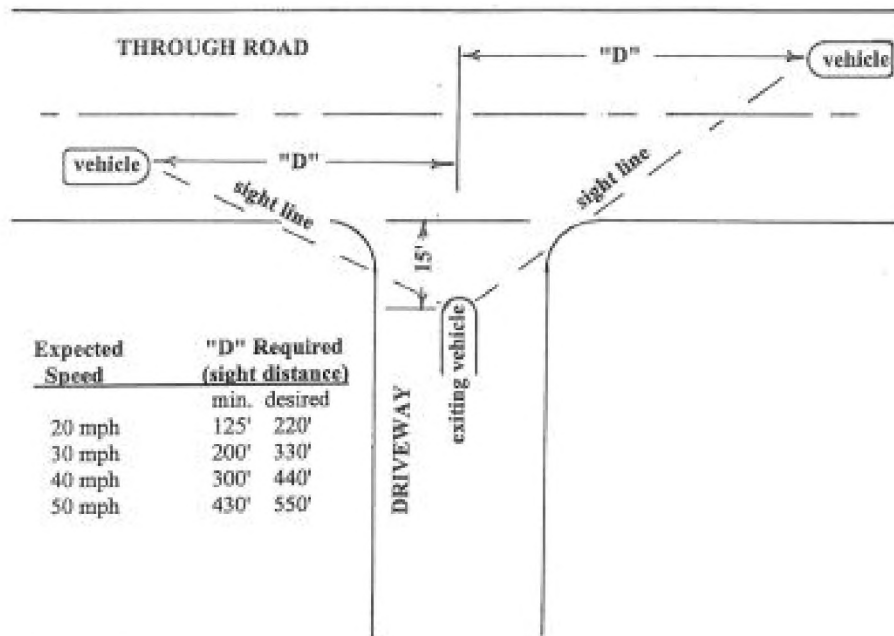


Figure 11-1 Recommended sight line distances

- Entrance Angle and Radius:
 - Driveway alignments for the first 20 feet from the edge of the road should be as close to perpendicular as possible, but should not exceed 30 degrees from perpendicular.
 - Each driveway radius should accommodate the appropriate design vehicle. Driveway to roadway radiuses should be sufficient to allow vehicles to exit a driveway to the right without entering the oncoming traffic lane.

Figure 11-2

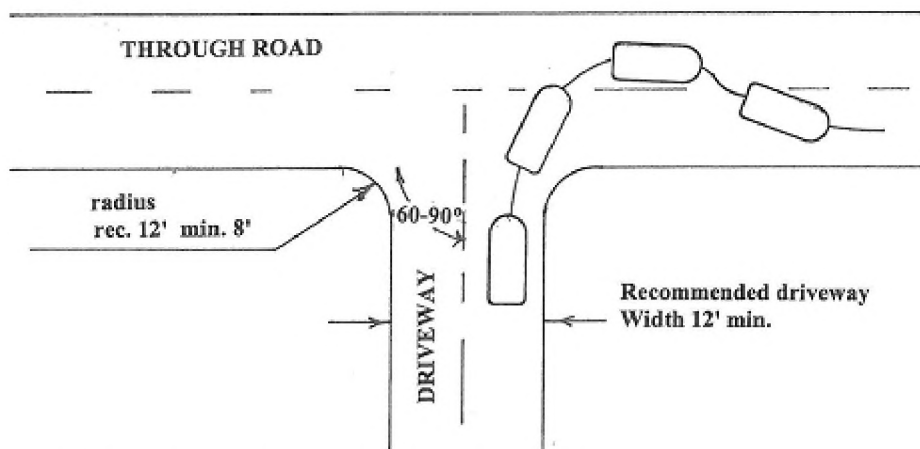


Figure 11-2 Recommended entrance angle, and radius

- Suggested driveway width 14 feet.
- Turnarounds should be provided so as to eliminate the need for backing into roadways.
- Internal driveway radiuses, recommended 50 feet.

- Bridges and culverts should be designed to support minimum loads of 50 thousand pounds (emergency vehicles).
- Driveway Grades:

Some significant factors to be considered in driveway profiles are abrupt grade changes, which cause vehicles entering and exiting to move at extremely slow speeds, this can create the possibility of rear end collisions, and potential vehicle damage, due to dragging of center or overhanging parts.

- Ascending parcels.
- To minimize runoff into the roadway, driveway grades should not exceed 16 percent slope.
- Existing roadway shoulder cross slope shall extend, a minimum 5 feet into the driveway from the edge of roadway surface.
There shall be an additional 15-20 foot transitional (not to exceed a 5 percent slope) area to provide a near level platform before entering the roadway.
- Descending parcels.
- Driveway grades should not exceed 16 percent slope.
- Existing roadway shoulder cross slope shall extend, a minimum 5 feet into the driveway from the edge of the roadway surface. There shall be a 5 foot transitional up slope to create a drainage channel. Provide an additional level area of at least 10 feet, so as to create a platform from which to enter the roadway.

Figure 11-3

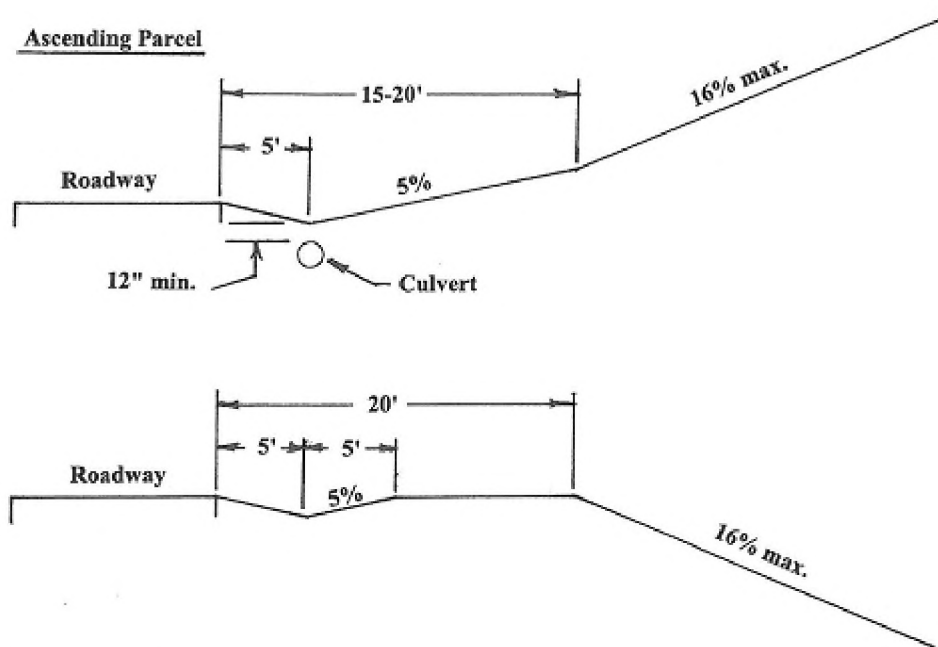


Figure 11-3 Recommended grade profiles

12. EROSION AND SEDIMENTATION CONTROLS

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.

- Where an erosion and sedimentation control plan is required by the Planning Board, 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.
- Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion.

2. Development shall preserve outstanding natural features, 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.
 3. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 5. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 6. Disturbed soils shall be stabilized as quickly as practicable.
 7. Temporary vegetation or mulching shall be used to protect disturbed areas during development.
 8. Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Dept. of Environmental Protection's Best Management Practices for Erosion and Sedimentation Control or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.
 9. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps or other acceptable methods.
 10. The top of the cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjacent property, unless otherwise specified by the Planning Board.
 11. During grading operations, methods of dust control shall be employed wherever practicable.
 12. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
 13. Maintenance of drainage facilities and 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.

13. HOME OCCUPATIONS

- a. The purpose of the Home Occupation provision is to permit the conduct of those businesses that are compatible with the Districts in which they are allowed. Home Occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structure.
- b. Any home occupation or profession which it is accessory to and compatible with a residential use may be permitted if:
 1. It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit.
 2. It is conducted only by a member or members of the family residing in the dwelling unit; and/or not more than one employee.
 3. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- c. All home occupations shall conform to the following conditions:
 1. The home occupation shall be carried on wholly within the dwelling or accessory structure.
 2. The home occupation shall be conducted by a member or members of the family residing in the dwelling unit, and/or not more than one employee.
 3. Exterior signs shall not be greater than 2 square feet, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, activity at unreasonable hours, shall not be permitted.

5. The traffic generated by such 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.
6. 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 the home occupation may attract during peak operating hours.
7. The home occupation may utilize:
 - a. Not more than twenty (20%) of the dwelling unit floor area provided that for the purposes of this calculation, unfinished basement and attic spaces are not included.
 - b. Basement spaces
 - c. One necessary structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) of the total area of the dwelling unit.
 - d. Unfinished attic spaces to be used for storage only.
8. Home occupations that involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted.

14. INDUSTRIAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted industrial uses:

- a. **Danger** – No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored manufactured, processed or assembled except in accordance with State and Federal codes and regulations.
- b. **Vibration** – With the exception necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
- c. **Wastes** – No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake or swamp. Industrial waste water may be discharged to municipal sewers, if applicable, only and in such quantities and quality as to be compatible with existing municipal facilities.
- d. **Noise** – Offensive noise shall not be transmitted beyond lot lines so as to cause disturbance to neighboring residential properties.

15. JUNKYARDS

No junkyards as defined in this Ordinance shall be established, operated or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and local requirements, and the following provisions:

- a. Junkyards shall be located a minimum of two hundred (200) feet from the edge of the right-of-ways, and shall be set back one hundred (100) feet from all side and rear lot lines.
- b. Junkyards shall be located a minimum of three hundred (300) feet away from any public park, facility or grounds.
- c. Junkyards shall be entirely screened from view by earth berms or fences which shall be well constructed and properly maintained at a minimum height of six (6) feet and sufficient to accomplish the complete screening from ordinary view.

In addition, the following provisions apply to the operation of junkyards:

- d. Upon arrival at the junkyard, all petroleum and other hazardous fluids shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be removed to avoid injury and accidents.
- e. Tires shall be removed and disposed of within sixty (60) days at a duly licensed disposal facility. Proof of disposal shall be provided to the Code Enforcement Officer upon request.
- f. The complete processing of vehicles into salvage materials shall be accomplished within six (6) months.

- g. 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 to the adjacent areas.
- h. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in a duly licensed disposal facility.
- i. The Planning Board and/or Code Enforcement Officer may recommend the application of more stringent restrictions and/or limitations, and stipulate reasonable conditions which shall be attached to the permit covering the operation and use of the junkyard prior to the issuance of the permit.

16. LANDSCAPING

- a. The purpose of landscaping is to define, soften or screen the appearance of off-street parking areas or other uses from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

When required by the Planning Board, the landscaping plan may, at the discretion of the Board, include major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such boulders and rock outcroppings. It shall show present or proposed location and planting details. Applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

- b. The following criteria shall be followed:
 - 1. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vistas.
 - 2. Landscaping should be provided in public areas, recreation sites and adjacent to buildings.
 - 3. Wherever possible, existing large trees should be saved. Maximum effort should be made to save clumps of trees rather than an individual one.
 - 4. Parking lots should be landscaped to provide buffering for adjacent properties. Sight vision, safety and appearance should be considered in determining landscaping plans.
 - 5. Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features shall be maintained and preserved to the maximum extent feasible. Natural drainage areas shall be preserved to the maximum extent feasible.

17. LIGHTING

- a. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes.
- b. The following criteria shall be followed:
 - 1. Directional or display lighting shall be arranged so as to minimize glare and reflection on adjacent properties and the traveling public.
 - 2. All lights shall be shielded away from residences and roads. All lighting shall be shielded to restrict the maximum apex angle of the cone of illumination to one-hundred-fifty (150) degrees.
 - 3. Direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.
 - 4. The maximum height of freestanding lighting shall be the same as the principal building or not exceed thirty-five (35) feet.

5. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.

18. MANUFACTURED HOUSING

- **Intent** – It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety, and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all standards of the Manufactured Home and Construction Safety Standards of the Dept. of Housing and Urban Development, adopted in 1976. The Town does hereby require however, that all manufactured housing sited within the Town of Sebago meet certain safety and design criteria.

b. Minimum Safety Standards – All manufactured housing as defined in this ordinance, regardless of date of manufacture, and sited within the Town of Sebago after the effective date of this ordinance, shall meet or exceed the following minimum standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section 6. I. of this Ordinance.

- **HUD Approval Sufficient**–All manufactured housing, as defined, constructed after July 1, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies that the manufactured home was built pursuant to the provisions of the Manufactured Homes Construction and Safety Standards as revised shall be deemed to have fulfilled the requirements of this section.

d. Minimum Electrical Safety Standards – All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:

1. 100 Ampere Entrance required
2. Copper wiring required
3. Two means of grounding required
4. Ground faulting receptacles required

In addition, all electrical installation or modifications to existing manufactured housing shall be inspected by and certified by an electrician licensed by the State of Maine or the Municipal Code Enforcement Officer if duly appointed as electrical inspector.

e. Fire Prevention Standards – All manufactured housing shall meet the following minimum fire safety requirements as provided for by the National Electrical Code and the Manufactured Housing Construction Standards of 1976 established by the Dept. of Housing and Urban Development (HUD).

1. All homes shall contain at least one operable fire extinguisher which is readily accessible at all times.
2. All homes shall have at least one operable AC smoke detector located within the home and one operable smoke detector in each of the bedrooms.
3. The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211.
4. All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1976 as established by HUD.
5. All manufactured homes must meet the requirements of the Manufactured Home Construction Standards of HUD, to wit, all

manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.

f. Minimum Plumbing Standards – All manufactured housing shall meet the minimum standards of Maine's Subsurface Waste Water Disposal Rules.

- with
- g. **Minimum Design Standards** – All manufactured housing will be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity. To this end all manufactured housing located within the Town of Sebago after the effective date of this ordinance shall:
1. Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions or accessory structures located on the same lot.
 2. Be located on a permanent foundation at a minimum of a gravel pad. Pad must be 8" compacted and the manufactured home must be blocked with 2x2 pressure treated at the blocking points unless otherwise specified by a duly adopted building code.
 3. Permanent skirting shall be installed within thirty (30) days of siting.
 4. Provide a safe means of egress and ingress to and from the manufactured home including stairs and handrails when applicable.

19. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities, including the removal of topsoil, shall apply in all Districts:

- a. All exploration/extraction activities, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
- b. No portion of any ground area disturbed by the extraction activity shall be closer than twenty-five (25) feet from a public roadway.
- c. Within two-hundred-fifty (250) feet of any water body, the extraction areas shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.
- d. All natural vegetation screens of not less than fifty (50) feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads.
- e. If any mineral extraction operation located within seventy-five (75) feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or level.
- f. Extraction operations (gravel pit, etc.,) shall not be permitted within one hundred (100) feet of any property line without a written agreement of consent between property owners.

20. MOBILE HOME PARK STANDARDS

Notwithstanding other provisions of this Ordinance relating to bulk and use, the Planning Board, in reviewing submitted plans for proposed mobile home parks, may modify said provisions related to space, bulk and use to permit innovative approaches to environmental design in accordance with the following standards:

- a. There shall be compliance with all State and local codes and ordinances.
- b. All utilities shall be installed underground wherever possible. All substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.
- c. No mobile home shall be located closer than thirty (30) feet to a street or adjacent mobile home.
- d. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot, such access shall have a minimum of a fifty (50) foot right-of-way and twenty (20) foot road width. All park streets shall be well drained, maintained in good conditions, and adequately lighted at night.
- e. Dead end streets shall be limited in length to one thousand (1000) feet and at the closed end shall be provided with a turn around having a minimum radius of sixty-five (65) feet;
- f. Off-street parking in all mobile home parks shall be furnished at the rate of at least two (2) car spaces for each mobile home located on the mobile home lot.

21. OFF-STREET PARKING

- a. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District.
- b. Required off-street parking spaces shall be provided.
- c. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board:
 - 1. Dwellings – Two (2) parking spaces for each dwelling unit
 - 2. Transient Accommodations:
 - a. Bed and Breakfast accommodations, motels, hotels, boarding houses, and inns with ten (10) rooms or less – Two (2) parking spaces plus one space for each guest room
 - b. Motels, hotels, boarding houses, and inns with more than ten (10) rooms – One (1) parking space for each guest plus one (1) space for each three (3) employees
 - 3. Schools – Five (5) parking spaces for each classroom plus one (1) space for each for (4) employees
 - 4. Hospitals (bed facilities only) – One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy
 - 5. Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet or major fraction thereof of assemblage space if no fixed assets
 - 6. Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees, unless public parking is provided
 - 7. Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees, unless public parking is provided
 - 8. Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided
 - 9. Other Commercial Recreation Establishments (mini-golf courses, etc.) – the number of spaces deemed appropriate by the Planning Board
 - 10. Industrial – One (1) parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations

22. OFF-STREET LOADING

Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces to meet parking requirements.

23. OIL AND CHEMICAL STORAGE

- All storage of petroleum or liquid products shall be in conformance with the provisions of Title 38 MRSA, Section 560 et. seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities, as well as compliance with any duly adopted building codes and ordinances of the Town of Sebago.
- When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

24. OPEN SPACE REQUIREMENT

Depending on the size and location of the proposed development, the Planning Board may require the developer to provide up to ten percent (10%) of his total area for recreation or other town purposes. It is desirable that areas reserved for recreation be at least one (1) acre in size and easily accessible from all lots within the subdivision.

25. OPEN SPACE DENSITY BONUS PROVISIONS

If a project is a planned development or cluster development, the minimum lot area per dwelling unit may be reduced by the amount shown below within all district designations. In no case shall lots served by subsurface sewage disposal systems be less than twenty thousand (20,000) square feet.

- A density bonus of ten percent (10%), if ten percent (10%) to less than twenty-five percent (25%) of the site shall be permanently preserved as open space
- b. A density bonus of twenty percent (20%), if twenty-five percent (25%) to less than forty percent (40%) of the site shall be permanently preserved as open space
- A density bonus of thirty percent (30%), if forty percent (40%) or more of the site shall be permanently restricted as open space

26. PESTICIDE APPLICATION

Pesticide application in any of the districts shall not require a permit provided such application is in conformance with applicable State and Federal statutes and regulations. Any pollutant introduced into the soil on the site shall not exceed a concentration in the ground water that is greater than the guidelines established for it in the safe Drinking Water Standard, EPA Health Advisory. Any violation of this standard shall be cause to order the immediate stop of the use or activity responsible for the contamination. The landowner shall be responsible for the cost of all remedial actions.

27. PREHISTORIC AND ARCHAEOLOGICAL RESOURCES

Proposals submitted under this ordinance shall not negatively impact prehistoric and archaeological resources nor present any threat to those resources. It shall be the burden of the applicant to satisfy the reviewing authority that such threat does not exist as requested and when applicable.

28. REFUSE DISPOSAL

- The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner.
- The impact of particular industrial or chemical wastes or by-products upon the sanitary facilities (in terms of volume, flammability or toxicity) shall be considered and the applicant may be required to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The applicant may be required to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

29. SEWAGE DISPOSAL

- Subsurface Sewage Disposal

No permit shall be issued for a project with subsurface sewage disposal unless:

1. There is an area of suitable soils, according to the Subsurface Waste Water Disposal rules, of sufficient size to accommodate the proposed system.
2. An acceptable plan to construct the absorption area is prepared in accordance with Maine's Subsurface Waste Water Disposal Rules.
3. In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.

