1986

Town of Randolph Ordinances

Randolph (Me.). Town Departmental Leadership

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DOG CONTROL ORDINANCE

#1760. Dogs to be licensed
No dog shall be kept within the limits of the Town of Randolph unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Maine.
For the purpose of this Chapter, “Owner” shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

#1761. Dogs running at large
No owner of any dog shall permit such dog to run at large within the Town of Randolph.
For the purpose of this Chapter, “Run at large” shall mean off the premises of the owner and not under the control of any person by leash, cord, chain or otherwise.

#1762. Barking dogs
No owner shall keep or harbor any dog which by loud, frequent, or habitual barking, howling or yelping shall disturb the peace of any person or persons.

**** #1763. Impoundment
Any police officer or animal control officer of the Town of Randolph on complaint shall apprehend any dog kept in violation of the licensing provision of #1761 or disturbing the peace by barking in violation of #1762, and impound such dog in a suitable place.
The person in control of impounding upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed or unlicensed. If licensed he shall enter the name and address of the owner and the number of the license tag.

#1764. Notice of Impoundment
If the owner or keeper of such impounded dog is know or can be ascertained with reasonable diligence, then the person in control of impounding shall notify such owner or keeper as soon as possible, and in any case not later than 3 days of the receipt of such dog. If the owner of such dog is not known and cannot be ascertained with reasonable diligence, then the person who has control of impounding shall deliver such animal to suitable place.

**** #1765. Release from Impoundment
The owner or keeper of any impounded dog or cat may obtain the release of such dog or cat by appearing before the person in control of impounding within 10 days of receiving notice of such impoundment and satisfy the following requirements: (a) compliance with all licensing requirements of the State of Maine and Town of Randolph, (b) payment to the Town Treasurer of impoundment fee of $20.00 (c) payment to the Town Treasurer of the sum of $5.00 for transporting the same.

**** #1766. Disposition of dogs or cats
Upon the expiration of the 10 day period and such dog or cat has not been reclaimed by its owner or keeper, the dog or cat may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance.
The person having control of impounding shall keep a record of the disposition made of each dog or cat placed in his control. Such record shall include the manner of disposing of such
dog or cat and, if such dog or cat is transferred to another person, the name and address of the transferee. In addition, the transferee shall sign a statement giving his name, address and the date of delivery of receipt of the dog or cat.

#1768. Penalties

Any person who fails to comply with the provisions of the Ordinance shall be punished by a fine of not less than $75.00, nor more than $400.00, plus reasonable attorney’s fees and costs incurred by the Town of Randolph, Maine, recoverable in a civil action in Maine District Court. The Town of Randolph or any appropriate officer may institute proceedings to enjoin dilations of this Ordinance. Any fines imposed under this Ordinance shall revert to the Town of Randolph.

#1768B. This ordinance replaces any other ordinance which may be in force at the present time.

Presented at Special Town Meeting: January 2, 1991

Enacted by vote, January 2, 1991

**** Amendment presented at Town Meeting July 23rd, 2003

**** Enacted by vote July 23rd, 2003
E-911 Addressing Ordinance

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 Randolph.

Section 2. Authority

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

Section 3. Administration

This ordinance shall be administered by the Board of Selectmen, 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 shall also be responsible for maintaining the following official records of this ordinance:

a. A Randolph map for official use showing road names and numbers.

b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System.

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

The following criteria shall govern the naming system:

a. No two roads shall be given the same name (e.g. no Brookview Drive and Brookview Court).

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 and the name will be a distinct word with no numeric references.
d. If a road must be named or renamed, the residents of the road will have the opportunity to,
propose the new name, subject to final approval by the Board of Selectmen.

Section 5. Numbering System

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

The following criteria shall govern the numbering system:

a. All number origins shall begin from the Randolph/Chelsea townline on Route 9 and ascend in a
southerly or easterly direction. For dead end roads or cul-de-sacs, numbering shall originate at
the intersection of the adjacent road and terminate at the dead end, in most cases.

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

c. Every structure with more than one principle use or occupancy shall have a separate number
for each use or occupancy. (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 50 (fifty) feet
of the edge of the road right-of-way, the assigned number shall be displayed on the front of the
residence or structure in the vicinity of the front door or entry.

b. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet
from the edge of the road right-of-way or it cannot be seen from the road the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the
property line adjacent to the walk or access drive to the residence or structure.

c. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by
the Board of Selectmen and shall be located as to be visible from the road in all seasons when
considering the presence of snow banks and/or tree branches. The numbers should be a
contrasting color from its surface, preferably reflective and be at least three inches tall.

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

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

Section 7. New Developments and Subdivisions

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

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

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

Section 8. Effective Date

This ordinance shall become effective as of the date of Town Meeting acceptance. It shall be the duty of the Board of Selectmen to notify by mail each property owner and the Post Office of their new address at least 30 (thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

It will be the duty of the Code Enforcement Officer to enforce all provisions of this Ordinance. Failure to comply with this Ordinance could possibly put any resident at risk due to delayed emergency response time, confusion, and possible adverse consequences to anyone in need of emergency services.

Signed by:

Robert Davis, Selectman
R. Gloria Mansir Fitzherbert, Selectman
Peter B. Oakes, Selectman

Attested:
Purpose
It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., and the Town’s Home Rule authority pursuant to Title 30-A, MRSA, section3001, to ensure the complete and efficient utilization of the Town’s facilities and resources to combat disaster as defined herein.

Definitions
The following definitions shall apply in the interpretation of this ordinance:

**Emergency Management Agency**: “Emergency Management Agency” means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

**Emergency Management Agency Forces**: “Emergency Management Agency Forces” shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

**Director**: “Director” means the director of the Town of Randolph Emergency Management Agency, appointed as prescribed in this ordinance.

**Disaster**: “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

Organization
The Town Selectboard shall be responsible for the agency’s organization, administration and operation. The Town Selectboard may employ such permanent or temporary employees as they deem necessary and prescribe their duties.