No development shall be permitted which utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Subsurface Waste Water Disposal Rules.

b. Septic Tank Pumping Requirement

1. Any septic tank located within two-hundred-fifty (250) horizontal feet from any lake, pond or stream that is subject to the Town's Shoreland Zoning Ordinance, and that is part of a subsurface waste water disposal system that is ten (10) years old or older, shall be pumped out at least once every five (5) years.
2. The Code Enforcement Officer may request any property owner subject to the requirements of this subsection to provide proof that the septic tank has been pumped within the past five (5) years. A copy of a receipt of services within the past five (5) years from any qualified septic tank pumping service shall be prima facie evidence that this requirement has been met.
3. The failure to comply with the five (5) year septic tank pumping requirement shall be deemed to be a violation of this Ordinance.

30. SIGNS

- Conformance of Signs – No signal shall be erected, altered or maintained, within the limits of the Town of Sebago, Maine except in conformance with the provisions of this section.
 - Signs Prohibited – No sign, whether new or existing, shall be permitted within the Town of Sebago, Maine which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction to existing signs.
 - Temporary Signs – The following temporary signs are permitted provided said signs conform to all standards of this section and all other municipal, federal, and state ordinances, statutes and/or regulations:
 - Temporary Signs Giving Notice – Signs of a temporary nature, such as political posters, advertisements or charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days, provided that the person(s) who posted the signs shall be responsible for their removal.
 - 2 Temporary Yard Sale Signs – Temporary yard sale signs are permitted provided they do not exceed the size standards of Subsection e (Off Premise Signs) and provided they are removed within twenty-four (24) hours of completion of the sale. Yard sales which extend for more than four (4) consecutive days are considered commercial use.
 - 3 Temporary Agricultural Signs – Temporary agricultural signs are allowed in accordance with the appropriate season.
- d. Sign Requirements – All signs within the limits of the Town of Sebago shall meet the following requirements:
- No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All freestanding signs shall be set back a minimum of eight (8) feet from property lines in all Districts.
 - No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights.
 - No sign shall exceed 15 feet in height.
 - 4. Signs may be illuminated only by shielded, non-flashing lights so as to effectively prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of the vehicles.
 - 5. Roof signs shall not extend more than two (2) feet above the roof line, not to exceed thirty-five (35) feet.
- e. Premise Signs – No off premise signs shall be erected or maintained in the Town of Sebago except when in conformance with Title 23 MRSA, Section 1901-1925, and the Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Sebago in such a location and in such a manner as allowed under Title 23 MRSA, Section 1901-1925 and under the rules and regulations of the Dept of Transportation of the State of Maine.

f Exempt Signs – The following signs are exempt from the provisions of this section except as otherwise provided for herein:

- 1 Traffic control signs, signals, and/or other devices regulating or enhancing public safety, erected by a governmental body

31. SITE CONDITIONS

- **Site to be safe and sanitary** – During 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 order of the Code Enforcement Officer or other authorized personnel. The developer shall make a provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity.
- **Disposal of dead trees, litter, building materials** – 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 request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
- **Changes in elevation** – No changes shall be made in the elevation or contour of the 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.
- **Temporary improvements** – Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury, damage to property

or constitute a health hazard. ~These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads and others measures appropriate to the specific conditions. All temporary improvements shall remain in place and in operation until otherwise directed by the Code Enforcement Officer.

32. SOILS

All land uses shall be located on soils in or upon which proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and similar intensive land uses shall require a soils report, prepared by a duly licensed individual as appropriate for the project.

33. STREETS

- **Classification** – In accordance with the Comprehensive Plan for the Town of Sebago and for the purposes of these standards, streets are classified by function as follows:

- **Major Streets**

- Arterial streets – serve primarily as major traffic ways for travel between and through town.
- b. Collector streets – serve as feeder streets to arterial streets, as collectors of traffic from minor streets, and for circulation and access in commercial and industrial areas.

- **Minor Streets**

- a. Local streets – which are used primarily for access to abutting residential, commercial or industrial properties.

b. Layout

- Proposed streets shall conform, as far as practical, to the requirements of these

standards.

- All streets in the subdivision or development shall be so designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement of through traffic.
- The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these standards.
- Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- Subdivisions or developments containing twenty (20) lots or more or having area in excess of thirty-five (35) acres shall have at least two (2) street connections with existing public streets or streets on an approved subdivision or development plan for which a bond has been filed.
- Street and driveway entrances onto existing or proposed collector streets shall not exceed a frequency of one (1) per four hundred (400) feet of street frontage. Driveway and street entrances onto existing or proposed arterial streets shall not exceed a frequency of one (1) per thousand (1,000) feet of street frontage.
- Minor streets in the subdivision or development shall be so laid out that their use by through traffic shall be discouraged.

c. Design and Construction Standards

- All streets in a subdivision or development shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Board.
- Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) of one percent (1%) nor more than six percent (6%) for collector streets, or eight percent (8%) for minor streets in residential subdivisions or developments, but in no case more than three percent (3%) within fifty (50) feet of any intersection.
- All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.
- Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end, where one street approaches another between sixty to ninety (60-90) degrees, the one street should be curved approaching the intersection.
- Cross street intersection (four cornered) shall be avoided in so far as possible, except as shown in the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.
- Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. If directed, ground shall be excavated to achieve visibility.
- A dead-end street or cul-de-sac shall not exceed one-thousand-two-hundred (1,200) feet in length and shall be provided with a suitable turn-around at the closed end having a minimum outside curb radius of sixty-five (65) feet.
- All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
- Side slopes in cuts or fills shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (2" to 4" compacted) as directed by the engineer appointed by the Board and seeded as required.

10 Streets shall be rough graded to the full width of the right-of-way.

11 All roadways with the subdivision or development shall be constructed according to the road specifications, herein contained, as overseen by the engineer appointed by the Board.

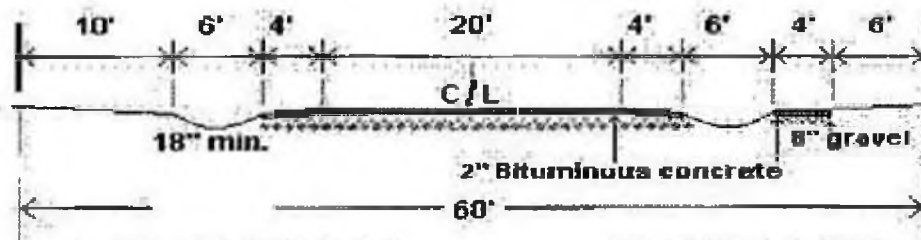
Table 5-1
Design and Construction Standards for Streets

Item	Collector Street	Minor Street
Minimum width right-of-way	60'	60'
Minimum width of pavement	22'	20'
Minimum grade	0.5%	0.5%
Maximum grade	6%	8%
Maximum grade at intersections	3% within 50' of intersection	
Width of shoulders	6'	4'
Minimum center-line radii on curves	200'	200'
Road base (minimum)	20"	20"
Upper base (minimum)	4"	2"
Bituminous paving (by MDOT specifications)	2 ½"	2"
Road crown (minimum)	2% slope	2% slope
Sidewalks		
Width (minimum)	4'	4'
Base course gravel	8"	8"
Surface bituminous hot top	2"	2"
Dead-end or cul-de-sac streets	Width 60' Length 1200'	
Radius of turn-around	65'	

ROAD DESIGN STANDARDS

Minimum Requirements

Minor Streets

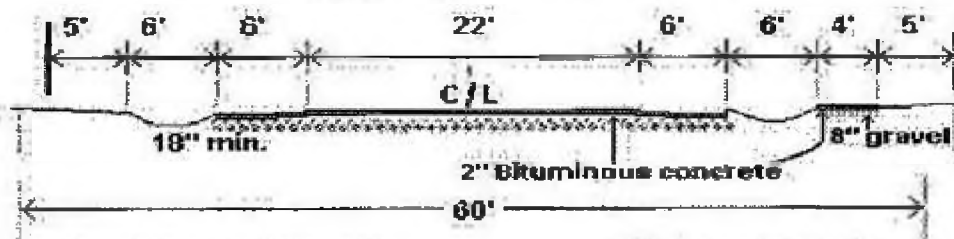


WITHOUT SIDEWALKS

WITH SIDEWALKS

Roads must have a lower base of 20 inches of gravel with a top base of 2 inches of crushed gravel. Sidewalks must have a base of 8 inches of gravel. 4 foot road shoulders must slope 1/4" per foot.

Collector Streets



WITHOUT SIDEWALKS

WITH SIDEWALKS

Roads must have a lower base of 20 inches of gravel with a top base of 4 inches of crushed gravel. Sidewalks must have a base of 8 inches of gravel. 6 foot road shoulders must slope 1/4" per foot.

34. **TEMPORARY STORAGE** – Portable or mobile trailers, vans, and similar vehicles or temporary buildings may be used for storage, only upon approval of the Code Enforcement Officer and only for a temporary period not to exceed six (6) months. Such approval may be granted by the Code Enforcement Officer and may be extended for two (2) successive periods of (6) months each, if a finding can be made that the use:

- Does not diminish area requirements set forth for the District in which it is located.
 - There is a valid temporary need which cannot be met with the principal structure and that adequate economic hardship can be shown.
- c. The initial approval, or any renewal, of the use will not in any way be detrimental to the neighboring properties including aesthetic appearance.
- d. The use is not intended as a permanent or long term use.
-
- The use is not intended to circumvent building area limitations for the District in which it is located or prolong the use of facilities which have been outgrown.
- f. Will not be used as or intended for advertising for on-or-off premise purposes
- g. Is not intended for retail sales

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 contractors name shall be permitted and that such signs meet the sign requirements of this Ordinance.

35. **TOPSOIL AND VEGETATION REMOVAL**

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.

36. **TRANSIENT ACCOMMODATIONS – “BED AND BREAKFAST”**

“Bed and Breakfast” accommodations shall be permitted in the private, year round residence of the host family who live on the premises provided that:

- The maximum number of guests at any time is twenty (20) persons
- The maximum number of guest rooms is five (5)
- Breakfast is the only meal provided by the host family.
- One (1) sign not to exceed four (4) square feet is permitted on the premises.
- The “Bed and Breakfast” operation shall not have any adverse effect on the neighbors.

37. **TRANSIENT ACCOMMODATIONS – “RENTAL CABINS AND COTTAGES”**

To insure the health, safety, and welfare of guests and the occupants of neighboring properties, the following requirements shall be met:

- Each cabin or cottage site shall meet the minimum lot size requirements of a single family detached dwelling in the applicable District, provided that:
 - The Planning Board may permit multiple rental cottages or cabins of less than six hundred (600) square feet on a single site when such multiple rental cottages or cabins are owned and operated under a single managing entity.
 - Such multiple rental cottages or cabins comply with the standards of Maine’s Subsurface Wastewater Disposal Rules.

- Sale of one or more of the individual units shall be prohibited unless such unit fully complies with the minimum lot size requirements for single family dwellings in the applicable district.
- A minimum of two hundred (200) square feet of off-street parking, plus maneuvering space, shall be provided for each cabin or cottage.
- c. Each cabin or cottage shall be set back a minimum of fifty (50) square feet from the exterior lot lines.
- d. Each cabin or cottage shall be provided with a safe and adequate means of sewage, garbage and rubbish disposal, water supply and fire protection.
- e. Adequate storm water drainage shall be provided for each cabin or Cottage site.
- Each cabin or cottage site shall be appropriately landscaped.

38. **VEHICULAR ACCESS** – All road entrances, curb cuts, and driveways shall be designed, considering land topography, street design, and existing and expected traffic patterns, so as to promote to the greatest extent possible, safe pedestrian and vehicular traffic and to protect public safety. Driveways and roads in multi-family housing projects shall be designed and laid out to provide for adequate traffic circulation and for access for emergency service vehicles to every housing unit on the premises.

- The proposed site layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. ~Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, existing or proposed traffic signalization and pedestrian vehicular contacts. ~The Planning Board has the authority to determine the type of surface to be used on interior driveways and shall consider location and intensity of use when making its decision.
- The following criteria shall be followed, provided that where there is a conflict between these standards and the Maine Department of Transportation's Access Management Rules, the stricter provision shall apply:
 - No access drive or driveway or other means of ingress and egress shall be located in any residential area to provide access to uses other than those permitted in such residential area.
 - All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
 - The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

4 Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

5 Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance 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 (10) feet behind the curbline or edge of shoulder, with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

Allowable Speed (miles per hour)	Required sight Distance (feet)
25	160
40	275
45	325
50	350
55	425

- 6 Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- 7 No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. ~However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
- 8 Where two (2) or more two-way driveways connect a single site to any one (1) road, a minimum clear distance of one hundred (100) feet 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 (75) feet.
9. Angles
- Two-way operation – Driveways used for two-way operation shall intersect the road at an angle of as near ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60°).
 - One-way operation – 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.
10. Dimensions – The dimensions of driveways shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily onto the land 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.

	One-Way Operation Driveways – *Width (feet)	Two-Way Operation Driveways – *Width (feet)
3 to 10 Dwelling Units	10-15	15-25
10 Dwelling Units or Over	15-25	20-35
Commercial and Industrial	15-30	25-35

*All driveways shall be five (5) feet wider at the curbline, and this additional width shall be maintained for a distance of twenty (20) feet into the site.

11. Grades – Driveways shall not have a grade in excess of fifteen percent (15%) over the entire length. ~On arterials the grade shall no be more than five percent (5%) for the first twenty-five (25) feet from the road unless otherwise approved by the Planning Board. ~Driveways shall not be located where visibility is limited because of curves or topography.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Administration and Enforcement

SECTION 6 – ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearing.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. **CODE ENFORCEMENT OFFICER** – The Code Enforcement Officer shall approve or deny those applications of which he/she is empowered to act as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.
2. **PLANNING BOARD** – The Planning Board of the Town of Sebago is hereby designated as the Planning Board, established in accordance with Article VIII, Pt 2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board members shall be appointed by the Town of Sebago Selectmen.

The Planning Board shall approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.
3. **BOARD OF APPEALS** – The Board of Appeals for the Town of Sebago is hereby designated as the Board of Appeals heretofore, established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution and with Title 30-A, MRSA, Section 4353. The Board of Appeals members shall be appointed by the Town of Sebago Selectmen.

B. 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 Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer who shall oversee the permitting process and record keeping. The Code Enforcement Officer may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

- a. **FLOOD HAZARD AREAS** – All construction or earth moving activities or other improvements within the one hundred (100) year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency
- b. **NEW CONSTRUCTION** – New Construction of buildings or structures
- c. **ALTERATION** – Alteration on a building, structure, or land, or parts thereof, including, but not limited to:
 1. Interior renovations for change in use
 2. Enclosing open frame porch, for the creation of additional sleeping space or any activity which increases the amount of water used daily
 3. Creation of driveways
 4. Construction of decks and porches
- d. **PLACEMENT OF SIGNS** – Placement of signs, except temporary signs
- e. **MOVING OR DEMOLITION** – All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
 1. Permits will be granted to the owner of record or agent. The project is to be completed within six (6) months from issuance.
- f. **SECTION 4 – F (SCHEDULE OF USES)** – Any activity requiring Planning Board or CEO approval in accordance with the Land Use Ordinance Schedule of Uses.

2. PROCEDURE

- a. **APPLICATION** – All applications requiring a permit shall be submitted, with appropriate fee, in writing to the Code Enforcement Officer on forms provided.

- b. SUBMISSIONS** – All applications requiring a permit shall be accompanied by a sketch plan, accurately drawn to scale and depicting actual dimensions or distances, as required below:
 - 1. The actual shape and dimensions of the lot for which a permit is sought
 - 2. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies
 - 3. The existing and intended use of each building or structure
 - 4. Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots, driveways, signs, buffers, and private wells
 - 5. Such other information as may be reasonable required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
- c. TO WHOM ISSUED** – No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.
- d. COMPLIANCE WITH LAND USE ORDINANCE** – All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section 5 of this Ordinance.
- e. DEADLINE FOR DECISION** – The Code Enforcement Officer shall, within thirty (30) days of receipt of an application: issue a permit, if all proposed construction and uses meet the provisions of this Ordinance; refer the application to the Planning Board for their review; or deny the application. All decisions of the Code Enforcement Officer shall be in writing.
- f. COPIES** – One (1) copy of the application, with the permit or other written decisions 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.
- g. POSTING** – The applicant shall post any permit issued in a conspicuous location on the lot clearly visible from the street.
- h. COMMENCEMENT AND COMPLETION OF WORK**
 - 1. Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within one (1) year of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date.
 - 2. Activities which are not commenced or completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered null and void.
 - 3. Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for extension is submitted not later than thirty (30) days prior to the expiration of the prior permit.

3. APPEALS – Appeals from decisions of the Code Enforcement Officer may be taken pursuant to the provisions of this Ordinance.

E. PLANNING BOARD PERMIT REVIEW

The Planning Board shall review all applicable Land Use Permit applications pursuant to Section 4 subsection F (Schedule of Uses) according to the Site Plan Review provisions of Section 7 (Site Plan Review).

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first.

G. VIOLATIONS

Violations of the terms and conditions of this Ordinance shall be corrected within thirty (30) days of receipt of Notice of Violation, unless an extension of time is granted by the Code Enforcement Officer or Planning Board, said violation may void all permits.

H. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for which approval has been granted under this Ordinance shall commence within one (1) year of the date of issuance of the permit and shall be completed within twenty-four (24) months of that date. Activities which are not commenced or completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered null and void.

I. CERTIFICATE OF OCCUPANCY REQUIRED

After a building, structure, or part thereof has been erected, altered, enlarged, or moved, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for the following:

- 1. Activities granted approval under the provisions of this Ordinance
- 2. Any change in tenant housing

J. ENFORCEMENT

1. **NUISANCES** – Any violation of this Ordinance shall be deemed to be a nuisance.
2. **CODE ENFORCEMENT OFFICER** – It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
3. **LEGAL ACTIONS** – When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectpersons, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.
4. **FINES** – Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be liable for civil penalty of a minimum of one hundred to two-thousand-five-hundred (\$100.00 - \$2500.00) for each violation. Each day the violation continues shall constitute a separate violation.
5. **LIABILITY** – Any property owner or authorized agent involved in any activity regulated by the provision of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed does not conform to all conditions of approval of the permit or the terms of this Ordinance.

K. **APEALS**

1. **ADMINISTRATIVE APPEALS** – The Board of Appeals shall hear and decide appeals where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. When errors of administration procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction.
2. **VARIANCES** – The Board of Appeals shall authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including frontage, lot area, lot width, height, and setback requirements.
 - b. Variances shall not be granted for establishment of any use 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 performance standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought.
 2. The strict application of the terms of this Ordinance would result in an undue hardship.

The term "undue hardship" shall mean all of the following:

 - a. The land in question cannot yield a reasonable return unless a variance is granted.
 - b. The need for a variance is due to the circumstance of the property and not to the general conditions in the neighborhood.
 - c. The granting of a variance will not alter the essential character of the locality.
 - d. The hardship is not the result of action taken by the applicant or a prior owner.
 - d. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living or regularly visits the property. The Board shall restrict any variance granted under this subsection 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.
 - e. The Board may grant a variance to a property owner from a setback requirement only when strict application of the zoning ordinance 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 the maximum permissible lot coverage (if applicable). If the petitioner has obtained the written consent of an affected abutting landowner, the twenty percent (20%) limitation may be extended. The term "undue hardship" for this section means:
 1. The need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood.
 2. The granting of a variance will not alter the essential character of the locality.
 3. The hardship is not the result of action taken by the applicant or a prior owner.
 4. The granting of the variance will not substantially reduce or impair the use of abutting property.
 5. The granting of a variance is based upon demonstrated need, not convenience and no other feasible alternative is available.