The Town Selectboard shall review the existing operational organization to ascertain the agency’s ability to cope with its responsibilities and shall approve the Town’s Emergency Operations Plan.

Appointment of Director; Duties and Responsibilities
The Town Selectboard shall appoint an Emergency Management Director, who shall coordinate the activities of all town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Town Selectboard.
Rules and Regulations
The Emergency Management Director shall prepare, under the direction of the Town Selectboard such policies as may be deemed necessary for the administrations and operational requirements of the agency, policies must be approved the Town Selectboard prior to becoming effective.

Emergency Proclamation
The Town Selectboard shall have the power and authority, after consultation with the Emergency Management Director of the town, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the town. If the Town Selectboard is temporarily absent from the town or otherwise unavailable, the person designated by the Town Selectboard may issue the proclamation that an emergency exists. If neither the Town Selectboard nor the person designated to act in the Town Selectboards’ absence are available), then the following persons shall have power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, the Police Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk.

Notwithstanding the above, when consultation with the Selectboard would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the town Emergency Management Director, or his/her successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town.

The Town Selectboard and the Emergency Management Director shall be responsible for submitting a full report of all actions taken as a result of the declared emergency. Report will include reports from all department heads and be submitted at the next Selectboard meeting.

Termination of Emergency
When the Town Selectboard, Emergency Management Director and their successors as outlined above is satisfied that a disaster or civil emergency no longer exists, they shall terminate the emergency proclamation by another proclamation affecting the sections of the Town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the town clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the Town Selectboard.

Town Selectboard Duties and Emergency Powers
During any period when an emergency proclamation is in effect, the Town Selectboard may promulgate such regulations as they deem necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the town;
2. Regulations facilitating or restricting the movement of persons within the town;
3. Regulations pertaining to the movement or persons from hazardous areas within the town;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, or town ordinance of the Town of Randolph, or to grant any official the ability to act contravention of any state or federal law or regulation.
Town Of Randolph

Emergency Management Ordinance

The Town Selectboard or their designee may order the evacuation of persons from hazardous areas within the town.

The Town Selectboard or their designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivisions under the provisions of Title 37-B, M.R.S.A.

The Town Selectboard may obtain vital supplies, equipment and other items found lacking and needed to the protection of health, life and property during an emergency without the following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

Emergency Operational Plans

The Emergency Management Director shall prepare an all hazard emergency operational plan for the town, in accordance with Title 37-B MRSA, section 783 which shall be submitted to the Town Selectboard for approval. A copy of the plan shall be made available at the Town office.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Town Selectboard in conjunction with all the town department heads and the Emergency Management Director.

Membership of the Emergency Operations Center:

When directed by any one of the Selectboard or by the EMD, the EOC will be established and manned. At the discretion of the Selectboard or EMD, the following town officials may be included on the EOC staff:

- A. Selectmen
- B. Emergency Management Director
- C. Town Clerk and Treasurer
- D. Code Enforcement Officer
- E. Town Police Chief
- F. Fire Chief or Deputy
- G. Fire Warden
- H. Road Commissioner
- I. Animal Control Officer

Establishment of the National Incident Management System:

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

Compensation

The EMD shall be compensated for duties rendered by a stipend set at the discretion of the Selectboard.
Violation of Regulations
Violators of the provisions of this ordinance may be subject to civil penalties set forth below and to state law penalties as set forth in Title 37-B MRSA, section 786.

Penalty
Any person, firm or corporation violating any provision of this ordinance or any rule or regulations promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) and the costs of prosecution.

Severability
Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

Conflicting Ordinances, Orders, Rules and Regulations Suspended.
At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

Signed Selectboard members

Ruth Botkin
Peter Hanley
Robert Davis

Date 7/26/06

Annual Town Meeting vote
November 12th, 1991

Town of Randolph

PROVISIONS, RULES AND REGULATIONS RELATING TO ENTRANCES TO ROADS

The Town of Randolph, by its Board of Selectmen, pursuant to Title 21, Maine Revised Statutes Annotated, Section 704 & 705, does hereby adopt the following provisions.

FIRST: That the applicant is the owner of the property and that any driveway or approach constructed by him is for the bona fide purpose of securing access to his property and nor for the purpose of parking or servicing vehicles on the Road Right of Way.

SECOND: That no driveway, approach or other improvement constructed on the right of way as an exercise of an Entrance Permit shall be relocated or its dimensions altered without written permission of the Board of Selectmen or its authorized agent.

THIRD: That the Applicant and Permittee agrees to hold harmless the Town of Randolph and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an Entrance Permit.

FOURTH: The location, design and construction of the driveway or driveways shall be in accordance with the following rules and regulations:

RULES AND REGULATIONS:

(A) SIGHT DISTANCE
All driveways shall be so located that vehicles approaching or using the driveway will be able to obtain adequate sight distance in both directions along the road or to maneuver safely and without interference with traffic.

(B) RIGHT OF WAY USES
Occupancy of the road right of way by structures, installations or paving not connected with driveway uses specifically prohibited.

(C) DESIGN
Driveway design and other details shall be in accordance with the attached “Standard Plans for Driveway”. These plans shall be considered part of these Rules and Regulations.

(D) GRADE
In areas without sidewalk or curb and gutter, the grade of driveways shall in general slope away from the road surface at a rate of not less than one-quarter (1/4) inch per foot, nor more than one (1) inch per foot for a distance of not less than prevailing width of shoulder.

In areas with sidewalk, the grade of the driveway must match the grade of the back edge of the sidewalk, whenever possible.
In areas with curb and gutter, the gutter grade must be maintained across the driveway, and a two (2) inch thick paved apron a minimum of three (3) feet wide (as measured back from the edge of the existing pavement) for the width of the driveway plus eighteen (18) inches, each side of the driveway. All expenses of this apron shall be the responsibility of the applicant or permittee.