3. **APPEAL TO SUPERIOR COURT**

An appeal may be taken within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

4. **RECORDING OF VARIANCE**

If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in

recordable form, the final written approval of the variance or the variance is null and void. A variance is not valid until recorded as provided in this section. The date of the final written approval shall be the date stated on the written approval.

L. SCHEDULE

All application fees for permits shall be paid to the Town of Sebago in accordance with the fee schedule as established by the Selectman of the Town of Sebago. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for review of applications shall be the responsibility of the applicant.

1. PLUMBING PERMITS – Fees for Plumbing Permits shall be pursuant to the established fee schedule of the Town Of Sebago.

2. LAND USE PERMITS – Fees for Land Use Permits shall be pursuant to the established fee schedule of the Town of Sebago.

Town of Sebago

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Site Plan Review

SECTION 7 – SITE PLAN REVIEW

A. PURPOSES

The purposes of a site plan review are to:

1. Provide a level of municipal review that would not otherwise occur, of projects that potentially could impact the community.
2. Conserve the Town's natural beauty and visual character by ensuring that structures, signs and other developments are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements are harmoniously related to their environment.
3. Sustain the comfort, health, tranquility and contentment of residents, and thus to promote and protect the health, welfare and safety of the Town of Sebago.
4. The Committee shall vote to commence Substantive Review in accordance with Maine State 1M.R.S.A§302.

B. APPLICABILITY

1. Site plan approval by the Planning Board in conformance with the criteria and standards of this Section, shall be required for uses in each district which specifically require site plan approval, as set forth in Section 4 – F (Schedule of Uses), if there is a change of use, regardless of size, the new use is subject to site plan review.
2. No development shall take place within Sebago nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with any approval by the Planning Board of such development granted according to the requirements of this Ordinance.
3. Exempted from this Ordinance are:
 - a. Detached single and two-family dwellings and their accessory buildings and parking areas as permitted by applicable zoning regulations except that this exemption shall not apply to accessory apartments
 - b. Agricultural and forestry uses, other than the Village District
 - c. The construction of a parking area for less than three vehicles, and which is not for commercial use.
 - d. Interior improvements which meet code requirements
 - e. External changes to a building which will close an existing entrance or create a new one or a building extension totaling less than one hundred (100) square feet of gross floor area.
4. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.
5. Any approved subdivision consisting of single and two-family dwellings which complies with the Subdivision Ordinance of Sebago shall be deemed to satisfy the site plan criteria of this Section.
6. **Waiver** – Where the Planning Board finds that, due to special circumstances of a particular Plan, the provisions of certain criteria and standards and the payment of specified fees are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements.

C. CLASSIFICATION OF PROJECTS

Projects subject to site plan review shall be divided into two (2) classes, minor developments and major developments. Minor developments shall include those projects involving the construction or addition of less than five thousand (5,000) square feet of gross non-residential floor area, projects involving the installation of less than five thousand (5,000) square feet of impervious surfaces,

projects involving the creation of less than five (5) dwelling units, projects involving the conversion of existing buildings or structures from one use to another use that requires site plan approval.

Major developments shall include projects involving the construction or addition of five thousand (5,000) or more square feet of gross non-residential floor area, projects involving the installation of five thousand (5,000) or more square feet of impervious surfaces, projects involving the creation of five (5) or more dwelling units, projects involving the establishment or expansion of a campground or mobile home park, projects involving extraction industries, other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the project, he/she may request a determination.

D. ADMINISTRATION

The following procedures and requirements shall apply to all applications for site plan review unless waived by the Planning Board.

1. **PRE-APPLICATION MEETING** – Applicants are encouraged to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards. The Planning Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project.

2. **APPLICATIONS IN WRITING** – All applications for site plan approval shall be made in writing to the Code Enforcement Officer on forms provided for this purpose.

For major projects, applications for site plan approval shall not be submitted until a site inventory and analysis is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the site plan inventory and analysis within thirty (30) days of its receipt.

The application shall be made by the owner of the property or his/her agent, as designated in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the determination of the Planning Board.

3. **FEES** – An application for site plan approval shall be accompanied by a fee of one hundred (100) dollars plus fifty (50) dollars per dwelling unit for residential projects or fifty (50) dollars per two thousand (2,000) square feet of gross floor area or ground excavation for commercial, institutional, and industrial projects. This application fee shall be made by check payable to the Town of Sebago. This fee shall not be refundable.
4. **PLANNING BOARD AGENDA** – The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board's agenda for consideration at its next scheduled meeting. ~
 - a. However, any application which the Code Enforcement Officer initially determines to be incomplete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with an indication of the additional information required. When this additional information has been supplied, the Code Enforcement Officer shall place the application on the Planning Board's agenda.
 - b. The Planning Board shall make a final determination of the completeness of the application. Within sixty (60) days of the receipt of a completed application, as determined by the Planning Board, the Board shall act to approve or disapprove the site plan as submitted or amended.
 - c. If the Board votes to disapprove an application, the owner or his authorized agent shall be notified in writing and the specific causes of disapproval shall be noted.
 - d. If the Board votes to approve the site plan application, the Code Enforcement Officer shall issue a building permit, provided that all other requirements of this Ordinance are met.

5. PROFESSIONAL REVIEW

- a. **Professional services** – The Planning Board may require that an expert consultant or consultants review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant(s) from the escrow account and reimburse the applicant if funds remain after payments are completed. The consultant(s) shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.

- b. **Additional studies** – The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
- 6. **ACCESS TO THE SITE** – The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.
- 7. **PUBLIC HEARING** – Prior to taking final action on any site plan review application, the Planning Board may hold a hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by certified, return receipt mail, at least ten (10) days prior to the meeting, by the applicant, of a pending application for site plan review. The hearing shall be advertised in the Bridgton News by the applicant, at least ten (10) days prior to the hearing, but not more than fourteen (14) days prior to the meeting.

The return receipt cards (or undeliverable letter) shall be provided to the Planning Board to match the abutters list submitted with the application. Copies of the advertisements shall also be provided to the Planning Board.

Notice shall be posted in three (3) prominent places in Sebago, by the Town Clerk, at least ten (10) days prior to the hearing. All of these notices shall indicate the physical address of the application, the nature of the application, and the time, date, and place of the hearing.
- 8. **FINANCIAL GUARANTEE** – The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to final approval of any plan, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.
- 9. **CONDITIONS** – The Planning Board may attach reasonable conditions to site plan approvals to ensure conformance with the standards and criteria of this Ordinance.
- 10. **BUILDING PERMIT** – One copy of the approved site plan shall be included in the application for a building permit. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin. The Building Inspector or Code Enforcement Officer shall issue a building permit if he/she determines that the application complies with the plan approved by the Board. ~
- 11. **APPEALS** – An appeal from any order, relief, or denial of the Planning Board may be taken by any party to the Board of Appeals and then to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 808.
- 12. **VIOLATIONS** – Failure to comply with any conditions of the Site Plan Review, subsequent to approval of the Plan, or any specific activity violating the conditions of approval, shall be construed to be a violation of this Ordinance and shall be the grounds for revoking the approval, initiating legal proceedings to enjoin construction and or applying a fine of not more than one hundred dollars (\$100) for each day the violation continues to exist after official notification by the Code Enforcement Officer.
- 13. **EXPIRATION OF APPROVALS** – All site plan approvals shall expire within one (1) year of the date of issuance unless work has commenced. If work is not completed within two years from the date of issuance, a new application must be made.

E. CONTENTS OF SITE INVENTORY AND ANALYSIS

The site inventory and analysis is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities and constraints to its use created by both the natural environment and the built environment. Therefore, the submission requirements provide that both basic information about the site and an analysis of that information be submitted.

The site inventory and analysis submission shall contain, at a minimum, the following information:

- 1. **OWNERS** – The names and addresses of the owner of record and the applicant
- 2. **CONSULTANTS** – The names and addresses of all consultants working on the project
- 3. **SCALE PLAN** – Seven (7) 11" x 17" copies and two (2) 24" x 32" copies of an accurate scale plan of the parcel at a scale of not more than fifty (50) feet to the inch showing at a minimum:
 - a. The name of the development, north arrow, date and scale
 - b. The boundaries of the parcel

- c. The topography of the site at an appropriate contour interval (2 foot to 5 foot) depending on the nature of the use and character of the site
 - d. Major natural features of the site including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features
 - e. Existing restrictions or easements on the site
 - f. The location and size of existing utilities or improvements servicing the site
 - g. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.
4. **NARRATIVE** – Seven (7) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
 5. **SITE PLAN ANALYSIS** – Seven (7) copies of a site analysis plan at the same scale as the inventory plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine which portions of the site are unsuitable for development or use, which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available, which areas of the site have development limitations (steep slopes, poor soils, wetlands, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc.) that must be addressed in the development plan, areas where there may be off-site conflicts or concerns (e.g., noise, lighting, traffic, etc.) and areas well suited to the proposed use.
 6. **SUMMARY NARRATIVE** – A summary narrative of the key constraints and opportunities that need to be addressed in the development plan.

F. REVIEW OF SITE INVENTORY AND ANALYSIS

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and the opportunities and constraints they create for its use and development. If additional information or analysis is required, the Board shall advise the applicant of this in writing. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application.

G. SITE PLAN REVIEW APPLICATION

Applications for site plan review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer who shall forward it to the Chairman of the Planning Board. The submission shall contain at least the following exhibits and information:

1. **SIGNED COPY** – A fully executed and signed copy of the application for site plan review
2. **MAPS AND DRAWINGS** – One (1) original of all maps and drawings on durable, permanent transparency material
3. **WRITTEN MATERIALS** – Seven (7) copies of written materials plus seven (7) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.
 - a. **General information**
 1. Owner's name, address and signature and applicant's name and address if different
 2. The name of the proposed development
 3. Names and addresses of all property owners within the following distances of the edge of the property line:

Village District – One-hundred-fifty (150) feet including abutters located across streets, roads and right-of-ways.

Rural Residential District – Two-hundred-fifty (250) feet including abutters located across streets, roads and right-of-ways.

Rural District – Five hundred (500) feet including abutters located across streets, roads and right-of-ways.

4. Sketch map showing general location of the site within the town
5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
6. The tax map and lot number of the parcel or parcels
7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
8. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan.

b. Existing conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district
2. The bearings and distances of all property lines of the property to be developed and the source of this information
3. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land
4. Location, names, and present widths of existing streets and right-of-ways within or adjacent to the proposed development
5. The location, dimensions and ground floor elevations of all existing buildings on the site
6. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site
7. Location of intersecting roads or driveways within two hundred (200) feet of the site
8. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained
9. The direction of existing surface water drainage across the site
10. The location, front view and dimensions of existing signs
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions

c. Proposed development activity

1. The location of all building setbacks, yards and buffers required by this Ordinance
2. The location, dimensions, and ground flood elevations of all proposed buildings on the site
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways
4. The location and dimensions of all provisions for water supply and wastewater disposal
5. The direction of proposed surface water drainage across the site
6. Location, front view, and dimensions of proposed signs
7. Location and type of exterior lighting
8. Proposed landscaping and buffering

9. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve development plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
10. A schedule of construction, including anticipated beginning and completion date

Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Sebago Planning Board."

The approved site plan application shall be recorded only if authorized by the Planning Board or if it is a combined application for site plan and subdivision approval.

4. **ADDITIONAL INFORMATION FOR MAJOR DEVELOPMENTS** – Applications for major developments shall include the following additional information:

- a. **Topography** – Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
- b. **Storm water plan** – A storm water drainage plan showing:
 1. The existing and proposed method of handling storm water run-offs
 2. The direction of flow of the run-off through the use of arrows
 3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers
 4. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
- c. **Ground water impact analysis** – A groundwater impact analysis prepared by a ground-water hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day.
- d. **Utility plan** – A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc. and showing the location and nature of any solid waste collection facility and all electrical, telephone, and any other utility services to be installed on the site.
- e. **Landscaping plan** – A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.
- f. **Signs** – The location, size and character of all signs
- g. **Erosion control plan** – An erosion and sedimentation plan showing plans for before and after construction. ~Approval from the appropriate State or Federal Soil and Water Conservation agency in this area is required.
- h. **Lighting plan** – Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting
- i. **Traffic impact analysis** – A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
- j. **Water supply statement** – If a public water supply is to be used, a written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
- k. **Streets and sidewalks** – The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks
- l. **Construction drawings** – Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- m. **Public use areas** – The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the

development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.

- n. **Covenants, deed restrictions** – A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
 - o. **Dedication and conveyance** – Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.
 - p. **Homeowner's association** – If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered developments have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.
 - q. **Costs** – Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, the portion financed and interest in financing the project.
5. **Narrative** – A narrative and/or plan describing how the proposed development scheme relates to the site inventory and analysis if the application is for a major development.

H. CRITERIA AND STANDARDS

All applications for Site Plan approval shall comply with the provisions and standards of Sections 4 (Schedule of Uses) and 5 (Land Use Standards), of this Ordinance. In addition, the following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. ~These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review for the Board. The Planning Board may require an expert consultant or consultants to study and report as to compliance or non-compliance with these standards and to advise, if necessary, of procedures which will result in compliance. ~Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. ~Costs shall be borne by the applicant.

The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board that the criteria are not applicable to the proposed development or upon a determination by the Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the site plan unless the plan does not meet the intent of one (1) or more of the following criteria provided that the criteria were not first waived by the Planning Board.

The Planning Board in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written findings that the applicant has submitted clear and convincing evidence that:

- 1. **BUFFERS, SCREENING, LANDSCAPING, NATURAL FEATURES** – Adequate provision has been made with regard to buffers, screening, landscaping, and the preservation and enhancement of significant natural features.
- 2. **BURDEN ON MUNICIPAL SERVICES** – Adequate provision has been made to avoid any undue burden on municipal services.
- 3. **CONGESTION, UNSAFE CONDITIONS** – Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
- 4. **GROUNDWATER PROTECTION** – The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.
- 5. **HAZARDS/NUISANCES** – Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.
- 6. **IMPACT ON NEIGHBORING PROPERTIES** – Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.

7. **OFF-STREET PARKING AND LOADING** – Adequate provision has been made for off street parking and loading.
8. **OPEN SPACE**
 - a. Common open space areas shall be contiguous, where possible.
 - b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
 - c. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
 1. Individual lots, buildings, streets, and parking areas shall be designed and situated:
 - a. to minimize alterations of the natural site
 - b. to avoid the adverse effects of shadows, noise and traffic on the residents of the site
 - c. to relate to surrounding properties and to improve the view from and of buildings
 2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
 3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
 4. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.
9. **OUTDOOR DISPLAY/STORAGE** – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.
10. **PROPER OPERATION OF PROPOSED USE** – Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.
11. **PUBLIC HEALTH, SAFETY, WELFARE** – Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.
12. **SCENIC AREAS/NATURAL BEAUTY** – Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns.
13. **SHORELAND VEGETATION/VISUAL ACCESS** – Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters.
14. **SOILS** – That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.
15. **SPECIAL FEATURES** – Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
16. **TRAFFIC MOVEMENT** – Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criterion.
17. **UTILITIES**

- a. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties.~ Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and telephone services shall be reviewed.
 - b. The following criteria shall be followed:
 - 1. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage right-of-ways and the adequacy of the existing system; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure.
 - 2. Whenever feasible, utility lines shall be installed underground.
 - 3. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
18. **WASTE DISPOSAL** – The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
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Subdivision Review

SECTION 8 – SUBDIVISION REVIEW

A. PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.

B. STATUTORY CRITERIA

In approving subdivisions within the Town of Sebago, Maine, the Planning Board shall evaluate the proposed subdivision. When reviewing a subdivision for approval, the Planning Board shall consider the following criteria set forth in M.R.S.A. Title 30-A, Section 4404, or as amended by State law, and, before granting approval, shall determine that:

1. **Pollution** – The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal
 - c. The slope of the land and its effect on effluents
 - d. The availability of streams for disposal of effluents
 - e. The applicable state and local health and water resource rules and regulations
2. **Sufficient water** – The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
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. **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 may result.
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, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.
6. **Sewage disposal** – The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
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.
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 municipality, or rare and irreplaceable natural areas.
9. **Conformity with local ordinances and plans** – The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

10. **Financial and technical capacity** – The subdivider shall have adequate financial and technical capacity to meet the standards of this section.
11. **Surface waters; outstanding river segments** – Whenever situated entirely or partially within the watershed of any pond or lake or within two-hundred-fifty (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.

Note: Subsection 11-A of the subdivision statute contains additional requirements for outstanding river segments, as defined in Section 4401, subsection 7. There are no outstanding river segments in Sebago.
12. **Ground water** – The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. **Flood areas** – Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the one hundred (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 one hundred (100) year flood elevation.
14. **Freshwater wetlands** – All 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.
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.
16. **Storm water** – The proposed subdivision will provide for adequate storm water management.
17. **Spaghetti-lots prohibited** – No lot in any subdivision shall have a depth to width ratio greater than 5 to 1.
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.
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.
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, 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 five (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, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within five (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 thirty (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, 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. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

C. AUTHORITY AND ADMINISTRATION

1. AUTHORITY

- a. These Standards have been prepared in accordance with the provision of the Maine Revised Statutes, Title 30-A, Sections 4401-4407, as Amended.

- b. These Standards shall be known and may be cited as "Subdivision Standards of the Town of Sebago, Maine".

2. ADMINISTRATION

- a. The Planning Board of the Town of Sebago, hereinafter called the Board, shall administer these Standards.
- b. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Sebago, Maine.

D. GENERAL REQUIREMENTS

1. **PLANNING BOARD REVIEW** – In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. ~In all instances, the burden of proof shall be upon the person proposing the subdivision.
2. **IMPACT ON SERVICES AND FACILITIES** – Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots and the list of construction and maintenance items that must be borne by the Town of Sebago, which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Public safety and emergency protection
- Recreation facilities
- Solid waste disposal

The Board shall further require the developer to provide reasonable cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

3. RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

- a. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten percent (10%) of his total area for recreation or other town purposes. ~It is desirable that areas reserved for recreation be a least one acre in size and easily accessible from all lots within the subdivision.
- b. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. ~A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. ~Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- c. 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.

4. LANDSCAPE PLAN

– The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. ~The street and lot layout shall be adapted to the topography. ~Extensive grading and filling shall be avoided as far as possible.

5. DRAINAGE EASEMENTS

– Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly, such easement or right of way shall be wide enough to accommodate the situation.

6. RESIDENTIAL LOT STANDARDS

- a. Lots shall meet or exceed the minimum requirements per residential dwelling unit set forth in Section 4 (Schedule of Uses), Paragraph G (Dimensional Requirements) of this Ordinance.
- b. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each dwelling unit.
- c. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 150 feet, measured in a straight line between the two points of intersection of the side lot lines with the shorelines at normal high water elevation. ~A lot

abutting a street or highway shall have a minimum frontage on said street or highway that complies with Section IV, Paragraph G of this Ordinance, measured in a straight line between the two points of intersection of the side lot lines with the sideline of said street or highway.