(E) NUMBER AND WIDTH OF DRIVEWAYS
The number of driveways and maximum width of each driveway must be in accordance with the following table:

<table>
<thead>
<tr>
<th>ROAD FRONTAGE</th>
<th>NO. OF DRIVEWAYS</th>
<th>DRIVEWAY WIDTH (FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 50’</td>
<td>one (1)</td>
<td>thirty (30) / forty (40)</td>
</tr>
<tr>
<td>50’ to 200’</td>
<td>two (2)</td>
<td>thirty (30) / thirty (30)</td>
</tr>
<tr>
<td>More than 200’</td>
<td>two (2) per 200’</td>
<td>thirty (30) / thirty (30)</td>
</tr>
</tbody>
</table>

(F) SEPERATION BETWEEN MULTIPLE DRIVES
Separation islands between multiple driveways, where culverts are not required or the culverts are continuous between driveways, shall be raised not less than six (6) inches above the surface of the adjacent driveways. The separation islands must be seeded or sodded. Some form of the curbing of the separations is desirable. If an open ditch is used between driveways having separate culverts, the raised section is not necessary and the separations island shall be graded to drain the ditch.

(G) CURB, SIDEWALK OR GUTTER CUTS
When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalk, curbing or curb and gutter at the break points of the driveway. All materials are to match existing material as close as possible. Curbing ends shall slope to the driveway grade for a distance of at least eighteen (18) inches from the edge of the driveway.

(H) DRAINAGE
Drainage in road ditches shall not be altered or impeded and the applicant must provide, at his expense, suitable and approved drainage structures at all entrances. Surface drainage shall be provided so that all surface water on the areas adjacent to the highway shall be carried away from the highway.

(I) CULVERTS
Where required, by the location of the proposed driveway, the applicant or permittee must furnish at his expense a new corrugated galvanized steel, corrugated aluminum or a reinforced concrete culvert a minimum of fifteen (15) inches in diameter a minimum length of twenty-four (24) feet. The size and adequacy of the proposed culvert must be approved by the Board of Selectmen or their authorized agent prior to installation.
Installations utilizing bridges or other unusual designs shall be considered special cases and will be considered only after detailed plans and specifications have been submitted to the Town for approval. These special cases may require special studies, the expense of which shall be paid by the applicant, prior to the issuance of permits.

(J) APPLICATION
The applicant shall furnish with the Town Application Form, two (2) copies of plans or sketches showing the proposed driveway locations, width and arrangement; distance between entrances; set back of buildings, gasoline pumps, etc., in relation to the center line of the traveled way and the road right of way line; length, size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter and/or sidewalks, and the proposed location and size of new pipes, culverts, catch basins or manholes, curbing, etc.

(K) COMPLIANCE
The Applicant or Permittee shall comply with all regulations, pertinent Town Ordinances and pertinent State Statutes. Prior to the start of construction, copies of all other required permits, if applicable, such as Flood Hazard Development Permit, Shoreland Zoning Permit, D.E.P. Site Location Permit, etc. must be files with the Town Office.

Persons not complying with these rules will be subject to an assessment of at least fifty (50) dollars, but not over five hundred (500) dollars per occurrence, plus costs of removal of illegal installations. The Board of Selectmen shall determine the amount of assessment, based on the facts of each individual case. The Code Enforcement Officer is the Board of Selectmen’s authorized agent for issuing permits and enforcing these rules and regulations. The Applicant or Permittee agrees to pay all attorney fees and court costs, if required to enforce these rules and regulations.

(L) COMMERCIAL & PUBLIC USES
The driveways to and from outdoor theaters, ball parks, recreation centers, shopping centers or malls, restaurants, convenience stores, gas stations, public gathering places, etc. shall be considered special cases and will be considered only after detailed plans and specifications have been submitted to the Town for approval. These special cases may require special studies, such as, but not limited to, traffic studies, the expense of which shall be paid by the applicant, prior to the issuance of permits.

(M) SETBACKS
In order to provide adequate parking off the road right of way and for the convenience of customers and to protect the traveling public, the Town of Randolph urges adequate setback from the line of the Road right of way for all structures, road stands, gasoline pumps and other installations serving the passing motorist.
APPLICATION AND PERMIT FEES
A non-refundable application fee is required at the time the application is made. The fee must be submitted with the application, before it will be processed. The fees will be in accordance with the following schedule.

APPLICATION AND PERMIT FEE SCHEDULE:

Single Family Residence  -  $10.00
All Other Uses  -  $25.00
APPLICATION FOR ENTRANCE TO ROAD PERMIT

APPLICANT’S NAME:

APPLICANT’S MAILING ADDRESS:

APPLICANT’S PHONE NUMBERS:

DAYS

EVENINGS

PROPERTY SITE LOCATION:

STREET AND NUMBER OF DESCRIPTION

OF LOCATION IN RURAL AREA BY

REFERENCER TO KNOWN LANDMARKS

In accordance with Provisions, Rules and Regulations relating to Entrances to Roads adopted by the Board of Selectpersons pursuant to Title 23 Maine Revised Statues Annotated, Section 704 & 705, Application is hereby made to construct an entrance to the property described above for the purpose of entering a:

SINGLE FAMILY RESIDENCE ( ), MULTI-FAMILY RESIDENCE ( ), GAS STATION ( ),
RESTAURANT ( ), STORE ( ), STAND ( ), OTHER ( )

The following in information in regard to the location and requested entrance (s):
FRONTAGE ON ROAD: ______ FT. DEPTH ______ FT. NO. OF ENTRANCES REQUESTED:
_______ PROPOSED WIDTH: ______ FT. SET BACK FROM ROAD R/W LINE: TO BUILDINGS:
_______ FT. TO GAS PUMP BASES: ______ FT. SURFACE OF PROPOSED DRIVE: ______
PROPOSED START DATE: ______________ PROPOSED FINISH DATE: ______________

DRAW A SCETCH ON THE BACK OF THIS SHEET SHOWING PROPOSED ENTRANCE WITH
DIMENSIONS TO LOT LINES AND OTHER NECESSARY INFORMATION.