- d. Structures shall not cover more than twenty percent (20%) of any lot.
 - e. This section shall not apply to any lot which prior to March 15, 1975 was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with the law, prior to March 15, 1975; provided that on and after March 15, 1975 if two or more lots or combination of lots and portions of lots with continuous frontage are in single ownership at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an individual parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of parcel be made which leaves the remaining frontage or area below the requirements stated in this Ordinance.
 - f. This Ordinance shall not apply to any structure in existence and in place on or before November 28, 1977, which then or therefore disposed of wastes by means of subsurface waste disposal, except that no person shall reduce the size of the lot upon which said structure is located to a size or frontage less than allowed by M.R.S.A. Title 12, § 4807-B. No lot shall be comprised or more than fifteen percent (15%) unusable land.
7. **PROCEDURES FOR SUBDIVISION REVIEW** – An application for subdivision approval shall be submitted on a form prepared by the Board, to the Board at the same time that the Sketch Plan is submitted to the Board.

E. SKETCH PLAN

1. PROCEDURE

- a. **Sketch Plan and Application** – Prior to the inspection, the subdivider shall submit to the Board for informal discussion, a Sketch Plan together with an Application for Subdivision Approval and other data relative to the proposed subdivision which may be of assistance to the Board in making its determination.
- b. **Fee** – The Sketch Plan and application shall be accompanied by a fee established by the Board of Selectmen, payable by check to the Town of Sebago.
- c. **Dated Receipt** – Upon receiving an application, the Board will issue to the applicant a dated receipt. ~Within thirty (30) days from receipt of an application, the Board will notify the applicant in writing, either that the application is a complete application, or, if the application is incomplete, the specific additional material needed to make a complete application. ~After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant.~~
 - 1. **Board Action** – The Board will within thirty (30) days of a public hearing or within sixty (60) days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the requirements of this Ordinance and to satisfy any other regulations adopted by the Board, and to protect and preserve the public's health, safety and general welfare. ~In all instances the burden of proof shall be upon the person proposing the subdivisions. ~In issuing its decision, the Board will make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.
- d. **Notification of Completeness** – Within thirty (30) days from the receipt of the Sketch Plan, the Board will notify the applicant in writing either that the Sketch Plan is complete or if the Sketch Plan is incomplete, the specific additional material needed to make a complete Sketch Plan.

2. SUBMISSIONS

- a. **Streets, Lots, Data** – The Sketch Plan shall show, in simple sketch form, neatly done, on a topographic map, the proposed layout of streets and lots. ~The Sketch Plan shall include the existing topographic data listed below, and all other data as the Board determines is necessary for its consideration of the proposed Sketch Plan.
 - 1. **Boundaries of Tract** – If the proposed subdivision is a portion of a larger tract then the boundary lines of the larger tract must be shown.
 - 2. **Easements** – location, width and purpose
 - 3. **Streets** – Streets adjacent to the proposed subdivision showing right-of-way width, location and name

4. **Underground Structures** – Culverts and other underground structures within the tract and immediately adjoining thereto
 5. **Utilities** – Existing utilities on and adjacent to the tract
 - a. Electric and telephone poles
 - b. Location and size of any proposed community sewage disposal system
 - c. Location of any proposed community water system and location of water main
 - d. Type of land use on and adjacent to the tract
 6. **Name** – Proposed name of the subdivision or identifying title
 7. **Misc.** – The date, north point, map scale, name and address of record owner and subdivider, and the names of adjoining property owners
 8. **Scale and Numbers of Copies** – The Sketch Plan shall be drawn to a scale of not less than one inch equals 100 feet nor greater than one inch equals 400 feet. At least seven copies shall be provided.
- b. **General Information** – General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include:
1. **Covenants** – Data on existing covenants
 2. **Descriptive Information** – Information describing the subdivision proposal such as:
 - a. Price range
 - b. Business areas
 - c. Proposed restrictions and conditions to be incorporated in the deed or otherwise recorded.

F. PRELIMINARY PLAN

1. PROCEDURE

- a. **Deadline for Submission** – Within six (6) months after receipt of a completed Sketch Plan by the Board, the subdivider shall submit a preliminary plan for the subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The preliminary plan shall conform to the layout shown on the Sketch Plan plus any recommendation made by the Board.
- b. **Fee** – The preliminary plan shall be accompanied by a fee established by the Board of Selectmen, payable by check to the Town of Sebago, stating the specific purpose of the fee. In addition, the applicant shall pay a review fee established by the Board of Selectmen, to be deposited in an account by the Town. The review account funds shall be used by the Board to pay for professional reviews and advice relating to the developer's application. Whenever the balance in this special account shall be depleted by seventy-five percent (75%), the Board may notify the applicant of the expenditures and require an additional payment to be deposited as necessary. Until this balance is replenished, the Board shall take no further action on the subdivision. Any balance in the account remaining after all inspections are completed and the Planning Board renders its final decision on the application shall be returned to the applicant.
- c. **Board Meeting** – The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the preliminary plan.
- d. **Board Action on the Plan** – Within sixty (60) days after formal submission of a preliminary plan, the Board shall take action to give preliminary approval with or without modifications, or disapprove such preliminary plan. The reasons of any modification required or the grounds for any disapproval shall be stated upon the records of the Board and a copy will be provided to the subdivider.
- e. **Public Hearing** – The Board shall hold a public hearing with thirty (30) days of receipt of the preliminary plan, and shall cause notice of the date, time and place of such hearing to be given to the subdivider or his agent, and to be published in a newspaper of general circulation in the Town of Sebago, at least two times, the date of the first publication to be at least seven (7) days before the hearing. The Town Clerk shall give notice by mail of the public hearing to all owners of land abutting the proposed subdivision. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of the properties to be notified shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The notification shall describe the subject matter of the public hearing.

- f. **Conditions** – When granting approval to a preliminary plan the Board shall state the conditions of such approval, if any with respect to:
- **Required Changes** – The specific changes which it will require in the Final Plan.
 - **Required Improvements** – The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
 - **Amount of Improvements or Bonds** – The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final subdivision plan. The decision of the Board, plus any conditions imposed shall be noted on three (3) copies of the preliminary plan by the Chairman of the Board in black ink. One copy shall be returned to the subdivider and the remaining two copies retained by the Board.
- g. **Limitations of Preliminary Plan Approval** – Approval of a preliminary plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

2. SUBMISSIONS

- a. **Location Map** – The preliminary plan shall be accompanied by a location map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The location map shall show:
1. **Area within 100 Feet** – All the area within one hundred (100) feet of any property line of the proposed subdivision showing:
 - a. All existing subdivision and approximate tract lines of acreage parcels together with names of the record owners of all parcels of land within such area.
 - b. The boundaries and designations of parks and other public spaces.
 - c. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plan submitted covers only part of the subdivider's entire holding.
- b. **Preliminary Plan** – The subdivider shall submit seven (7) copies of each map or drawing, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch (preferably forty (40) to the inch), showing or accompanied by the following information:
1. **Sketch Plan Information** – All existing information provided as part of the Sketch Plan.
 2. **Acres** – Number of acres within the proposed subdivision.
 3. **Lots and Buildings** – Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
 4. **Easements and Watercourses** – Proposed easements and existing watercourses and proposed watercourses.
 5. **Contour Lines** – Contour lines at intervals of not more than five (5) feet or at such other intervals as the Board may require.
 6. **Roadway Cross Sections** – Typical cross sections of the proposed grading for roadway including width, type of pavement, elevations and grades.
 7. **Water Supply** – Connections with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
 8. **Sewage Treatment System** – Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.

9. **Private Sewage Disposal** – If a private sewage disposal system is proposed, location and results of tests to ascertain sub-surface soil and ground water conditions, depth to maximum ground water level, location and results of soil test. Location of test pits for subsurface wastewater disposal systems shall be dug in the area where this system would most likely be placed. At the option of the Board, an alternate test pit may be required.
10. **Drainage Plan** – Provisions for a drainage plan and certification by a professional engineer that the change in hydrologic conditions will not cause flood damage to public or private property.
11. **Bridges and Culverts** – Preliminary designs of any bridges or culverts which may be required.
12. **Temporary Markers** – The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
13. **Parcels for Public Use** – All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
14. **Features to be Preserved** – The location of all natural features or site elements to be preserved.
15. **Soil Report** – A soils report identifying the soils boundaries and name in the proposed subdivision with the soils information superimposed upon the plot plan in accordance with the USDA Soil Conservation Service National Cooperative Soil Classification. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, shall be made in accordance with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
16. **Erosion Plan** – A soil erosion and sediment control plan shall be prepared in accordance with the guidelines of the Cumberland County Soil and Water Conservation Commission.
17. **Certification** – Certification by a registered professional engineer that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

G. FINAL PLAN

1. PROCEDURE

- a. **Deadline for Submission** – The subdivider shall, within six (6) months after the approval of the preliminary plan, file with the Board an application for approval of the final subdivision plan in the form described herein. If the Final Plan is not submitted to the Board within six (6) months after the approval of the preliminary plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the preliminary plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee established by the Board of Selectmen, payable by check to the Town of Sebago.
- b. **Prior Approval of State Required** – If the proposed subdivision:
 1. **Larger than 10 Acres** – Occupies a land area in excess of ten (10) acres, and/or
 2. **60,000 square feet** – Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage, and/or
 3. **License** – Requires a license from the Maine Department of Environmental Protection under some other regulation such as waste discharge or air quality, and/or
 4. **Other DEP Jurisdiction** – In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection.

The approval of the State of Maine Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

- c. **Water Supply System** – Water supply system proposals contained in the subdivision plan shall be approved in writing by:

1. **Servicing Water Department** – The servicing water department if existing or proposed public water service is to be used, or
2. **DHHS** – The State of Maine Department of Health and Human Services if the subdivider proposes to provide a central water supply system, or
3. **Engineer** – A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Health and Human Services.

Such approval shall be secured before official submission of the Final Plan.

- d. **Sewage Disposal System** – Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approval in writing by:
 1. **Servicing District** – The servicing sanitary sewer district if existing or proposed public disposal systems are to be used, or
 2. **DHHS** – The State of Maine Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized.
 3. **Local Plumbing Inspector** – The local plumbing inspector if individual subsurface wastewater disposal systems are to be installed by the builder.

Such approval shall be secured before official submission of the Final Plan.

- e. **Board Action on the Plan** – The Board shall, within sixty (60) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated in the records of the Board.

2. SUBMISSIONS

- a. **Final Plan** – The Final Plan shall be submitted with three Mylar originals and seven (7) copies (including one sepia print), of each map or drawing, together with two (2) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the preliminary plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan submissions must be received at the Town Office at least two weeks in advance of the meeting at which it is to be considered. The Final Plan shall show:
 1. **Preliminary Plan Information** – All of the information presented on the preliminary plan, location map and any amendments thereto suggested or required by the Board.
 2. **Professional Credentials and Seal** – The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 3. **Street Names and Walkways** – Street names and pedestrian ways
- **Bearings and Lengths of Lines** – Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
5. **Street Data** – The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
6. **Lot Numbers** – Lots within the subdivision numbered as prescribed by the Board.
7. **Public Spaces** – All public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
8. **Reference Monuments** – Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.

9. **Landscaping Program** – The plan shall indicate the proposed landscaping program of the subdivider.
 - b. **Additional Information** – There shall be submitted to the Board with the Final Plan:
 1. **Offers of Cession and Agreements** – Written offers of cession to the Town of Sebago of all public open space shown on the plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
 2. **Subdivision Roads to Remain Private** – Subdivision roads are to remain private unless accepted by the Town.
 3. **Covenants, Restrictions, Conditions** – Written statement of covenants, restrictions and conditions to be incorporated in any deed or separate instrument to be recorded in the Cumberland County Registry of Deeds, having reference to any conveyance of land as delineated on said Final Plan by the subdivider.
 3. **FINAL APPROVAL AND FILING**
 - a. **Approval of All or a Portion of the Plan** – Upon completion of the requirements as set forth in Paragraphs E (Sketch Plan) and F (Preliminary Plan), the Board shall have the option under the guidelines of the Ordinance, of approving the Final Plan in its entirety or a portion of the Final Plan. The Mylar original of the Final Plan approved shall be properly signed by a majority of the members of the Board, using black ink.
 - **Division of Plan into Sections** – In the event the Board exercises its option to approve only a portion of lots, the Board may permit the plan to be divided into one or more sections subject to any conditions of the plan. In this event, each section shall be considered an individual Final Plan. In these circumstances, application for Final Plan approval on the remaining sections of the plan must be made with two (2) years of approval of the first section or a period of time mutually agreed to by the Board and the subdivider.
 - c. **Disposition of Signed Copies** – As each Final Plan has the approval entered upon it, one (1) copy of the plan shall be returned to the subdivider. The other copies shall be retained by the Board, two (2) copies of which shall be maintained in the subdivision plan file and the third copy given to the Town Clerk.
 - **Recording** – Within ninety (90) days of Final Approval, the subdivider or his agent shall record the subdivision in the Cumberland County Registry of Deeds and shall submit a copy of the Plan to the Town, with a copy of the receipt for recording. Filing time extensions of up to two ninety (90) day periods may be granted by the Board with justification provided by the subdivider and accepted by the Board. Failure to comply with this requirement shall render the subdivision null and void.
 4. **PLAN REVISIONS AFTER APPROVAL** – No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first re-submitted and the Board approves any modification. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of Selectmen and the Cumberland County Registry of Deeds.
 5. **RESUBDIVISION** – There shall be no re-subdivision of any lot for a period for five (5) years from the date of approval of the Final Plan. The developer shall note this restriction on all deeds.
 6. **PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS** – The approval of the Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Sebago, Maine, of any street, easement, park, playground or other open space shown on said plan.
- H. **PERFORMANCE GUARANTEES**
1. **REQUIREMENT** – The subdivider shall, in any amount set by the Board, file with the Town Clerk prior to the approval of the Final Plan, a performance guarantee in the form of a certified check payable to the Town of Sebago or a irrevocable letter of credit running to the Town of Sebago to cover the full costs of required improvements. Any such letter shall be satisfactory to the Board as to form, sufficiency, manner of execution and surety. The certified check or bond shall include an amount required for recreation land or improvements as specified.
 2. **BOND TIME** – A period of two (2) years (or such period as the Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed.

3. INSPECTION OF REQUIRED IMPROVEMENTS

- a. **Required Notification** – At least fourteen (14) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer and the Road Commissioner of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer and the Road Commissioner can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - b. **Payment of Inspection Fee** – If funds are not sufficient in the subdivision review account, at least five (5) days prior to commencing construction of required improvements the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Board payable by check to the Town of Sebago stating the purpose of the fee. If the actual cost exceeds the estimated cost, subdivider shall pay this difference at the completion of project. If the actual cost is less than the fee deposited by the subdivider, this difference will be returned to the subdivider at the completion of the project.
 - c. **Failure to Meet Construction Requirements** – If the inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Board. The Board shall then notify the subdivider and if necessary, the bonding company and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
 - d. **Modification of Required Improvements** – If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the inspector may, upon written approval of the Board, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue an authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
 - e. **Two-Year Time Limit** – If substantial construction of at least ten percent (10%) of the estimated cost has not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two (2) years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.
4. **RELEASE OF GUARANTEE** – Before the Board votes to release any guarantee of the subdivider, the Board shall determine that the subdivision requirements have been fulfilled. Such determination shall be a written certification presented to the Board from the following:
- a. **Land Surveyor** – A registered land surveyor-acceptable to the Board and the subdivider, and paid for by the subdivider, that all permanent bounds or monuments on street lines and on lot lines (if such monuments are required) have been installed and are accurately in place in the location designated on the Final Plan.
 - b. **Release of Guarantee** – Upon completion of street construction, and prior to a vote of acceptance by the Planning Board as a completed project, a written certification signed by a professional engineer shall be submitted at the expense of the applicant, certifying that the proposed project meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted prior to any final acceptance.

I. DESIGN STANDARDS AND SPECIFICATIONS

1. MONUMENTS

- a. **Granite Monuments** – Granite monuments 4" in diameter or square, 3' long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior of the subdivision, at angle points and points of curves in each street and at all corners and angle points of the subdivision boundaries. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- b. **Iron Marker** – All other lot corners shall be marked with an iron rebar not less than 5/8" in diameter and 24" long and driven so as to be flush with the finished grade.

2. STREET SIGNS

- a. **Requirements for Names** – Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
- b. **Name Signs** – Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

3. **STREETS**

[See Section 5 (Land Use Standards) – #32 (Streets)]

4. **SIDEWALKS** – The Board may require the subdivider to install sidewalks at such locations as the Board may deem necessary. In the event the subdivider is required to install sidewalks, the installation shall be done at the subdivider's expense.

5. **SURFACE DRAINAGE**

- a. **Drainage Easement** – Where a subdivision is traversed by a watercourse, drainage way or future sewer line or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.
- b. **Topsoil Requirement** – Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, it is not to be removed from the site.

c. **Vegetation Requirement** – Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
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Definitions

SECTION 9 – DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot;" the word "building" includes the word "structure;" "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

In general words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual
2. The present tense includes the future tense, the singular number includes the plural and plural includes the singular
3. The word "shall" is mandatory
4. The word "may" is permitted
5. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied"
6. The word "dwelling" includes "residence"

In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABUTTING – Having a common border with, or being separated from such common border by an access easement or right-of-way.

ACCESS – A means of approach or entry to or exit from property.

ACCESSORY BUILDING – See "Structural Terms"

ACCESSORY STRUCTURE – See "Structural Terms"

ACCESSORY USE – A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use

ACRE – A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AGGRIEVED PERSON – A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer

AGRICULTURAL ACTIVITY – Land clearing, tilling, fertilizing, including spreading and disposal of animal manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

ALTERATION – As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

APARTMENT BUILDING – A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

APPEAL – A means for obtaining review or a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

AUTOMOBILE SALES – A lot arranged, designed or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair or automobiles or trailers displayed and sold on the premises.

AUTOMOBILE REPAIR SERVICE – 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; over-all painting and undercoating or automobiles.

BED AND BREAKFAST – Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 10 guests at any one time. Breakfast is the only meal, if any to be provided for compensation.

BILLBOARD – A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

BUFFERS – Areas of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING – See “Structural Terms”

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 or walls.

BUILDING INSPECTOR – Shall mean the inspector of buildings for the Town of Sebago.

BUILDING FRONT LINE – The line that is parallel to the front line transecting that point in the building face which is closest to the front line. This face includes porches and steps.

CAMPER/TRAILERS, TRAVEL TRAILERS, MOTOR HOMES – A self contained mobile unit supported on its own wheels, or those of another vehicle designed to be used for travel, recreational and vocational uses, but not intended for permanent residence.

CAMPGROUND – Any land area specifically designed and developed, containing two or more individual campsites which accommodate the public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses 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 etc.

CERTIFICATE OF OCCUPANCY – This is the official certification that a premises conforms to provisions of the Land Use Ordinance (and electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101, NFPA 31, and the Maine Oil and Solid Fuel Board Regulations) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CLUSTER DEVELOPMENT – The development, according to an approved plan, of a large tract land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district, and land not built upon is permanently preserved as common “open space.” The term also refers to the Planned Unit Development.

CODE ENFORCEMENT OFFICER – A person employed by the Town of Sebago to administer and enforce this Ordinance.

COMPREHENSIVE PLAN – The Comprehensive Plan of the Town of Sebago, Maine

CONSTRUCTION DRAWINGS – Drawings showing the location, profile grades, size and type of drains, sewer and water mains, underground power and telephone ducts, pavements, cross-section of streets, miscellaneous structures.

COVERAGE – That percentage of the plot or lot area covered by the building area

DAY CARE CENTER – As defined in Title 22, MRSA, Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

Day Care Center – A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis.

Day Care Home – A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DEVELOPER – The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DISTRICT – 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.