THE APPLICANT HEREBY CERTIFIES AND AGREES:

1) THAT HE/SHE IS THE OWNER OF THE PROPERTY DESCRIBED ABOVE.
2) TO PROVIDE, ERECT AND MAINTAIN ALL NECESSARY SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC WHILE THE WORK IS IN PROGRESS.
3) THAT THE ROAD SHALL AT NO TIME BE CLOSED TO TRAFFIC.
4) IN ALL CASES NOTIFY THE TOWN PUBLIC WORKS DIRECTOR OR TOWN OFFICE AT LEAST 24 HOURS BEFORE STARTING WORK ON THE ENTRANCE.
5) TO CONTRACT AND MAINTAIN THIS ENTRANCE APPROACH IN ACCORDANCE WITH TOWN OF RANDOLPH PROVISIONS, RULES AND REGULATIONS.
6) TO PAY FOR ANY CULVERTS AND/OR OTHER DRAINAGE STRUCTURES WHICH MAY BE NECESSARY FOR DRAINAGE. THE SIZE, TYPE AND LENGTH OF CULVERTS TO BE AS REQUIRED BY THE TOWN OF RANDOLPH.
7) THE APPLICANT AGREES TO PAY ALL DAMAGES, FINES AND PENALTIES FOR WHICH HE/SHE SHALL BECOME LIABLE AND SHALL INDEMNIFY AND SAVE HARMLESS THE TOWN OF RANDOLPH AGAINST ALL SUITS, CLAIMS, DAMAGES AND PROCEEDINGS OF EVERY KIND ARISING OUT OF THE CONSTRUCTION, MAINTENANCE AND USE OF THE ENTRANCE APPROACH, INCLUDING SNOW REMOVAL.

FORM 91023-3.CEO
_________________________________________ SIGNATURE OF APPLICANT
FIREWORKS ORDINANCE

Town of Randolph, Maine

This Ordinance governs the Discharge and Possession of Fireworks in the Town of Randolph, Maine. The Sale of Consumer Fireworks in the Town of Randolph shall be governed by current Maine law (Title 8 M.R.S.A Section 223-A and as amended.)

Any property owner seeking to discharge consumer fireworks as defined and permitted under Title 8 M.R.S.A. Section 223-A, within the Town of Randolph, shall follow the rules prescribed in this ordinance.

Requirements:

Consumer fireworks shall not be ignited by any person under the age of 21.

Consumer fireworks shall not be ignited within 50 feet of any structure, overhead utilities, or woodlands. This part of the ordinance does not apply if a State licensed commercial fireworks contractor is discharging commercial fireworks.

Consumer fireworks shall not be ignited by any person under the influence of alcohol or drugs. Any consumer fireworks user found to be impaired by the consumption of alcohol and/or use of drugs shall be in violation of this ordinance.

All consumer fireworks users are required to have a means of fire extinguishment readily accessible including, but not limited to, a garden hose or a fire extinguisher.

Consumer fireworks shall only be discharged between the hours of 5:00 p.m. and 10:00 p.m., except on the following dates they may be used between the hours of 5:00 p.m. and 12:30 a.m. the following day:

(1) July 4th
(2) December 31st; and
(3) The weekends immediately before and after July 4th and December 31.

The use of consumer fireworks is only permissible on days when the fire danger day is Class 1, Class 2, or Class 3.

The use of consumer fireworks is strictly prohibited on Class 4 and Class 5 fire danger days or at times when a red flag fire warning has been issued by the State of Maine Forest Service. (Telephone: 1-800-750-9777 – website: www.maine.gov/doc/mfs/ fpd/pages/Maine_Wildfires.html)
Violations and Enforcement:

Failure to comply with any provision of this ordinance shall result in:

   a) First offense: written warning for a period of twenty-four hours.
   b) Second offense: $300.00 fine and a prohibition on consumer fireworks user for a period of 7 calendar days
   c) Third offense: $600.00 fine and prohibition on the consumer fireworks user for a period of three hundred sixty-five calendar days.

All fines shall be paid to the Town of Randolph and deposited into the general fund account.

Any complaint received by the Town of Randolph regarding a consumer fireworks display shall be investigated by the Randolph Constable or other duly authorized law enforcement officers. If the consumer fireworks use is found to be in violation of state law or local ordinance or deemed to be unsafe to the public by the enforcement authorities, the fireworks user shall cease and desist or be subject to the fines listed above.

Any three complaints on different days from neighbors will result in a total ban being placed on the consumer fireworks use and the land owner and no fireworks shall be set off by the violator or on the land of the property owner.

All consumer fireworks users shall be financially responsible for any and all expenses incurred by the Town of Randolph and all mutual aid response towns for costs associated with the mitigation of any fire or other emergency resulting from the misuse of consumer fireworks within the Town of Randolph.

The Randolph Fire Chief, his authorized designee(s), or any duly authorized constable or police officer of the Town of Randolph or other duly authorized law enforcement officers shall have the authority to issue citations for violations of this ordinance.

Persons found in possession of or discharging Non-Permissible Consumer Fireworks shall be subject to the penalties outlined in Maine State Law. The section shall not apply those individuals that hold valid Certificates of Competency issued by the State of Maine. Nothing in this ordinance shall preclude any law enforcement officer from enforcing any section of Maine Law.

APPROVED at Annual Town Meeting  July 25, 2012
FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (d) Rev. 4/09
(prepared 12/27/2010 by SPO/jpp)
ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE for the Town of Randolph, Kennebec County, Maine identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Kennebec County” dated June 16, 2011 with accompanying “Flood Insurance Rate Map” dated June 16, 2011 with panels:

657, 676

derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Kennebec County,” are 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), except maintenance (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Randolph, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) 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 AE, from data contained in the "Flood Insurance Study- Kennebec County," as described in Article I; or,
   b. in Zone A:
      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

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

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

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

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

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
3. a certified statement that bridges will meet the standards of Article VI.M.;
4. a certified statement that containment walls will meet the standards of Article VI.N.;

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

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25 for all minor development and $50 for all new construction or substantial improvements or non-residential flood proofing shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

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

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study – Kennebec County, Maine," as described in Article I;
2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
3. When the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

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

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

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

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

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

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

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

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

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

A. **All Development** - All development shall:

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

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

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

   4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

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

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

   1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

   2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

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

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

      a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

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

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or

a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

1. Zones AE shall:

   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

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

   c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

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

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

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

2. Zone A shall:

   a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

   b. meet the anchoring requirements of Article VI.H.1.c.
I. **Recreational Vehicles** - Recreational Vehicles located within:

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

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

1. be 500 square feet or less and have a value less than $3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Digital Flood Insurance Rate Map, Kennebec County, 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 AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

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

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE 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 crawlspace may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

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

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

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

   b. meet or exceed the following minimum criteria:

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

      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

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

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

M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

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

2. a registered professional engineer shall certify that:
a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones AE and A shall:
   a. have the containment wall elevated to at least one foot above the base flood elevation;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and 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.K.

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

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

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

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

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

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

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

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

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

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

B. Variances shall be granted only upon:

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

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

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

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

C. Variances shall only be issued upon a determination that the variance is the minimum necessary,
considering the flood hazard, to afford relief; and the Board of Appeals may impose such conditions
to a variance as it deems necessary.

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

1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during
the base flood and create no additional threats to public safety.

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

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s
continued designation as a Historic Structure and the variance is the minimum necessary to
preserve the historic character and design of the structure.

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

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

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

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

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

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

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

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

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

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

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

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

Building - see Structure.

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

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

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

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

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

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

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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 a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or
local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodway** - see **Regulatory Floodway**.

**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 urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

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

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

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

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

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

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

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

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

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

**Maintenance**- means the, painting, replacement of siding or upkeep of existing structures and facilities,
without any change in size or use of the existing facility.

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

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

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

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

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

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

**North American Vertical Datum (NAVD)**- means the national datum whose standard was established in
1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new
Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American
countries such as Canada and Mexico and was established to replace NGVD because of constant
movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite
technology.

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

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

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and
d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway -**

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE XIV - ABROGATION**

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

60.3 (d) Rev. 4/09
Prepared by SPO/jpp
12/27/2010
Randolph Harbor Ordinance #984
Town Meeting February 25th, 1992
Amendments are Article III, Sec. 12 and Article X

Article I. PURPOSE

The purpose of this ordinance is to provide for the just and orderly operation of marine activities in Randolph Harbor to promote safety and prevent damage to personal property.

Article II. SCOPE

Hereinafter, any person owning or operating a watercraft within the harbor limits of the Town of Randolph shall conform to the requirements of Title 39 M.R.S.A., this ordinance and any regulations there under.

Article III. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

Sec. 1 “Board” shall mean Board of Selectmen of the Town of Randolph.
Sec. 2 “Town” shall mean Town of Randolph.
Sec. 3 “Harbor” shall mean that body of water of the Kennebec River which is bounded by the Town of Chelsea to the North, the Town of Pittston to the South, the high tide level to the East and to the center of the river Channel as defined by the U.S. Coast Guard navigation charts to the West.
Sec. 4 “Watercraft” shall mean any craft which is propelled on water and includes but is not limited to the following: row boats, sailboats, rafts, houseboats, pontoon boats, paddle boats, ships, skiffs, canoes, kayaks, etc.
Sec. 5 “Town Float” shall mean any float, ramp, dock or slip area owned by the Town of Randolph.
Sec. 6 “May” is permissive.
Sec. 7 “Shall” is mandatory.
Sec. 8 “Moorings” shall mean those devices or sites of devices whereby a watercraft is kept in the river while not in use.
Sec. 9 “Channel” shall mean the deep river bottom area as marked on U.S. Coast Guard Charts.
Sec. 10 “Anchorage” shall mean the site where a watercraft is temporarily located while held by its own anchor.
Sec. 11 “Resident” shall mean a person owning or renting property.
Sec. 12 “Ice Fishing Shack” formerly referred to as smelt shack shall now mean any structure placed on the ice.

Article IV. HARBOR MASTER

Sec. 1. The Harbor Master is appointed annually by the Board of Selectmen at the regular Town Meeting.
Sec. 2. The Harbor Master may appoint a deputy or deputies to serve in his/her absence or disability, with the consent of the Board of Selectmen.
Sec. 3 Compensation. The Board of Selectmen may provide for compensation for the Harbor Master, either by means of an annual salary, or by other appropriate methods.
Sec. 4 Liability. The Harbor Master, or his designee, while engages in the exercise of his lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law shall be immune from any personal liability whatsoever.

Article V. DUTIES

Sec. 1 The Harbor Master shall be the primary officer responsible for the enforcement of the Rules and Regulations prescribed by the within ordinance. His duties shall also include, but are not limited to, the enforcement of applicable Statutes and Regulations of the State of Maine and Federal Statutes and Regulations relating to the operation of vessels, and relating to the conduct of navigations in the harbor.

Sec. 2 Orders of the Harbor Master or his Designee: The lawful orders of the Harbor Master or his designee, with reference to navigation and disposal of vessels within the limits of the harbor, shall be obeyed by all persons. Any person who shall obstruct or hinder the Harbor Master or his Designee in the lawful performance of his duties shall be subject to the penalties set forth in the Ordinance.

Sec. 3 Any duties, responsibilities or other requirements of the Harbor Master under this Ordinance, or pursuant to State or Federal law, may be designated or delegated for enforcement purposes to other qualified individuals. For purposes of this section any other sworn officer of the Town of Randolph shall be deemed to be such qualified individual, but shame shall not be limited to such officers.

Sec. 4 The Harbor Master shall maintain a written record of the basic information on each mooring including: Assigned Location, Number, Vessel Description, Owners; Name, Phone Number, Address and any other information deemed useful.

Article VI: MOORINGS

Sec. 1. The Harbor Master must maintain a chart of the Harbor area, showing all current mooring locations assignments.