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 or alleviation of flooding.

DWELLING UNIT – See “Structural Terms”

EASEMENT – Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

EMERGENCY OPERATIONS – Emergency operations shall include 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 and livestock from the threat of destruction or injury.

ENGINEER – Professional engineer licensed by the State of Maine

ENLARGEMENT OR TO ENLARGE – An “enlargement” is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES – The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

EXTENSION OR TO EXTEND – An increase in the amount of existing floor area used for an existing use within an existing building.

FAMILY – One (1) or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

FINAL SUBDIVISION PLAN – The final drawing on which the subdivider’s plan of the subdivision is presented to the Board for approval of which, if approved, shall be filed for record with the Town Clerk and Cumberland County Registry of Deeds.

FOREST MANAGEMENT TERMS:

1. **Forest Management Activities** – Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities but not the construction or creation of roads.
2. **Timber Harvesting** – The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. Timber harvesting does not include the clearing of land for approved construction.

FRONTAGE – The portion of a lot’s boundaries measured in lineal feet, which abuts a public right-of-way or access easement.

GARAGE, RESIDENTIAL – This is an accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile or persons not resident on the premises.

GROCERY STORE – A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a “Major Retail Outlet”.

GUEST ROOM – A room in a hotel, motel, tourist home or “bed and breakfast” residence offered to the public for compensation in which no provision is made for cooking.

HEIGHT OF BUILDING – The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of roof intersects the plane of the outside wall on a side containing the eaves.

HOME OCCUPATION – An occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character or appearance of such building.

INDUSTRY – The use of premises is for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

JUNKYARDS:

- **Automobile Graveyards** – A yard, field, or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out or junked automobiles.
- **Junkyard** – A yard, field, or other area used as a place of storage for discarded worn-out or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material including garbage dumps, waste dumps and sanitary landfills.
- **Auto Recycling Business** – An automobile recycling business is a business which purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding or repairing salvage vehicles for resale.

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, training, or breeding, for which a fee is charged.

KENNEL (NON-COMMERCIAL) – An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

LAND USE PERMIT – A permit used for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

LEGISLATIVE BODY – The registered voters of the Town of Sebago

LIGHT MANUFACTURING – The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting, or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

LOADING 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.

LOT – A parcel of land undivided by any street or public road in single ownership occupied or capable of being occupied by one building and the accessory building or uses customarily incidental to it, including such open spaces as are required by this Ordinance, and having frontage upon an approved street.

LOT AREA – The area contained within the boundary lines of a lot.

LOT (CORNER) – This is a lot abutting two or more streets at their intersection.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE – Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

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:

- **Front Lot Line** – In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.
- **Rear Lot Line** – That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel and at a maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- **Side Lot Line** – Any lot line other than a front or rear lot line.

LOT OF RECORD – Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS – The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as “space and bulk” regulations in size and height of building; location or exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MANUFACTURED HOUSING – A structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

- **NEWER MOBILE HOME** – Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are fourteen (14) body feet or more in width and are seven-hundred-fifty (750) or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation.
- **OLDER MOBILE HOMES** – Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, but does not include those smaller units commonly called “travel trailers”.
- **MODULAR HOMES** – Those units which the manufacturer certifies are constructed in compliance with the State’s manufactured Housing Act and regulations, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

MARINA – A business establishment having frontage on navigable water within the Town and providing for 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 for pleasure craft, fuel and oil, electricity, fresh water, ice shower, laundry facilities, and on-premise restaurant.

MEDICAL CLINIC – This is an office building used by members of the medical profession for diagnosis and out-patient treatment.

MINERAL EXTRACTION – The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

MOBILE HOME – Mobile home shall mean a dwelling with a habitable floor area of at least seven-hundred-fifty (750) square feet and so constructed as to permit its being towed on a public street or highway.

MOBILE HOME PARK – Mobile home park shall mean a plot of land of at least twenty-five (25) acres laid out to accommodate two or more mobile homes and which for the purpose of this Ordinance shall be regarded as a subdivision and subject to all applicable State and local codes and ordinances. Not more than four (4) mobile homes per net residential acre shall be permitted in any mobile home park.

MOTEL – A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

MOTOR VEHICLE – This is any vehicle that is self-propelled and designed for carrying persons or property, or that is used for the transportation of persons.

MOTOR VEHICLE (UNSERVICABLE) – Any motor vehicle that is wrecked, dismantled, cannot be operated legally on any public highway, or that is not being used for the purposes for which it is manufactured.

MUNICIPAL FACILITIES – Buildings or land that are owned by a public entity and operated under its supervision for a public purpose.

MUNICIPALITY – Town of Sebago, Maine

NET RESIDENTIAL ACREAGE – The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

NET RESIDENTIAL DENSITY – Net residential density shall mean the number of dwelling units per net residential acre.

NON-CONFORMING USE – See “USE TERMS”

NORMAL MAINTENANCE AND REPAIR – Any work necessary to maintain or improve a structure to its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, or change in size or capacity.

OFFICIAL SUBMISSION DATE – The time of submission of a Sketch Plan, Preliminary Plan or Final Plan complete and accompanied by any required fee and all data required by these Standards shall be considered the submission date.

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 entire area of a tract of land before being divided by a development.

PARKING LOT – An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation or an accommodation for clients or customers.

PARKING SPACE – Parking space shall mean an area of not less than 10'x20', exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

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 users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of the citizens of Sebago.

PRELIMINARY PLAN – A drawing submitted subsequent to the Sketch Plan indicating the layout of the subdivision and additional information as required under Article V of these Standards.

PROFESSIONAL OFFICE – This is an office of a professional such as an architect, accountant, dentist, doctor, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

RESTAURANT – An establishment whose principal business is the sale of food and/or beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and 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; a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

RETAIL ESTABLISHMENT – Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

ROAD – A thoroughfare or way 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.

PRIVATE ROAD – A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

PUBLIC ROAD – A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

RESUBDIVISION – The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in the subdivision.

SETBACK – The minimum distance required from the lot line to the nearest part of a structure.

SIGN – Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational charitable, philanthropic, civic, professional, religious campaigns, drive, movement or event.

SKETCH PLAN – The drawings indicating the proposed layout of the subdivision and additional information as required under Article V or these Standards to be submitted to the Board for its consideration.

SPECIAL EXCEPTION – A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

STREET – A public way maintained by the Town of Sebago, or a private way not less than fifty (50) feet in width, and constructed according to the minimum standards as detailed in Section 5-32 (Land Use Standards – Streets) which affords the principal means of access to abutting properties and the existence of which is on record at the Cumberland County Registry of Deeds.

STRUCTURAL TERMS:

ATTIC – That part of a building which is immediately below, and wholly or partly within, the roof framing.

BASEMENT – The substructure of a building that is partially or wholly below ground level.

Building – Any roofed structure, maintained, or intended for use as a shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

Building (Accessory) – A building which is:

- Subordinate in area, extent and purpose to the principal building or use served
- Located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance
- Customarily incidental to the principal building or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building (Principal) – A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Dwelling – A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

Dwelling Unit/Apartment – A room or group of rooms designed and equipped exclusively for use as a living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Dwelling (Single Family Detached) – A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling (Two Family) – A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

Dwelling (Multiple Family) – A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

Structure – Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck. See “Essential Services”

SUBDIVIDER – Assessed owner or owners of land to be subdivided

SUBDIVIDERS AGENT – This is a person who has written authorization to act for the assessed owner or owners of land to be subdivided.

SUBDIVISION – A subdivision shall mean a division of a tract or parcel of land as defined in Title 30-A M.R.S.A., Section 4401, or as amended by State Law. The term subdivision shall also include mobile home parks, condominiums, and a lot of 40 or more acres shall be counted as a lot.

TRAILER – Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

TRANSIENT – A non-resident person residing within the Town of Sebago less than thirty (30) days.

UNUSABLE LAND – This is an environmentally sensitive area which if disturbed or destroyed, can adversely affect unique ecological balances in the environment. Although specific areas required a case by case analysis, the following factors may be included in the determination of unusable land.

1. Areas of slope in excess of twenty-five percent (25%)
2. Areas of very poorly drained soils, experiencing year round water within fifteen (15) inches of the surface as identified by the most current version of the "Soil Survey; Cumberland County, Maine, Soil Conservation Service".
3. Any area identified as a wetland area as identified by the State of Maine in accordance with Title 38 M.R.S.A. § 480.
4. Any area within the one hundred (100) year flood boundary as delineated on the Flood Insurance Rate Map of the National Flood Insurance Program.
5. Unique wildlife areas as identified in the review process.

USE – The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Accessory Use – A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

Principal Use – The specific primary purpose for which land is used.

Conforming (Permitted) Use – A use which may be lawfully established in a particular district, provided it conforms to all the requirements, standards and regulations of such district.

Non-Conforming Use – A use which does not conform to the provisions of this Ordinance.

Open Space Use – A use which does not disturb the existing state of the land except to restore the land to a natural condition.

VARIANCE – A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance will result in unnecessary or undue hardship.

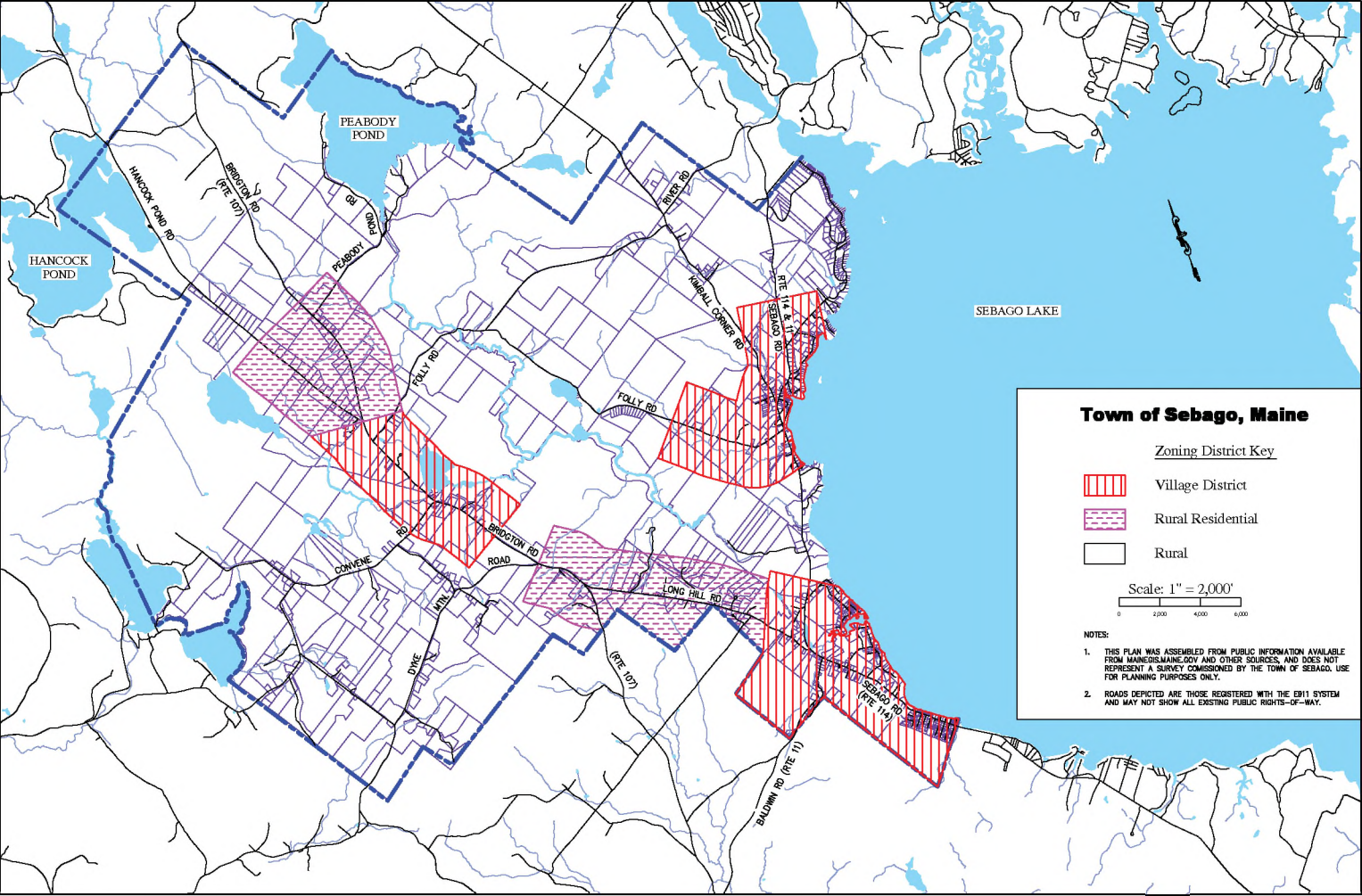
As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces.

Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the particular zone or adjoining zone.

WAREHOUSE AND STORAGE FACILITY – A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

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 customers.

YARD – Commonly considered the area of land on a lot not occupied by buildings. In site and subdivision requirements, the minimum distance required for the placement of any part of a building or specified structure from a lot boundary.



Town of Sebago Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Section 1. Authority

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Maine Constitution, Article VIII, part 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions

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

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

1. Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Sebago.
2. No application for a proposed retail marijuana establishment or retail marijuana social club shall be processed.
3. No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.
4. Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration

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

Section 5. Penalties.

This Ordinance shall be enforced by the Town of Sebago Board of Selectmen or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Adopted on: June 2, 2018

Attest:


Maureen F. Scanlon, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Mass Gathering

Mass Gathering

For Mass Gathering Application, [click here](#)

I Authority.

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A M.R.S.A. Sec. 3001.

II Purpose.

The Town of Sebago recognizes the desirability of certain outdoor events, including exhibitions, festivals, music concerts, and fairs, and hereby ordains the following to protect the general welfare and promote public health and safety by addressing issues arising therefrom, such as traffic congestion, crowd control, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property.

III Exemptions.

The provisions of this chapter shall not apply to:

- A. Events sponsored or sanctioned by the Town of Sebago or approved by the Board of Selectmen.
- B. Public school functions involving student population and staff and held on school property and approved by the School Board.
- C. Private school functions involving student population and staff and held on school property.

IV Definitions.

- A. Assembly Area - that portion of the premises on which the mass gathering is held within which persons in attendance are expected to sit or stand.
- B. Mass Gathering, Minor - any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors with the intent to attract at least five hundred (500) persons but fewer than one thousand (1,000) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sebago.
- C. Mass Gathering, Major - any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors with the intent to attract at least one thousand (1,000) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sebago.
- D. Not-for-Profit Organization - a religious, charitable or benevolent association or organization which is registered with the State of Maine and the Internal Revenue Service and holds a valid tax-exempt certificate.
- E. Operator - the person responsible for the mass gathering.
- F. Performance Guaranty - an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Manager and in a form approved by the Town Attorney as to form, sufficiency, manner of execution and surety in an amount set by the Town Manager.
- G. Person - any natural person, sole proprietor, partnership, corporation or other entity.
- H. Private School - schools operated by an agency, organization, or institution other than the Town, any other municipality, the State of Maine, the United States government or any agency or instrumentality thereof.
- I. Public Costs - those costs incurred by the Town in connection with a mass gathering which would not be incurred by the Town if the mass gathering were not held.
- J. Public School - school operated and governed by S.A.D. 61 and the State of Maine.
- K. Town - the Town of Sebago.
- L. Board of Selectmen - the Board of Selectmen of the Town of Sebago.

V License required; Fee and procedure.

A. No person shall sponsor, promote, operate or hold any mass gathering, without first procuring a license from the Town:

1. Licenses for minor mass gatherings shall require a license issued by the Town Manager according to the procedure contained herein, except those provisions relating to the requirement for public hearing and approval by the Board of Selectmen. Appeals from a denial of a minor mass gathering application may be made in writing to the Board of Selectmen, and must be filed with the Town Clerk within five (5) working days of the date of the denial.

2. Licenses for major mass gatherings shall require a license issued by the Board of Selectmen according to the procedure contained herein.

B. The licensing procedure will be administered in the following manner:

1. Any person seeking a mass gathering license shall be provided a copy of this ordinance upon request.

2. The person(s) seeking a license must file a completed application form with the Town Clerk not less than sixty (60) days before the proposed event.

3. Applications for mass gathering licenses shall be acted upon by the Town Manager or Board of Selectmen, as appropriate, not less than thirty (30) days before the proposed event.

4. Licenses will be issued for events to be held on property meeting the requirements of the land use ordinance, if any.

5. Application fees shall be due when the application is filed, shall not be refundable, and shall be as follows:

a. Not-for-profit organizations applying for a minor or major mass gathering license shall pay an application fee of one dollar (\$1).

b. Individuals and for-profit organizations applying for a minor mass gathering license shall pay an application fee of one hundred dollars (\$100).

c. Individuals and for-profit organizations applying for a major mass gathering license shall pay an application fee of two hundred fifty dollars (\$250).

6. The application must include:

a. A letter of authorization or written permission from the property owner allowing use of the property, unless the property is owned by the applicant;

b. A contract with a refuse collection company or other reasonable plan for removal of trash; and

c. Proof of applicant's liability insurance.

7. Within five (5) working days of receipt of an application, the Town Clerk shall forward a copy of the application to the Town Manager, Fire Chief, Rescue Chief, Public Works Director, and Code Enforcement Officer. For a major mass gathering application, the Town Clerk shall schedule a public hearing before the Board of Selectmen.

8. Before a license can be issued for a major mass gathering, the Board of Selectmen shall hold a public hearing to review the application and determine the conditions required to safeguard the public health, safety and welfare. The Board of Selectmen may deny or grant the license, or grant the license and impose conditions to safeguard the public interest. Such conditions may include, but are not limited to, requiring the applicant to:

a. Post a performance guaranty/bond in an amount reasonably necessary to ensure prompt clean-up of the grounds and payment of damages to public or private property in the area of the event. Promptly following the mass gathering, the Town shall release the performance guaranty if the operator pays all clean-up and public costs within ten (10) working days after the mass gathering.

b. Agree to hire certified police officers (one certified officer for each 500 people in attendance), other security, and fire/rescue personnel as necessary, at the expense of the licensee. The Sheriff's Department and Fire Chief will be notified before the proposed event whether personnel will be needed.

c. Demonstrate, by means of a written, descriptive plan that facilities will be provided at the proposed site to protect the health of attendees, including:

- i. Waste disposal;
- ii. Fire fighting, rescue and police personnel equipment;
- iii. Water supplies; and
- iv. Communication system.

- d. Demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available.
- e. Provide a plan showing how crowd security and police protection of private property will be accomplished.
- f. Provide a plan for controlling traffic, which shall contain, as appropriate:
 - i. A description of routes which persons attending are likely to take;
 - ii. Methods to be used to publicize alternative routes;
 - iii. The number of persons who will be present to direct traffic at the site both before and after the event, and their locations; and
 - iv. A description of what means will be available to remove disabled vehicles from locations under the control of the operator, if such vehicles would prevent the free flow of traffic.
- g. Provide a plan for evacuating the site in the event of a natural disaster or other civil emergency.

VI Enforcement, Penalty, Assignability.

The Code Enforcement Officer will enforce this Ordinance. Violation of this Ordinance constitutes a civil violation punishable by a civil penalty of five hundred dollars (\$500) for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued under this ordinance are not transferable or assignable, without prior approval of the Board of Selectmen.

Date Adopted: June 1, 2002

APPENDIX

I. Guidelines. For informational purposes, the following provisions set out standards and conditions that the Town views as optimal. They are illustrative of the factors the Town will consider in making its determination as to whether a license should be issued.