Sec. 2. Each mooring float will be assigned an identifying number which must be marked in a legible fashion on the buoy in at least three inch (3”) numerals.

Sec. 3. An annual fee may be levied by the Town of Randolph for each mooring location as determined by the Board of Selectmen.

Sec. 4. The owner assumes complete responsibility for the safety and security of his own Mooring. He shall have further responsibility to maintain a floating Mooring Marker which is easily visible at all tides and under normal weather conditions.

Sec. 5. PRECEDENCE OF MOORINGS

1. Within space available the mooring assignments will be ON A FIRST COME- FIRST SERVED BASIS, WITHIN THESE PRIORITY GUIDELINES!
   a. Resident shorefront owners requests for locations immediately adjacent to their frontage
   b. Resident Commercial
   c. Resident Pleasure boat
   d. Resident Commercial w/rented moorings
   e. Resident owners w/multiple locations
   f. Non—Resident Commercial
   g. Non—Resident pleasure
Article VII. ANCHORAGE ZONE

Sec. 1. The intended use of the Town float is solely for the loading and unloading of vessels, the mooring of skiffs, and as a berth for the emergency boat.

Sec. 2. No person shall leave a vessel tied to the outboard side of the Town Float for a period of more than one (1) hour.

Sec. 3. Any person wishing to leave a skiff tied at the Town Float on a permanent basis is required to obtain permission from the Harbor Master.

Sec. 4. If, at the discretion of the Harbor Master, Skiff tie-up space becomes over-crowded, he may require that his permission be obtained for regular skiff mooring privileges.

Sec. 5. First for space must be accorded to resident users.

Sec. 6. Skiffs tied to the Town Float must be properly maintained, be kept bailed, and must be secured in such a manner that they do not interfere with vessels either landing or departing.

Article VIII. vacant

Article IX. OPERATION & PROHIBITIONS

Sec. 1. In all areas where a specific speed limit is not imposed, within the harbor limits as defined in Article 3 Section 3 of this Ordinance, the operator of any vessel shall not proceed at a speed which is greater than that which is reasonable and proper under the circumstances, having due regard for other traffic navigational hazards and any other conditions that may then exist. No vessel shall be operated in a manner which endangers any person, property, nor shall any vessel be operated in a reckless or wanton manner, nor shall any operator of a vessel be under the influence of an intoxicating beverage or of any schedule drug.

Sec. 2. In those areas defined as the Mooring/Anchorage and Slip area no vessel shall exceed Five (5) miles per hour.

Sec. 3. Any vessel operated within the harbor area of the Town of Randolph shall be required to stop upon being hailed by the Harbor Master or his Designee, or upon being signaled by a flashing blue light. The operator of any vessel who fails to stop shall be in violation of this section, and shall be subject to the penalties provided in this Ordinance.

Sec. 4. Nuisance. No vessel shall be operated in a manner which causes a nuisance to other vessels, or to persons located on other vessels, on wharfs, docks, piers, slips or other areas adjacent to the harbor area.

Sec. 5. Wash. All vessels shall be operated at a speed, and with such control and visibility as will prevent their wash from being thrown onto or causing excessive rocking to other vessels. The foregoing shall not limit the necessity of large vessels maintaining sufficient speed to maintain steerage. Nothing herein shall limit liability for damages caused by wash.

Sec. 6. No person shall cause to be left within the harbor any type of vessel which constitutes a derelict, nor shall the harbor be used in any way as a graveyard of vessels.

Sec. 7. Firearms. The discharge of firearms from any vessel located within the harbor shall be prohibited.

Sec. 8. Abandoned Vessels. No person shall cause to be abandoned any vessel, hull, or other water vehicle within the harbor. Any such vessel which has been left unattended for a period of sixty (60) days or more shall be deemed to be abandoned and in such case, the Harbor Master, shall order the last owner of record of any such abandoned vessel to remove same within a specified, reasonable period of time. Upon failure of the owner to do so, the Harbor Master shall cause its removal and/or destruction, with the cost of same being applied to such last owner of record.
Sec. 9. Removal Procedure. In those instances where it is necessary for the Harbor Master to remove a vessel from a particular location, the following procedure shall be used:

a. Where the owner is on board the vessel, or can be located within a reasonable period of time, the Harbor Master shall request the removal of the vessel to a safe location.

b. In those instances where the owner/operator cannot be located, where the vessel is unmanned, or where safety precludes a search for the whereabouts of the owner/operator, the Harbor Master shall have the authority of removing the vessel on his own initiative. In these instances, the cost of the removal if any, shall be assigned to the owner/operator of the vessel.

Sec. 10. Liability. In all instances where removal of a vessel is deemed necessary and appropriate, and the Harbor Master or his designee is in exercise of his authority with regard to same, there shall be no liability on behalf of the Harbor Master, his designee of the Town of Randolph in connection with such removal.

Article X. WINTER USE OF HARBOR

Sec. 1. Owner of ice fishing shack shall be required to register with the Town Office before placing on the ice.

Sec. 2. An annual fee may be levied by The Town of Randolph for each ice fishing shack determined by the Board of Selectmen.

Sec. 3. The owner shall be held responsible for any violation of Environmental Protection Law

Sec. 4. The owner shall be subject to a fine of not more than one hundred (100.00) dollars as determined by the Board of Selectmen if said shelter is not registered within 72 hours of notification by Harbor Master. Violation Class E Crime The court fee shall be returned to the town.

Sec. 5. Ice fishing shack shall be removed from river before ice gets too thin to support weight of shack or if posted by Harbor Master.

Sec. 6. Owners of ice fishing shacks shall label each with two (2”) inch lettering, including name, telephone number, registration number and shall appear on the side facing the shore

Article XI. PENALTIES

Sec. 1. Any violation of the terms, conditions, rules and regulation of this Ordinance shall be punished as a Class E crime in accordance with Title 17-A, M.R.S.A. Any fines levied pursuant to that Section shall be for the use and benefit of the Town of Randolph. In addition to those penalties, in terms of fines and imprisonment permitted under Section 17-A, M.R.S.A., the Harbor Master shall have the further authority of restricting any vessel from use of the harbor, and/or from the use of any of the public facilities provided vessel owners by Town of Randolph.