A. Water Supply.

- 1. Where water is not available under pressure, and non-water carriage toilets are used, at least three (3) gallons of water per person per day shall be provided for drinking and washing purposes.

B. Refuse Disposal.

- 1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
- 2. All refuse shall be collected from the mass gathering area at least once every twelve (12) hours of the gathering and disposed of in an approved manner.
- 3. The mass gathering area and immediate surrounding property shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.
- 4. Areas where vehicles are parked shall have rubbish disposal facilities one (1) for every twenty-five (25) vehicles.

C. Grounds.

- 1. Illumination (adequate lighting) shall be provided for the assembly area at night beginning one-half ($\frac{1}{2}$) hour before sunset to protect the safety of the persons at the outdoor event. The lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
- 2. Light level intensities shall be at least five (5) foot candles.
- 3. There shall be at least twenty (20) square feet per person at the site for daytime gatherings and at least forty (40) square feet per person for overnight gatherings.

D. Roads and Parking Space.

- 1. Width of service roads shall be at least twelve (12) feet for one (1) traffic lane, twenty-four (24) feet for two (2) traffic lanes, and seven (7) feet for parallel parking lane.
- 2. There shall be at least one (1) parking space for every four (4) persons; the density should not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.

3. Internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

E. Sanitary Facilities.

1. Toilets shall be provided at a rate of one (1) for each one hundred fifty (150) persons.
2. Urinals and sani-stands may be substituted for up to one-third (1/3) of the required number of toilets. Twenty-four inches (24") of trough urinals in a men's room shall be considered the equivalent of one (1) urinal or toilet.
3. Sanitary facilities shall be conveniently accessible and well identified.
4. Each toilet shall have a continuous supply of toilet paper.
5. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleaned, non-absorbent materials.
6. Clearly marked separate service buildings or rooms containing sanitary facilities, shall be provided for each sex. Each toilet room should be provided with a self-closing door to ensure privacy, or the entrance should be screened so that the interior is not visible from the outside.
7. Water points or drinking fountains shall be well identified and conveniently accessible.
8. Common drinking cups shall not be used.

F. Medical Facilities.

1. Emergency medical services shall be provided under the supervision of a licensed physician.
2. A first aid building or tent with adequate medical supplies shall be available.
3. Emergency first aid vehicles shall be available on site during the entire time of the mass gathering.
4. A telephone or other two-way electronic communication device shall be available.
5. The operator of the mass gathering shall contact area hospitals and advise them that a mass gathering will be held and the approximate number of people attending.

G. Safety.

1. The electrical system or electrical equipment serving the mass gathering shall comply with applicable state standards and regulations (Title 32, Chapter 17, M.R.S.A.).
2. Fire prevention materials such as nonflammable drapes, partitions, etc, shall be used wherever possible.
3. At least one fire fighter with communication equipment to call in fire suppression equipment shall be present at the site of the mass gathering.

H. Noise Control.

1. The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering area.
2. The noise level at the perimeters of the area should not exceed seventy (70) decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Military Excise Exemption Ordinance

Town of Sebago

MILITARY EXCISE EXEMPTION ORDINANCE

I. Purpose

The purpose of this ordinance is to establish by local ordinance a local option exemption for residents permanently stationed or deployed for military service outside the State of Maine.

II. Authority

- This ordinance is created in accordance with 35 M.R.S.A. § 1483-A
- This ordinance shall be known as the “Military Excise Exemption Ordinance” of the Town of Sebago

III. Validity and Severability

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

IV. Applicability

- This ordinance is applicable to all residents who are 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.
- B. For purposes of this Ordinance, “United States Armed Forces” includes the National Guard and the Reserves of the United States Armed Forces.

V. General Procedures

- Residents must provide documentation that they are active duty military in the form of a designated municipal official 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.

Adopted: June 2, 2012

A true copy attest:

Michele A. Bukoveckas, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Parking Ordinance

APPROVED JULY 29, 1996 BY THE BOARD OF SELECTMEN

EFFECTIVE JULY 29, 1996

AN ORDINANCE REGULATING PARKING UPON THE PUBLIC STREETS OF THE TOWN OF SEBAGO AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

Be it enacted by the Board of Selectmen for the Town of Sebago as follows:

SECTION I- STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

No person shall stop, stand or park a vehicle or motorcycle, except when necessary to avoid conflict with other traffic, or in compliance with law, or the direction of a law enforcement officer, or traffic controlled device, in any of the following places;

1. On any area designated as a fire access;
2. On a sidewalk;
3. In front of or within a public or private road, driveway, alleyway, fire lane or loading zone;
4. Within an intersection;
5. Within ten feet of a fire hydrant;
6. On a crosswalk;
7. Within 15 feet of the rear corner of the curbs at an intersection, except where otherwise designated;
8. Within 15 feet upon the approach to any stop sign located at the side of a roadway;
9. On the roadway side of any vehicle stopped or parked at the edge of a curb or street;
10. Upon any bridge;
11. At any place where official signs, white or yellow painted curbs or other road painting or markings so prohibit;
12. In any other place or manner which obstructs vehicular or pedestrian traffic along a public or private way.

SECTION II- OBSTRUCTION OF FREE PASSAGE

No person shall stop, stand, park or leave a vehicle or motorcycle on any street in such a manner or under such condition so as to obstruct the free passage of other vehicles or motorcycles in either direction, or so as to leave available less than fifteen feet of the width of the roadway for free movement of vehicular traffic, unless specifically permitted by a law enforcement officer.

A person is guilty of obstruction public ways if he unreasonable obstructs the free passage of foot or vehicular traffic on any public ways and refuses to cease or remove the obstruction upon a lawful order to do so given him by a law enforcement officer.

As used in this section, 'public way' means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers.

SECTION III- REVERSE DIRECTION PARKING PROHIBITED

No person shall allow, permit or suffer any vehicle or motorcycle to stand or park on any street facing oncoming traffic.

SECTION IV- PARKING WITHIN SPECIFIED ALLOWABLE TIMES

The provisions of this Ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle or motorcycle to avoid conflict with other traffic or in compliance with the direction of a law enforcement officer or official traffic control device.

SECTION V- SNOW BAN PARKING RESTRICTIONS

Between November 1 and April 15 no vehicle or motorcycle shall be parked on any public street or way from 11:00 p.m. to 7:00 a.m., so as to interfere with or hinder the removal of snow from said street or way by the Town plowing or

loading and hauling. Parking may be prohibited with notification to facilitate daytime snow removal.

SECTION VI-REMOVAL OF VEHICLES AT OWNER'S EXPENSE

The Board of Selectmen or Road Commissioner or their Authorized Designee (s) may cause any vehicle or motorcycle parked in violation of Section V, or any other provision of this Ordinance, to be moved and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle or motorcycle, and without the Town being liable for any damage that may be caused by such removal.

SECTION VII- OVERNIGHT PARKING PROHIBITED

No person shall park, leave or abandon any vehicle or motorcycle on any street or public way between the hours of 1:00 a.m. and 5:00 a.m. This restriction specifically prohibits sleeping in parked vehicles on any street or public way between the hours of 1:00 a.m. and 5: 00 a.m.

SECTION VII- HANDICAPPED PARKING

No person shall park any vehicle or motorcycle in any parking space designated as "Handicapped" or "Disabled" parking unless the vehicle or motorcycle bears a special registration plate or placard issued under M.R.S.A. 29-A section 521 or 523, or similar plate.

SECTION IX- RESTRICTED PARKING

No person shall park any vehicle or motorcycle such as to prohibit the access or egress of Fire or Rescue vehicles into or out of a fire station or at the scene of a fire or other emergency.

SECTION X-USE OF SIDEWALKS

The use of bicycles, skateboards, roller-skates and in-lines skates on any public sidewalks between June 15 and Labor Day is strictly prohibited. Bikes may be "walked" along sidewalks.

SECTION XI-NOTICE

It shall be the duty of the Board of Selectmen or their designee to erect appropriate signs giving notice of any parking time limit imposed or parking prohibitions and no such regulations shall be effective unless said signs are erected and in place at the time of the alleged offense.

SECTION XII-MAINTENANCE

The Road Commissioner with the approval of the Board of Selectmen shall place and maintain, or cause to be placed and maintained, traffic-control signs, signals and devices when and as required or authorized under this Ordinance, and may place and maintain such additional traffic-control devices as she/he may deem necessary to regulate traffic under this Ordinance or under State Law, or to guide or warn traffic, including angle parking signs, and markings, turning markers, and signs prohibiting left, right or U-turns, the location of which he is authorized to determine. All traffic-control devices so erected and not inconsistent with the provisions of the State Law or this Ordinance shall be official traffic control devices.

SECTION XIII-GENERAL PENALTY

Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provisions of this Ordinance shall be punished by a fine of not more than \$100.00 except as otherwise provided in the following subsection of this section; and any such fines or penalties shall accrue to the Town.

Any persons violating any parking provisions of this Ordinance shall be subject to the general penalty imposed for violation of this Ordinance; however, such person may elect, in lieu of such penalty, to pay the sum of \$10.00 for the first offense of such violation, and \$25.00 for the second and subsequent offenses except for handicapped parking violations, the penalty for handicapped parking violations to be set at \$50.00 per offense in accordance with M.R.S.A. 30-A Section 3009, Subsection 1D (3). Such payment shall in no event be constructed as an enforced imposition of a fine or penalty, but on the other hand shall be construed to be an amount which an offender may voluntarily contribute towards the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations. If, however, such payment is not made at the Municipal Office with 72 hours after notice of such violation is served, by traffic ticket or otherwise, this alternative method is not available or applicable, and the penalty provided by this Ordinance shall be imposed.

SECTION XIV- SUBSEQUENT PENALTY (IES)

After one hour if a vehicle or motorcycle is still parked in violation after being cited for a first offense, the second offense penalty will apply and the vehicle or motorcycle may be subject to being towed at the owner's expense and the owner may be required to pay the "Second Offense" payment to avoid prosecution in District Court.

SECTION XV- VALIDITY

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining of this Ordinance.

SECTION XVII- FORMER TRAFFIC ORDINANCE REPEALED

All former traffic ordinances of this Town are hereby repealed except that this repeal shall no affect or prevent the prosecution or punishment of any person for any act done or committed prior to the enactment of this Ordinance.

SECTION XVIII- CERTIFICATION AND PUBLIC NOTICE

The Town Clerk shall certify to the passage of this Ordinance and cause notice of same to be published in the Bridgton News and the Portland Press Herald.

SECTION XX-EFFECTIVE DATE

The Ordinance shall take effect on July 29, 1996.

/s/ George Tinkham, Chair

/s/ Robert Adams, Selectman

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Posted Roads

An Ordinance Restricting Vehicle Weight on Posted Ways in the Town of Sebago

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Sebago which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. Sec. 3009 and 29 M.R.S.A. Sec. 902 and 1611.

Section 2. Definitions

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

Section 3. Restrictions and Notices

The Road Commissioner/Director of Public Works may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in his/her judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein. (No restriction if road is solidly frozen. See Note 1 below.)

The notice shall contain at a minimum the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner/Director of Public Works.

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.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

The following vehicles are exempt from this ordinance:

- (a) any two-axle vehicle while delivering home heating fuel;
- (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- (d) any school transportation vehicle while transporting students;

- (e) any public utility vehicle while providing emergency service or repairs; and
- (f) any vehicle whose owner or operator holds a valid permit from the Road Commissioner/ Public Works Director as provided herein.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Road Commissioner/Director of Public Works for a permit to operate on a posted way or bridge notwithstanding the restriction. The Road Commissioner/Director of Public Works may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) the applicant has tendered cash, a bond or other suitable security running to the 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 Road Commissioner/Director of Public Works makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. He/she may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the Road Commissioner/Director of Public Works shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;
- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles; and
- (f) such other circumstances as may, in his/her judgment, may be relevant.

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

Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as the Road Commissioner/Director of Public Works, Code Enforcement Officer, or law enforcement officer.)

Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. 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.

Section 8. Amendments

This ordinance may be amended by the Municipal Officers at any properly noticed meeting.

Section 9. Severability: Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment.

Adopted this 1st day of June, 2002.

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Sex Offender Ordinance

Section 1. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001. This ordinance amends the Town of Sebago Sex Offender Ordinance enacted November 7, 2007 for compliance with 30-A M.R.S.A §3013. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by 30-A M.R.S.A §3013(2).

Section 2. Purpose.

In acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Sebago has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentrations of children exist.

Section 3. Definitions.

- A. **Sex Offender** – A person convicted of a Class A, B, or C sex offense committed against a person or persons who had not attained 14 years of age at the time of the offense; this term is coextensive with 30-A M.R.S.A § 3013(2).
- B. **School**– Any public or private elementary, middle, or secondary school as those terms are intended by 30-A M.R.S.A § 3013(2)(B).
- C. **Municipal Restricted Property**- Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.
- D. **Radius** – Distance shall be measured from the outer property lines.
- E. **Residence** – The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing, or dwelling.

Section 4. Restrictions.

- A covered sex offender shall not establish or maintain a residence within a 750-foot radius of the property line of a school or a municipal restricted property.

Section 5. Exceptions.

A covered sex offender maintaining a residence within a 750-foot radius of a school or a municipal restricted property is not in violation if the residence was established prior to the date of passage of this ordinance and the residence has been consistently maintained. A covered sex offender is not in violation of this ordinance if a school or a municipal restricted property is created or moved to within a 750-foot radius of an existing residence as long as the offender established a residence at this location prior to the date of creation or relocation of the school or municipal restricted property and the residence has been consistently maintained.

Section 6. Violation; Injunctive Relief and Penalties.

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, expert witness fees, or any other associated costs.

Section 7. Severability.

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be effected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of
May 25, 2010.

Adopted :

A true copy attest:

A handwritten signature in black ink, reading "Michele A. Bukoveckas". The signature is written in a cursive, flowing style.

Michele A. Bukoveckas, Town Clerk

***TOWN OF SEBAGO
SHORELAND ZONING
ORDINANCE***

Amended and Adopted May 25, 2010

A TRUE COPY ATTEST: *Michael L. Butavickas*

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TOWN OF SEBAGO SHORELAND ZONING ORDINANCE

Section 1: Purposes

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

Section 2: Authority

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

Section 3: Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a freshwater wetland,
- and 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 beyond the normal high-water line of a body or within a wetland.

Section 4: Effective Date

A. Effective Date of Ordinance and Ordinance Amendments

This Sebago Shoreland Zoning Ordinance, which was adopted by the municipal legislative body on May 25, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection, hereinafter referred to as the Commissioner. A certified copy of the Sebago Shoreland Zoning Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment within forty-five (45) days of his/her receipt of the Ordinance or Ordinance Amendment, it shall be automatically approved. Upon approval of this Ordinance, the "Shoreland Zoning Ordinance" previously adopted on March 2, 1991 is hereby repealed.

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.

B. Repeal of Municipal Timber Harvesting Regulation

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the Shoreland Zone. On the date established under 38 M.R.S.A. 438-B(5), the following provisions of this Ordinance are repealed:

8.B.1. Article 7, Land Use Table of Permitted Uses, repeal the row labeled "Timber Harvesting" only.

8.B.1.A Article 11.R Timber Harvesting, repeal entire section.

8.B.1.B Article 2.B repeal definitions of the following terms:

Basal area, residual
Harvest area
Residual stand

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-B(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

Section 5: Availability

A certified copy of the 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 a reasonable cost at the expense of the person making the request. Notice of availability of the Ordinance shall be posted.

Section 6: Severability

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

Section 7: Conflicts with Other Ordinances

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

Section 8: Amendments

- A. On petition, or on their own motion, the Selectmen shall present warrants for consideration by the Town to amend, supplement, or repeal the regulations and provisions of this Ordinance.
- B. The Selectmen shall refer proposed amendments to the Planning Board for a report thereon at least ten (10) days before the date of public hearing that shall be called to consider the proposed amendment or amendments.
- C. The Selectmen shall fix the time and place of the public hearing on the proposed amendment or amendments and cause notice to be given in accordance with the laws of the State of Maine.
- D. This Ordinance may be amended, after a report on the proposed amendments(s) by the Planning Board and a public hearing by a majority vote of the legislative body.
- E. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner 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 9: Districts and Zoning Map

A. Official Shoreland Zoning Map

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

- 1. Resource Protection
- 2. Limited Residential
- 3. Stream Protection

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

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

D. Changes to the Official Shoreland Zoning Map

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

Section 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 right-of-ways, 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 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 12: Non-Conformance

A. Purpose

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

B. General

1. Transfer of Ownership:

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

2. Repair and Maintenance:

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

C. Non-Conforming Structures

1. Expansions:

A non-conforming structure may be added to or expanded after obtaining a permit from the Code Enforcement Officer (or 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. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation below. If

the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and

the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation:

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the 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 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 or native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation.

Replanting shall be required as follows:

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

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

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

3. Reconstruction or Replacement:

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty (50%) percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance, with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

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

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

4. 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, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Non-Conforming Uses

1. Expansions:

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

2. Resumption Prohibited:

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use:

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

E. Non-Conforming Lots

1. Non-Conforming Lots:

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

2. Contiguous Built Lots:

If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

3. Contiguous Lots – Vacant or Partially Built:

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

This provision shall not apply to two (2) or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on March 2, 1991 the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

Section 13: Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District.

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

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

2. Flood-plains along rivers and flood-plains along artificially formed great ponds along rivers, defined by the one hundred (100) year flood-plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood-plains soils. This district shall also include one hundred (100) year flood-plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of twenty (20) percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation

and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high-water.

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

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreation development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

C. Stream Protection District

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

Section 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 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes – Allowed (no permit required but the use must comply with all applicable land use standards.)
- No – Prohibited
- PB – Allowed with permit issued by the Planning Board
- CEO – Allowed with permit issued by the Code Enforcement Officer
- LPI – Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

- RP – Resource Protection
- LR – Limited Residential
- SP – Stream Protection

Table 1 – Permit Stipulations: (See Chart on Pages 14 & 15)

1. In RP not allowed within seventy-five (75) feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than one hundred (100) sq. ft. of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only.
6. See further restrictions in Section 15-L-2.
7. Except when area is zoned for resource protection due to flood-plain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required but must file a written "notice of intent to construct" with CEO.

Table 1– Land Uses in the Shoreland Zone

Land Uses	Districts		
	SP	RP	LR
Non-intensive recreational use not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes
Forest management activities except for timber harvesting & land management roads.	Yes	Yes	Yes
Timber harvesting	Yes	CEO	Yes
Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO 1	Yes
Fire prevention activities	Yes	Yes	Yes
Wildlife management practices	Yes	Yes	Yes
Soil and water conservation practices	Yes	Yes	Yes
Mineral exploration	No	Yes 2	Yes 2
Mineral extraction including sand and gravel extraction	No	PB 3	PB
Surveying and resource analysis	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes
Agriculture	Yes	PB	Yes
Aquaculture	PB	PB	PB
Principal structures and uses:			
A. One and two family residential, including driveways	PB 4	PB 9	CEO
B. Multi-unit residential	No	No	PB
C. Commercial	No	No 10	No 10
D. Industrial	No	No	No
E. Governmental and institutional	No	No	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB 4	PB	CEO
Structures accessory to allowed uses	PB 4	PB	CEO
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.			
A. Temporary	CEO 11	CEO 11	CEO 11
B. Permanent	PB	PB	PB
Conversions of seasonal residences to year-round residences	LPI	LPI	LPI
Home occupations	PB	PB	PB
Private sewage disposal systems for allowed uses	LPI	LPI	LPI
Essential services	PB 6	PB 6	PB
A. Roadside distribution lines (34.5kV and lower)	CEO 6	CEO 6	Yes 12
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB 6	PB 6	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB 6	PB 6	PB
D. Other essential services	PB 6	PB 6	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	PB	PB
Individual, private campsites	CEO	CEO	CEO
Campgrounds	No	No 7	PB
Road construction	PB	No 8	PB
Land management roads	Yes	PB	Yes
Parking facilities	No	No 7	PB
Marinas	PB	No	PB
Filling and earth moving of < 10 cubic yards	CEO	CEO	Yes
Filling and earth moving of > 10 cubic yards	PB	PB	CEO
Signs	Yes	Yes	Yes
Uses similar to allowed uses	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB

Section 15: Land Use Standards

All land use activities within the shoreland zone shall conform to the following provision, if applicable.

A. Minimum Lot Standards:

<u>Minimum Lot Standards:</u>		Area (sq. ft.)	Shoreland Frontage (ft.)	
1.	a.	Residential per Dwelling Unit	40,000	200
	b.	Public and private Recreational Facilities.	40,000	200
	c.	Governmental, Institutional, Commercial or Industrial per Principal structure.	60,000	300
2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.				
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract, or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.				
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.				
5. If more than one residential dwelling unit, principal, governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.				

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75), horizontal distance, feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be two hundred and fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- a. The water body, tributary stream, or wetland setback provisions shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining

walls, nor to other functionally water-dependent uses.

- b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one (1) foot above the elevation of the one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetation plantings;
 - d. The total height of the wall(s), in the aggregate, is (are) no more than twenty-four (24) inches;

- e. Retaining walls are located outside of the one hundred (100) year flood-plain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
- f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

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

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

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

- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with 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.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual-Private Campsites

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

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement of any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. 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.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

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

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operation, including body shops.
3. Chemical and bacteriological laboratories

4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified

buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high waterline of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

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

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

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

I. Signs

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

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall

not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and to encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
 - a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
 - b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to

provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

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

M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials

generated on-site may be buried or covered on-site.

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

- b. The final graded slope shall be two and one-half to one (2 ½:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tiling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date

of this ordinance and not in conformance with this provision may be maintained.

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

O. Timber Harvesting

1. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 1. The ground is frozen;
 2. There is no resultant soil disturbance;
 3. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the seventy-five (75) foot strip of land;
 4. There is no cutting of trees less than six (6) inches in diameter; no more than thirty (30%) percent of the trees six (6) inches or more in diameter, measured at four and one half (4½) feet above ground level, are cut in any ten (10) year period; and a well-distributed stand of trees and other natural vegetation remains; and
 5. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - b. Beyond the seventy-five (75) foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over four and one half (4½) inches in diameter at four and one half (4½) feet above ground level be reduced to less than thirty (30) square feet per acre.
2. Except in areas as described in Section 15(O)(1)(a) above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter measured at four and

one half (4½) feet above ground level on any lot in any ten (10) year period is permitted. In addition:

- i. Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA, or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- b. Timber harvesting operations exceeding the forty (40%) percent limitation in Section 15(O)(2)(a) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.
 - c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary system, shall be removed.
 - d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
 - e. All crossing of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or

otherwise damaged.

- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10%) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10%) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

- 1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

- 2. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA, or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than two hundred and fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

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

Diameter of Tree at Four and One Half (4½) Feet Above Ground Level

<u>Inches</u>	<u>Points</u>
2 to < 4 inches	1 point
4 to < 8 inches	2 points
8 to < 12 inches	4 points
12 inches or greater	8 points

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of sixteen (16) per twenty-five (25) foot rectangular area.

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

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the twenty-five (25) foot by fifty (50) foot plot contains trees worth thirty-six (36) points. Trees totaling twelve (12) points, $(36 - 24 = 12)$ may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- i. The twenty-five (25) foot by fifty (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 may have no vegetation removed except as otherwise allowed by this Ordinance;

- iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance.
- v. Where conditions permit, no more than fifty (50%) percent of the points on any twenty-five (25) foot by fifty (50) foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4½) feet above ground level for each twenty-five (25) foot by fifty (50) foot rectangle area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one half (4½) feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches on the bottom one third (1/3) of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new growth is present.

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

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40%) percent of the volume of trees four (4) inches or more in diameter, measured four and one half (4½) 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 purpose of these standards, volumes may be considered to be equivalent to basal area.

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

4. Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged except as allowed by this Ordinance.
5. Fields and other cleared openings, which have reverted to primarily shrubs, trees, or other woody vegetation, shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities, which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and re-vegetation of disturbed soil;
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches;
 - c. Permanent stabilization structures such as retaining wall or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure.

In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1)

bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

- b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage-ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage-ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils

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

S. Water Quality

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

T. Archaeological Sites

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 16: Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals

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

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State Law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring 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 non-conforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

- a. The replacement culvert is not more than twenty-five (25%) percent longer than the culvert being replaced;
- b. The replacement culvert is not longer than seventy-five (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 water-course.

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

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

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit, or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

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

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

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all waste water;

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood-plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Special Exceptions

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

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than twenty (20%) percent; and
 - b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the one hundred (100) year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management

Agency Maps, it is deemed to be one half (½) the width of the one hundred (100) year flood-plain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of fifteen hundred (1,500) square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

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

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Board of Appeals

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

- a. Administrative Appeals:

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his/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 appeal-able to the Board of Appeals.

b. Variance Appeals:

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of

the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- g. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.
- h. Pursuant to 30 M.R.S.A. 4392, the certificate of Variance Approval granted by the Board shall be registered at the Registry of Deeds within ninety (90) days after the date of the decision. Failure to register the certificate within that time will cause the variance to be invalid. Proof of registration shall be required prior to the issuance of a building permit.

3. Administrative Appeals

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

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

the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

1. Making an Appeal

- i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

2. Decision by Board of Appeals

- i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- ii. The person filing the appeal shall have the burden of proof.
- iii. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of

Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration

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

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

I. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

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

- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions

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

4. Fines

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

NOTE: Current penalties include fines of not less than one hundred (\$100) dollars nor more than twenty-five hundred (\$2500) dollars per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to five thousand (\$5000) dollars (38 M.R.S.A. section 4452).

Section 17: Definitions

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

Aggrieved Party – An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture – The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse 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 four and one half (4 ½) feet above ground level and inclusive of bark.

Basement – Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty (50%) percent 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 – State of Maine Department of Conservation's 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.

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

Cross-Sectional Area – The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is

the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – The diameter of a standing tree measured 4.5 feet from ground level.

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

Dimensional Requirements – Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability – Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

Driveway – A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

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

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

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

Family – One or more persons occupying a premises and living as a single housekeeping unit.

Floodway – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation by more than one (1) foot in height.

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

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

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.

Freshwater Wetland – Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Functionally Water-Dependent Uses – Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses

include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to waters.

Great Pond – Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

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

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

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 Non-Conformity of a Structure – Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity 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 non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity 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 non-conforming 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 includes site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

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

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

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

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

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

Market Value – The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral Exploration – Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

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

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

Multi-Unit Residential – A residential structure containing three (3) or more residential dwelling units.

Native – Indigenous to the local forests.

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

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

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

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

Normal High-Water Line (non-tidal waters) – That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

NOTE: As of December 6, 2004 through various studies, the Department of Environmental Protection evaluated the Normal High-Water Level (NHWL) of Sebago Lake to be 266.5' (feet) (above mean sea level).

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, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland –

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

months or more in any period of twelve (12) consecutive months.

Principal Structure – A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use – A use other than one which is wholly incidental or accessory to another use on the same premises.

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

Recent Flood-Plain Soils – The following soil series as described and identified by the National Cooperative Soil Survey:

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

Recreational Facility – A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

Replacement System – a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

Residential Dwelling Unit – A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual Basal Area – The average of the basal area of trees remaining on a harvested site.

Residual Stand – A stand of trees remaining in the forest following timber harvesting and related activities.

Riprap – Rocks, irregularly shaped, and at least six (6) inches on 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 flood-plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

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

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

Shore Frontage – The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone – The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred and fifty (250) feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Significant River Segments – See 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.

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

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

Substantial Start – Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System – Any system designed to dispose of waste or wastewater 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 water waste disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Sustained Slope – A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

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

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

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

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

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

Vegetation – All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4½) feet above ground level.

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

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

Water Body – Any great pond, river, or stream

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

Wetland – A freshwater or coastal wetland.

Windfirm – The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation – Live trees or woody, non-herbaceous shrubs.

TOWN OF SEBAGO

OFFICIAL SHORELAND ZONING MAP

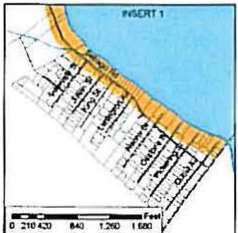
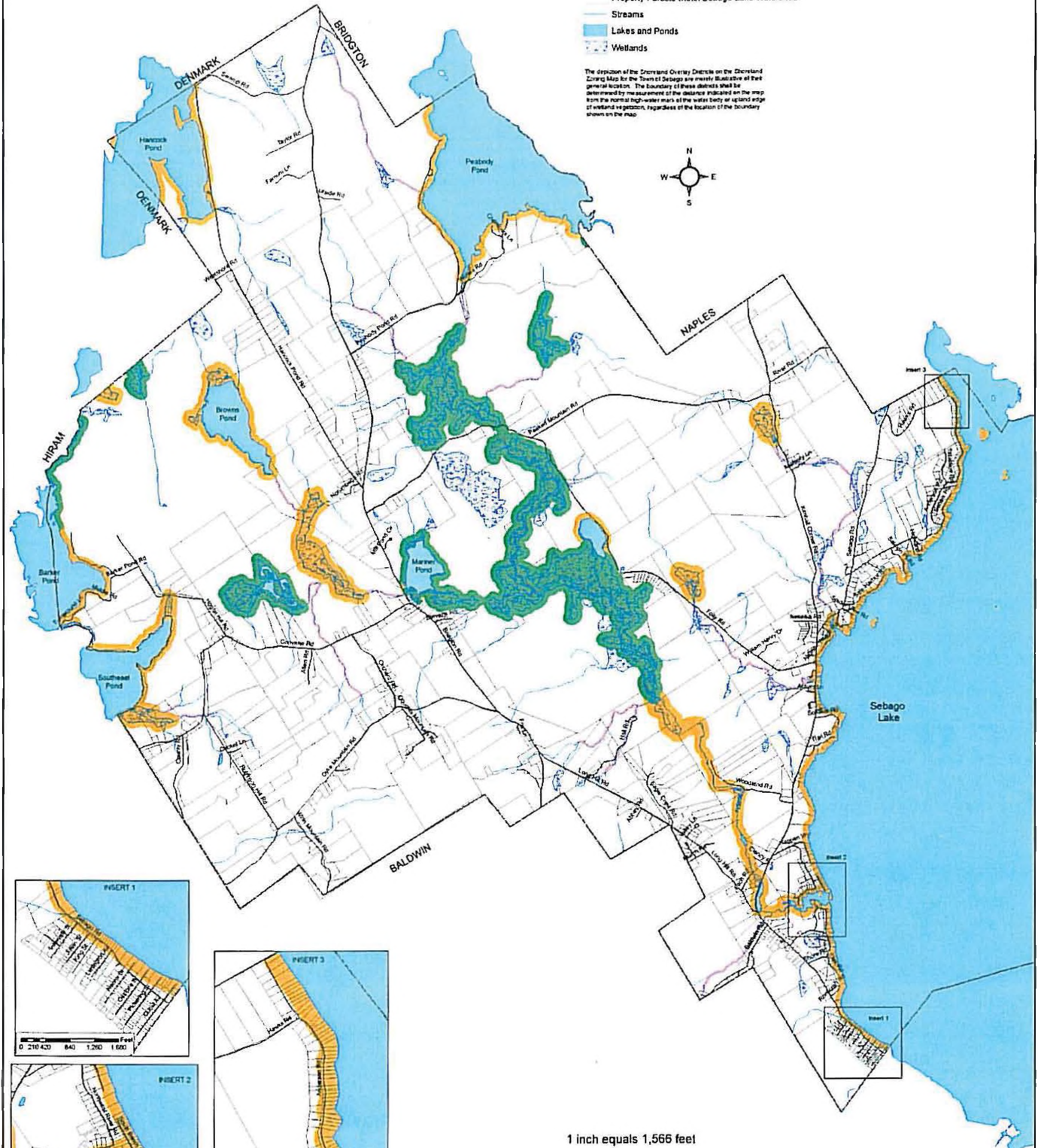
Adopted May 25th, 2010

Legend

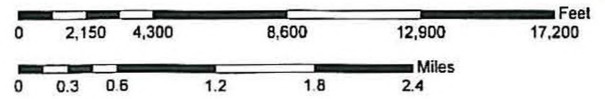
- Stream Protection District
- Resource Protection District
- Limited Residential District
- Town Boundary
- Roads
- Property Parcels within Sebago Lake Watershed
- Streams
- Lakes and Ponds
- Wetlands

Map created by
Lakes Environmental Association
February 2010

The depiction of the Shoreland Overlay Districts on the Shoreland Zoning Map for the Town of Sebago are merely illustrative of their general location. The boundary of these districts shall be determined by measurement of the distance indicated on the map from the normal high-water mark of the water body or riparian edge of wetland vegetation, regardless of the location of the boundary shown on the map.



1 inch equals 1,566 feet



Ordinance #03-01
Town of Sebago
Solid Waste Ordinance

Adopted: June 1, 2002
Amended: October 22, 2002
Amended: September 6, 2005

Purpose

This ordinance regulates the acceptance, transportation, and disposal of municipal solid waste generated within the borders of the Town of Sebago in order to protect the health, safety, and welfare of the residents and property owners thereof.

Section 1. Facility Use

- a. All residents, all property owners and resident businesses of the town shall have the right to use the solid waste facility operated by the town unless that privilege has been revoked as hereinafter provided.
- b. Use of the solid waste facility operated by the town shall be conditional upon display of the necessary permit.
- c. Permit stickers shall be available to residents and resident businesses only and must be renewed with each new automobile registration or as needed, beginning in 2002, on or before the date of registration of the vehicle to which the permit is affixed. Those wishing to obtain a permit must provide proof of a valid vehicle registration or other proof of residency in the Town of Sebago for each permit requested.
- d. Temporary permits for use of the solid waste facility may be issued to property owners and non-residents for the disposal of waste generated within the borders of the town. Those wishing to obtain a temporary permit must identify where the waste for which disposal is desired was generated.

Section 2. Authority of the Board

- a. The Town Manager or her/his designee shall have the authority to hire or appoint a "Solid Waste Manager" for the town.
- b. Establishment of Rules
 - 1) The Board has the authority and responsibility to establish rules as permitted or required by this ordinance.
 - 2) The Board may adopt or change any rule proposed in accordance with this ordinance only after consideration of said changes at a public meeting.
 - 3) The Board shall provide public notice seven (7) days in advance of the effective date of any rule adopted or changed by the Board except in the case of an "emergency."

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Solid Waste Ordinance

- c. The Board has authority to establish fees for disposal of construction and demolition debris, white goods, furniture, metals, and other acceptable waste, not to include municipal solid waste, generated within the borders of the town at the solid waste facility or facilities with which the town has disposal contracts. Those rules shall be based on but not limited to the following criteria:
 - 1) In the event that weight is difficult to determine, fees shall be levied on the basis of volume, determined as closely as possible. If reliable scales become available to the Town, fees shall be based on the basis of weight.
 - 2) All fees shall be levied in advance of disposal or deposit in receptacles at the solid waste facility for transfer to disposal site(s).
 - 3) Fees shall be based on the cost to the town for disposal and transportation of those wastes.
- d. The Board has authority to establish rules with respect to permits, such as placement of permits on vehicles, as deemed necessary.
- e. The Board has authority to establish operating hours for all town-owned solid waste facilities. These hours shall be established with the goal of providing the maximum safety and convenience to the greatest number of persons at the lowest possible cost.
- f. Board Authority as It Pertains to Commercial Haulers.
 - 1) The Board has authority to establish additional rules applicable to commercial haulers of waste including but not limited to requiring said haulers to transport collected materials to an end disposal site other than town-owned facilities.
 - 2) The Board shall also have authority to require additional information for licensing of commercial haulers as deemed necessary.
- g. The Board has authority to establish any other rules pertaining to the definition of illegal disposal deemed necessary for the protection of the health, safety and welfare of the residents of the town.
- h. The Board has the authority to establish additional rules regarding the transportation of waste within the borders of the town as are necessary to protect the health and safety of the residents of the town or to comply with State and/or Federal mandates.

Section 3. Solid Waste Manager

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- a. The Solid Waste Manager shall report to and work under the supervision of the Public Works Director and be given such authority as deemed necessary by the Board for the purpose of upholding State and Federal solid waste management laws, rules and regulations, the provisions of this ordinance, and any rules made in accordance with this ordinance.
- b. The Solid Waste Manager and/or the attendant(s) at the solid waste facility shall have the responsibility and authority to enforce established rules regarding fees for disposal and other rules.

Section 4. Commercial Haulers

- a. All commercial haulers, as defined herein, performing waste hauling services to residences, businesses, or any other entities for solid waste generated solely within the borders of the town must be licensed by the town annually.
- b. Information to be supplied by the commercial hauler in order to be licensed by the town shall include, but not be limited to:
 - 1) Proof of registration for each of the vehicles that will be used for waste hauling services.
 - 2) Proof of liability insurance in an amount no less than \$500,000 or as otherwise required by law and acceptable to the board.
- c. Fees for commercial hauler permits shall be established by rule. An annual fee of \$150.00 for each hauler permit begins as of October 1, 2005.
- d. Any commercial hauler who is not properly licensed shall be in violation of this ordinance.

Section 5. Transportation of Waste

- a. All waste transported over the roads, public or private, within the borders of the town must comply with State and Federal laws and standards.
- b. Failure to comply with the standards for transportation of waste established herein constitutes a violation of this ordinance, as well as State and Federal laws and regulations.

Section 6. Illegal Disposal

- a. Disposal of waste within the borders of the town at any location other than that which has been established by the Board shall constitute illegal disposal. Illegal disposal shall include the following:

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- 1) Disposal of waste in any location at the solid waste facility other than where instructed by attendant.
- 2) Disposal of waste in any location at the solid waste facility before or after designated operating hours.
- 3) Disposal of waste in any location within the borders of the town other than at the solid waste facility, or other approved locations.
- 4) Disposal of waste at the solid waste facility that is improperly prepared according to established rules.
- 5) Disposal of waste at the solid waste facility without displaying the proper permit(s) or paying any established disposal fees.
- 6) Disposal of any non-acceptable waste.
- 7) Disposal of any waste for which the solid waste facility has not been designed, licensed, and approved.
- 8) Composting of organic or agricultural materials on one's own property is not considered illegal disposal according to the provisions of State and Federal law and this ordinance.

Section 7. Hazardous Waste

- a. The dumping of any hazardous waste as defined in 38 M.R.S.A. Sec. 1303-A at the solid waste facility or other unapproved locations within the borders of the town is strictly forbidden, with the following exceptions:
 - 1) Waste motor oil, hydraulic fluid, and transmission fluid may be collected at the solid waste facility for safe transport if deemed appropriate by the Board.
 - 2) Household hazardous waste may be collected on designated collection days at the solid waste facility for safe transport in accordance with State and Federal laws as deemed necessary and appropriate by the Board.
 - 3) Items such as appliances which contain hazardous material within their normal working parts may be collected at the solid waste facility for safe transport as deemed necessary and appropriate by the Board.