Sec. 2. If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master may recover these costs and reasonable renumeration for his time by filing a civil complaint against such owner or operator in District Court.

Article XII. SEPARABILITY

If any provision or clause of this ordinance or application thereof to any person, persons or circumstances is held invalid, such individuality shall not offset other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end provisions of this ordinance are declared to be Separable.
AN ORDINANCE RELATING TO HYDRANTS AND BURNING PERMITS

Section 1. Hydrants and Outside Sprinkler System Connections

No person, firm or corporation shall obstruct any fire hydrant or any outside connection to any sprinkler system with any sign, rubbish, motor vehicle, snow or ice within six feet thereof. No person except Gardiner Water District employees or fire department members shall open any hydrant without permission of the Water District Superintendent.

Section 2. Burning Permits

No person shall burn, kindle or maintain a fire of grass, brush, old lumber, dumps, slash, motor vehicles or other combustible material without a written permit.

Burning permits may be obtained from the Fire Chief or his designated appointee(s). The person applying for a burning permit must give all necessary information regarding the particular burning job. This permission to burn will not relieve any person from legal responsibility caused by a fire that gets out of control, or smoke from the same. Permits will not be needed for cornstalks in garden spots, leaves or rubbish in approved container, but the above items shall not be ignited less than ten feet from a building, fence, fuel storage, or motor vehicle. Persons will burn all items listed above at their own risk. The Fire Chief may order all burning stopped at any critical time.

Section 3. Enforcement

Any person found guilty of violating any provision of this ordinance shall be subject to a fine of not more than $100.00 for each offense.

It shall be the duty of the Fire Chief, his assistant, the Town Constable, State Police or Sheriff’s department to enforce the above ordinance.

Passed at Annual Town Meeting February 19th, 1964
ORDINANCE TO ENHANCE THE APPEARANCE AND PROMOTE THE
GENERAL WELFARE OF THE TOWN OF RANDOLPH, MAINE BY REGULATING
AUTOMOBILE GRAVEYARDS AND JUNKYARDS No. 692-1

SECTION 1. PURPOSE.
The purpose of this ordinance is to provide adequate controls to protect the Town’s health, safety and general welfare. Commonly, junkyards and automobile junkyards have a deleterious effect on the appearance and welfare of the Town. It is declared that such junk yards and automobile graveyards are a nuisance and are properly subject to regulation and control. It is the intent of this Ordinance to regulate automobile graveyards and junkyards no matter where they are found in Randolph.

SECTION 2. AUTHORITY.
This ordinance is enacted pursuant to 30-A.M.R.S.A., Sections 3751-3760, as amended in March, 1992. All junk dealers are regulated pursuant to 30-A, M.R.S.A., Section 3901.

SECTION 3. APPLICABILITY.
3.1 This ordinance shall apply to the licensing and relicensing of all automobile graveyards and junkyards as defined in state law 30-A, M.R.S.A. 3752, within the Town of Randolph and as further defined in this Ordinance.

3.2 Any automobile graveyard or junkyard established, operated or maintained is required to be licensed whether or not the person is actually in the junk business. There are no limitations in the ordinance beyond the fact that there must be three or more unserviceable, discarded, wornout, or junked automobiles or parts thereof, or the specified items of junk. There is no grandfather clause, so-called, permitting uses in existence before the enactment of the ordinance to continue. The present emphasis on licensing automobile graveyards and junkyards is a direct way of getting them cleaned UP and made presentable.

3.3 Because the law defines these types of operations to be a nuisance, the immediate problem becomes whether or not a permit will be issued under these circumstances (the operation proposed by the applicant). This then, is a privilege granted to an individual by the State acting through the municipal officers and not an inherent right of the individual.

3.4 The Ordinance does not differentiate between initial applications for a permit and renewal applications. Each licensing is an original proceeding. Conditions might change to the extent that it would not be feasible to permit the continuation of an automobile graveyard or junkyard in a certain place after it has been operating lawfully in that area.

SECTION 4. DEFINITIONS.
4.1 Automobile graveyard. “Automobile graveyard” means a yard, field or other area used for auto dismantling, salvage, and recycling operations or to store 3 or more unserviceable, discarded, worn—out or junked motor vehicles as defined in Title 29, section 1, subsection 7, or parts of such vehicles. The term “automobile graveyard” does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
4.2 Unserviceable vehicle. The term “unserviceable” has not been defined by the Legislature; therefore, the definition which has been assigned to this term by the Department of Transportation and is in effect in this ordinance is as follows:

“An unserviceable vehicle as used in the subchapter shall mean any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway or which is not being used for the purpose for which it was manufactured”. This definition, however, would exclude wrecked or dismantled vehicles which are awaiting parts and/or adjustment, such as damaged insured vehicles awaiting auto body work for the purpose of making repairs to render a motor vehicle serviceable. The term “temporary storage” does not exceed (90) days. This definition shall be used until such time the definition is changed by either a Legislative Act or by a decision from a court of law.

4.3 Highway. “Highway” means any public way. (State road, town way or public easement.)

4.4 Junkyard. Junkyard means a yard, field or other area used to store the following kinds of junk:

A. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
B. discarded, scrap and junked lumber;
C. old or scrap copper, brass, tin, lead, rope, rags, batteries, paper trash, rubber or glass debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material, chains, old rope, paper clippings, and all articles discarded or no longer used as a manufactured article composed of any one or more of the materials mentioned;
D. garbage dumps, waste dumps and sanitary fills; and
E. other unsightly materials or dangerous items.

4.5 Ordinary view. “Ordinary view” means the unaided visual access from any point within 6 feet of ground level that a person has of an automobile graveyard or junk yard from the immediately adjacent public road or abutting property line. Vehicles or junk shall be construed to not be in ordinary view to a public road or abutting property line when they are located more than 1000 feet from the abutting property lines or the applicant has constructed a screen in accordance with Section 8.2 of this Ordinance between the storage area and the public road or property line.