Section 8. Violations

- a. Any person, business, or entity that violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of permit for a minimum of one year and a fine not to exceed \$100.00.
- b. Any commercial hauler who violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of town license for a minimum of one year and a fine not to exceed \$1,000.00.

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- c. Any person, business, or entity found in violation of this ordinance or any rule made in accordance with this ordinance shall be permitted to use the town solid waste facility only if twelve consecutive months have passed without their committing a subsequent violation.
- d. Any person, business, or entity charged with violation of this ordinance shall have the right to a hearing before the Board if so requested. A hearing shall be for the purpose of allowing both sides in the case to present testimony, both personal and from witnesses, which the Board shall consider in making its decision. In those cases where a penalty may be assessed the Board shall notify the person charged with violation of this ordinance of the right to a hearing. The person shall have seven (7) days from the date of notice to request a hearing, or that right will be considered waived. In the absence of a request for a hearing the Board shall make its decision based on the information available to it. All decisions of the Board are final.
- e. In addition to any of the civil penalties described herein, any person, firm or corporation found in violation of this ordinance or any rule made in accordance with this ordinance shall be liable to the town for all costs associated with the violation.

Section 9. Severability

- a. The invalidation of any section or part of this ordinance shall not invalidate any other section or part of this ordinance.

Section 10. Definitions

The following definitions apply to this ordinance.

- a. “Board” means the Board of Selectmen.
- b. “Commercial Hauler” means any person, firm, corporation, or partnership whose business is handling or hauling waste for compensation.
- c. “Construction and Demolition Debris” includes lumber, bricks, masonry, asphalt, shingles, insulation and other similar materials. It does not include asbestos.
- d. “Disposal” means the discharge, deposit, spilling, leaking or placing of waste into or on land, air or water.
- e. “Hazardous Waste” means any material or substance which, by reason of its compositions or characteristics, is defined as toxic or hazardous under the applicable laws, and any other material or substance which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous or otherwise ineligible for

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transfer through or disposal from a licensed transfer station or licensed disposal facility.

- f. “Municipal Solid Waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap metal, junk, refuse, inert fill material and landscape refuse, front end process residue from the processing of municipal solid waste, but shall not include septic tank sludge nor agricultural or hazardous wastes.
- g. “Non-Acceptable Waste” means any of the following: (i) hazardous waste; (ii) special waste; (iii) septic tank waste; (iv) liquid wastes or sludge; (v) water treatment residues; (vi) waste oil, propane tanks, and other flammable materials; (vii) metal industrial wastes or metal objects other than those commonly found and associated with ordinary household waste; (viii) abandoned or junk vehicles; (ix) dead animals or portions thereof, or any other pathological wastes; (x) tree stumps, yard waste, and brush; and (xi) waste which may reasonably be expected to cause jam-ups, slowdowns, stoppages, failures or damage to the transfer station or a licensed disposal facility.
- h. “Secure” with respect to transporting waste means containing said material in such a fashion as to prevent any of said material escaping from the vehicle during any stage of transporting said waste from initial location to the disposal site.
- i. “Solid Waste Facility” means the Town of Sebago licensed transfer station which has all applicable State permits, licenses, and approvals necessary to accept the municipal solid waste for temporary holding and processing pending transportation to a licensed disposal facility.
- j. “Town” means the Town of Sebago.
- k. “Waste” includes hazardous waste, solid waste, special waste, sludge, and septic tank waste.

Section 14. Effective Date

This ordinance shall take effect thirty (30) days following public notice given by the Board of its adoption.

Date Adopted: June 1, 2002

Attest: _____
Town Clerk

Amended: October 22, 2002

**Ordinance #03-01
Town of Sebago
Solid Waste Ordinance**

SEAL

**SPECIAL AMUSEMENT PERMIT ORDINANCE
OF THE TOWN OF SEBAGO**

The Town of Sebago hereby ordains that an ordinance entitled Special Amusement Permit Ordinance of the Town of Sebago be hereby adopted as follows.

**ARTICLE I
Title, Purpose, and Definitions**

SECTION 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Permit Ordinance of the Town of Sebago.

SECTION 102. AUTHORITY

This ordinance is enacted pursuant to the authority granted in Title 28-A, Section 1054 of the Maine Revised Statutes and the home rule power confirmed by Article VIII, of the Maine Constitution and Title 30-A Sections 2101, 2109 and 3001 of the Maine Revised Statutes.

SECTION 103. PURPOSE

The purpose of this Ordinance is to control, as required by Title 28-A, Section 1054, MRSA, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine, to sell liquor or malt liquor in the Town of Sebago.

SECTION 104. DEFINITIONS

- a) Entertainment. For the purposes of this Ordinance "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.
- b) Licensee. For purposes of this Ordinance the term "Licensee" shall include the holder of a license issued pursuant to the provisions of Title 28, MRSA, Liquors, as amended, or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license.

ARTICLE II General

SECTION 201. PERMIT REQUIRED

No licensee for the sale of liquor or malt liquor to be consumed on his licensed premises, situated in the Town of Sebago, shall permit on said licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen of Sebago, a Special Amusement Permit signed by at least a majority of the members of the Board of Selectmen.

Applications for all Special Amusement Permits shall be made in writing to the said Selectmen and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the class of permit desired; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Board of Selectmen in the issuing of the permit including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for anything, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the Town of Sebago.

The fee for a Special Amusement permit shall be Seventy-Five Dollars (\$75.00).

The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of the date the request was received, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.

The Board of Selectmen shall grant a permit unless it finds that the applicant has knowingly made an incorrect statement of a material nature on the application for a permit, that issuance of such a permit would be followed by licensee's violation of other municipal ordinances, or rules and regulations, articles, or bylaws, or will be detrimental to the public health safety or welfare.

A permit shall be valid only for the license year of the applicant's existing liquor license.

SECTION 201.1 CLASSES OF PERMITS

Special Amusement Permits granted by the Board of Selectmen shall be limited to the following classes:

Class A – Single Instrumentalist without mechanical amplification;

Class B – Single Instrumentalist and vocalist without mechanical amplification;

Class C – One or more vocalists and/or instrumentalists without mechanical amplification;

Class D – Any one of the above with mechanical amplification;

Class E – Dancing with any of above or accompanied by music produced by radio or another mechanical device,

And any permit granted shall be for one of the above noted classes. A licensee shall not permit on the licensed premises, any music, dancing or entertainment which exceeds that permitted by the class of his permit, during the period for which his permit is valid as otherwise determined by this Ordinance.

During the period for which his license is valid, the licensee may reapply for a new Special Amusement Permit, if he elects to permit dancing, music, or entertainment which exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this Ordinance with respect to applications for a Special Amusement Permit in general including the payment of the permit fee of Seventy-Five Dollars (\$75.00).

A violation of this section by a licensee shall be grounds to revoke or suspend his permit and/or to refuse to grant a permit upon subsequent application by the same licensee.

SECTION 202. APPLICATIONS

The application for a Special Amusement Permit shall set forth the type of music and entertainment intended by the applicant to be permitted on the licensed premises and whether dancing is permitted.

SECTION 203. SUSPENSION OR REVOCATION OF A PERMIT

The Board of Selectmen may suspend or revoke a Special Amusement Permit which was issued under this Ordinance if the permit holder is in violation of any provision of this Ordinance or has knowingly made an incorrect statement of a material nature on the application for a permit. Determination of the severity of the

violation and whether a suspension or revocation is warranted shall be made by the Board of Selectmen after a public hearing preceded by notice to interested parties.

Upon complaint or complaints of any person or persons that there are grounds to revoke said permit, and said complaint or complaints having been found by the Board of Selectmen to be valid, after hearing as hereinbefore provided, the Board of Selectmen may warn the licensee that unless the cause or causes of said complaints are removed forthwith, that said permit will be revoked suspended after a subsequent hearing concerning same.

SECTION 204. PERMIT AND APPEAL PROCEDURES

- a) Any licensee requesting a Special Amusement Permit from the Board of Selectmen shall be notified in writing of its decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit which has been denied, except with the consent of the Board of Selectmen.
- b) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Sebago Board of Selectmen for their reconsideration. The Board of Selectmen may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or a violation of this Ordinance, or that the denial, revocation or suspension was arbitrary or capricious or that the denial, revocation or suspension was not based by a preponderance of the evidence, on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality or on a material incorrect statement on the permit application.

SECTION 205. ADMISSION

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a Special Amusement Permit may charge admission in designated areas approved by the municipal Special Amusement Permit.

ARTICLE III
Penalty, Separability and Effective Date

SECTION 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be deemed guilty of a criminal offense and upon conviction thereof, shall be penalized by a fine not exceeding \$1000.00.

Any violation of this Ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

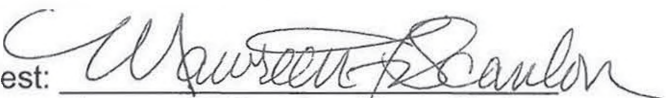
SECTION 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

SECTION 303. EFFECTIVE DATE

The effective date of this Ordinance shall be June 2, 2018.

Adopted on: June 2, 2018

Attest: 
Maureen F. Scanlon, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Street Light

Section 1. Purpose

The purpose of this ordinance is to establish a policy and process for street lights installed and removed by the Town of Sebago. This ordinance establishes a policy and process for the acceptance of a street light installed by an entity other than the Town of Sebago.

Section 2. Street Light Policy

The purpose of street lights owned by the Town of Sebago is to provide for traffic and pedestrian safety along public ways. The major objective is to reduce motor vehicle and pedestrian accidents by illuminating hazards. Street lights shall also be used to illuminate town-owned property for safety purposes. This policy will allow the Town of Sebago to be fiscally responsible in the removal or installation of street lights.

Section 3. Street Light Committee.

The Board of Selectmen of the Town of Sebago shall act as the Street Light Committee to provide a method of determination for the installation or removal of street lights and to assume responsibility of an existing streetlight.

- The Board of Selectmen shall have the authority to consider and recommend action on the need for removal and/or installation of street lights on the public ways of the Town of Sebago.
- The Board of Selectmen shall make its decisions upon findings of fact by a majority vote and a recommendation shall be forwarded to the Town Manager for action.
- The Board of Selectmen may, from time to time, review existing street lights in the Town of Sebago and make recommendations to the Town Manager for removal according to the criteria of this ordinance.

Section 4. Procedure for Street Light Changes.

- Any citizen of the Town of Sebago may request the installation or removal of a street light. Additionally, a citizen may request the Town to assume financial responsibility of an existing street light. The request for a street light shall include the following information:
 - An application provided by the Town office and completed by the petitioner
 - An identification of the public way and pole on which the requested streetlight would be installed
 - A description of the situation demonstrating the need for a streetlight
 - Proof of notification of immediate abutters and property owners within a 500 foot radius of the streetlight.
 - Upon receipt of the application, the Board of Selectmen shall review the information to evaluate conformance to the purpose and criteria of this ordinance.
 - The Board of Selectmen shall make its decision and a recommendation shall be forwarded to the Town Manager for action.
- d. The Board of Selectmen shall hold a public hearing and act on the request.

Section 5. Installation, Assumption of Financial Responsibility and Removal.

- The Town of Sebago may install, pay for, or assume financial responsibility for street lights in the following instances:
 - Street Intersections
 - Dangerous curves
 - Dry hydrants
 - Public Safety Buildings and Town owned buildings

- Areas with high pedestrian activity
- The Town of Sebago shall not install, pay for assume financial responsibility for street lights in the following instances:
 - Illumination of private property
 - Illumination of private driveways, business entrances, and entrances to private ways.

Section 6. Severability.

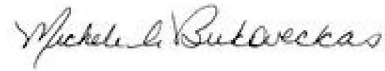
In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be effected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 7. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of

Adopted: May 25, 2010

A true copy attest:



Michele A. Bukoveckas, Town Clerk

Town of Sebago

406 Bridgton Road (Route 107) Sebago, Maine 04029
ph: (207) 787-2457

Telecommunications Towers

Proposed Telecommunications Towers, Antennas and Associated Facilities Ordinance

SECTION 1. PURPOSE

This Ordinance is designed and intended to balance the interest of the residents of the Town of Sebago, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the town. These purposes are also intended:

- A. To minimize the adverse impact of such facilities including visual impacts, environmental impacts, impacts to historically significant areas, health and safety impacts and property value impacts.
- B. To encourage co-location of carriers and minimize the total number of towers located within the town.
- C. To permit: the construction of new towers only where all of her reasonable opportunities have been exhausted.
- D. To encourage the users of towers and antennas to configure them in a way that minimizes the need for additional towers in the Town of Sebago.
- E. To provide for the removal of structures which are no longer being used for telecommunications purposes.

SECTION II. DEFINITIONS

Alternative Tower Structure- shall mean clock towers, bell steeples, light poles and water towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna – shall mean any exterior apparatus designed for commercial transmission of telephonic, radio, or television, or similar communications through the sending and/or receiving of electromagnetic waves.

Go-Location – shall mean the location of more than one telecommunications facility (use) on a tower or alternative tower structure.

FAA – shall mean the Federal Aviation Administration.

FCC – shall mean the Federal Communications Commission

Height – shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Telecommunications Facility – shall mean any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Telecommunications facilities shall be considered a principal use.

Threshold Height – shall mean the height , as defined above, below which a telecommunications facility does not need review and approval as a special exception, unless otherwise noted herein.

Tower – shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

SECTION III. PERMITS REQUIRED

- A. All new telecommunications facilities which exceed 35 feet in height in the shoreland zone and all towers exceeding 70 feet in all other areas must acquire and conform to the requirements of a permit from the Planning Board.
- B. New telecommunications facilities below those threshold heights shall be considered a permitted accessory use, and shall need only a building permit from the Code Enforcement Officer, if such telecommunications facility is accessory to a principal use on the lot and is used for the private communications of the owner or business location on the lot.
- C. All telecommunications facilities proposing to locate on existing towers or alternative tower structures below the threshold heights as set forth above shall conform to the requirements of a building permit for the Code Enforcement Officer.
- D. All other telecommunications facilities below the threshold heights as set forth above shall conform to the requirements of a building permit from the Code Enforcement Officer.

SECTION IV. APPLICATION PROCEDURE

- A. All applications under this section shall be reviewed by the Planning Board of the Town of Sebago in accordance with the procedure, standards and submission requirements of The Sebago Site Plan Review Ordinance and the Sebago Shoreland Zoning Ordinance as applicable.
- B. All activities that require a permit in accordance with this Ordinance shall have an application submitted to the Code Enforcement Officer. The Code Enforcement Officer, after reviewing the application to determine if it contains sufficient information, as required below, will schedule for the next available Planning Board meeting.
- C. Each applicant for a permit under this Ordinance shall submit a scaled plan and application in accordance with the following requirements:
1. Location of the proposed structure, including map/lot number and street address.
 2. Name of owner or operator of the telecommunications facility and owner of property.
 3. Proof of right, title and interest to use the property on which the telecommunications facility is proposed.
 4. Name of company(ies) responsible for constructing and/or maintaining the telecommunication facility.
 5. Date the telecommunication facility, in cases of co-location, was initially constructed or is proposed to be constructed.
 6. A description and construction detail of the telecommunication facility, including: plot plan identifying location of the tower on the property; dimensions of the tower; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are essential to operation of the telecommunication facility.
 7. A topographic map, drawn at a scale of 1 inch = 50 feet (or other appropriate scale as determined by the Planning Board) of the property proposed as location of the structure. The topographic map shall identify: accurate contours at not less than 5 foot intervals (or other dimensions of the property; appropriate scale as determined by the Planning Board) existing vegetation, particularly noting height, diameter, density, quality, and type (deciduous or evergreen) of existing trees, wetlands, floodplains, streams and open bodies of water; ledge outcrops; soils data, medium intensity; all existing structures on the property; and any right-of-ways, easements, or similar encumbrances on the property; and other significant features.
 8. A locus map drawn at a scale of not less than 1 inch = 100 feet (or other appropriate scale as determined by the Planning Board) that identifies all properties, all residences, all non-residential structures, all roads and the natural topography (vegetation and contours at 20 foot intervals) of the area located within a radius of 1000 feet of the proposed telecommunication facility location.
 9. A landscape plan prepared at a scale of 1 inch = 50 feet (or other appropriate scale as determined by the Planning Board); that identifies how the applicant shall satisfy landscape, screening and buffering requirements.

10. A visual impact analysis prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact on properties located within 500 feet, within 2,500 feet and within 2 miles of the proposed telecommunication structure. This analysis will include recommendations to mitigate adverse visual impacts on such properties.
 11. An analysis prepared by a qualified professional that describes why this site and structure is critical to the operation for which it is proposed. The analysis shall address, at a minimum, existing and proposed service area maps; how this structure is integrated with other company operations, particularly other structures in the Sebago and surrounding communities; future expansion needs in the area; the affect on company operations if this structure is not constructed in this location; other sites evaluated for location of this structure and how such sites compare to the proposed site; other option, if any, which could be used ot deliver similar services, particularly if the proposed equipment can be co-located (shared use) on an existing structure; and an analysis to the projected life cycle of this structure and location.
 12. Certification by a structural engineer that construction of the structure shall satisfy all Federal, State and Local building code requirements as well as be able to satisfy the needs of maximum permitted co-location at the site (as approved by the Planning Board) per the height limits of the applicable zoning district.
 13. Payment of all required performance guarantees as a condition of plan approval- with a note on the plan so stating.
- D. The Planning Board has discretion to request additional information to proceed with the review process.
- E. All applications shall be accompanied by fees as follows:
- \$0-\$10,000 value.....\$35.00
Over \$10,000 value....\$35.00 + \$5.00 per additional \$1,000

SECTION V. REVIEW PROCEDURES

- A. The Planning Board shall schedule a public hearing within forty-five (45) days of taking up the completed application. Notification of the hearing shall be provided:
1. By the Applicant in writing, at least ten (10) days prior to the hearing, to all owners of property that directly abut or are located within one thousand (1,000) feet of any property line of the property for which the permit is requested. (Notice to the owners within the first 500 feet shall be by certified mail, the remaining notices shall be by first class mail.) Notice shall also be given to any town located within 1,000 feet of the proposed telecommunications facility. The applicant also shall present proof of such notification to the Code Enforcement Officer. The notification shall include: the name of the applicant location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties.
 2. By the Town posting notice of such hearing in Town Hall a minimum of ten (10) days in advance of the hearing.
 3. By the Town advertising in a newspaper of general circulation notice of the hearing a minimum of ten (10) days in advance of the hearing.
- B. The Planning Board will, after a public hearing and sufficient review of the application, issue Findings of Facts which outline the reasons it approves or denies the telecommunications structure application. The Board shall use the standards identified in The Sebago Site Plan Review Ordinance as well as those noted below (Section VI) to make its decision. The Planning Board may establish reasonable conditions to ensure conformity with the purposes of this Ordinance and the Town of Sebago Comprehensive Plan.

SECTION VI. REVIEW GUIDELINES

The Planning Board will be guided in its consideration by the following standards:

1. Height of proposed tower or other structure does not exceed that which is Essential for its intended use and public safety.

2. Proximity of tower to residential development or zones.
3. Nature of uses on adjacent and nearby properties-
4. Surrounding topography
5. Surrounding tree coverage and foliage
6. Design of the tower, antenna, or facility with particular reference to design