SECTION 5. PERMIT REQUIRED.

5.1 No person may establish, operate, or maintain an automobile graveyard or junkyard without first applying to the Board of Selectmen for a permit. Review and recommendations must also be made by the Randolph Planning Board. Permits issued under this Section are valid until the first day of the following calendar year. The application shall present either a permit from the Maine Department of Environmental Protection or a letter stating that a permit is not required.

5.2 No automobile graveyard or junkyard shall be permitted within 100 feet of any highway right-of-way. In addition, permits are prohibited if the junkyard would be within a radius of 300 feet from any public park, public playground, public bathing beach, school, church or cemetery, and be within ordinary view.
5.3 If either the automobile or junk material is inside a building, neither would be subject to the ordinance.

If either the automobile or junk material is outside a building, then all items will be stored in a neat and orderly fashion.

5.4 The following regulations must be observed for those automobile graveyards and junkyards in existence at the time this ordinance is enacted:

A. Any automobile graveyard or junkyard in existence at the time this ordinance is enacted may remain in operation until the end of the year on the parcel of land it is presently located on, providing it meets all pertinent statutory requirements.

B. Any existing junkyard or graveyard shall not expand into a parcel of land outside the specific permitted storage area or into a parcel of land described in a separate deed unless all of the provisions of this ordinance are met on the separate parcel.

SECTION 6. ADMINISTRATION.

6.1 This Ordinance shall be administered by the Selectmen. No automobile graveyard or junkyard permit shall be issued unless the provisions of this Ordinance are met.

6.2 Upon receipt of an application, the Selectmen shall hold a public hearing regarding the licensing of the automobile graveyard or junkyard in accordance with 30-A M.R.S.A. Section 3754. They shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in Randolph and publish a notice in one newspaper having general circulation in the municipality in which the automobile graveyard or junkyard is to be located. The municipal officers shall give written notice of the application to the Department of Transportation Right-of-Way Division by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

6.3 Permits shall be issued annually by January 1 of each year to remain valid. Once the specific defined area of storage in the site plan is approved, the site plan does not have to be resubmitted. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

6.4 All submissions of documentation must be submitted at least thirty (30) calendar days prior to license expiration for review by the Code Enforcement Officer. The Code Enforcement Officer must review the documentation within seven (7) calendar days to ensure completeness prior to the public hearing. The Code Enforcement Officer must respond in writing within five (5) calendar days of the review if the application is not complete so that the applicant can complete the application. The completed application must be returned to the Code Enforcement Office within five (5) calendar days. An application may be denied if it is late being returned or if information required in Section 7 is missing, incomplete or is incorrect.

6.5 The Selectmen shall collect, in advance from the applicant, a $50 fee for each permit for an automobile graveyard or junkyard located more than 100 feet or $200.00 if located less than 100 feet from any highway, plus the cost of posting and publishing the notice as provided in section 3754. The latter fee of $200.00 is for all bonafide automobile graveyard and/or junkyards in existence within 100 feet of the highway right-of-way and legally established to October 3, 1973. The measurement should start from the edge of the highway (right-of-way) limit and not from the center of the highway.
6.6 The denial of any permit granted under this ordinance shall be in writing and shall set forth
the reasons for the denial. Appeals shall go through the Randolph Board of Appeals.

Any permit granted with restrictions or conditions shall clearly state those conditions or
restrictions on or attached to the permit.

Where undue hardship will result from strict application of the performance standards, the
Randolph Board of Appeals may relax those standards to the extent necessary to avoid such
hardship. It is the applicant’s burden of proving undue hardship. The Board of Appeals may not
relax the screening requirement, however, regardless of undue hardship.

Even when an applicant proves undue hardship, the Board of Appeals is not required to relax the
performance standards if it will result in a potential threat to human life or safety.

7.0 SUBMISSION REQUIREMENTS.

Any application for an automobile graveyard or junkyard permit shall contain the following
information:

7.1 The property owner’s name and address and the name and address of the person or entity
who will operate the site.

7.2 A site plan drawn to a scale not to exceed 1”100’, on which is shown: (need not be an
engineered drawing)

a. the boundary lines of the property.
b. the specific area of storage of materials and dimensions, thereof.
c. the soils profile as established from maps supplied from the Department of Agriculture
   Soil Conservation Service
d. the location of any and all gravel aquifer recharge area, as mapped by the Maine
   Geological Survey, or a licensed geologist.
e. the location of any residences, schools, churches, playgrounds, parks or wells within five
   hundred (500) feet of the area where cars or junk will be placed.
f. the location of any water bodies on the property or within two hundred (200) feet of the
   property line.
g. the boundaries of the 100-year floodplain.
h. the location and name or route number of all roads within one thousand (1000) feet of the
   site.
i. yard access roads.
j. designated area’s for storage and eventual disposal of special wastes, motor oil, anti-
   freeze, batteries, transmission and brake fluids and any and all other fluids including
   hazardous materials, coolants and lubricants and tires and vehicles and a removal
   schedule for each.
k. approximate quantity in gallons or numbers of each item listed above stored prior to
disposal or removal and a removal schedule for each will be submitted with the
application.
7.3 A list of and agreements between operator and haulers of fluids, special wastes (as defined by DEP), tires and unsalvageable vehicles etc...

7.4 A list of agreements with firms receiving items listed above along with copies of approvals from the appropriate licensing authorities such as the DEP authorizing the disposal and/or storage of these materials.

7.5 Copies of all other permits and licenses held by the operator at this facility.

7.6 Any person or entity which is currently holding or has held an automobile graveyard/junkyard or hazardous waste permit within the past ten (10) years and is seeking a new site permit or buying an existing site must provide a list and copies of all revoked or violation and enforcement action for the last three (3) years for which they held a permit.

No permit will be issued for an automobile graveyard/junkyard to a person or entity seeking a new site or buying an existing site until all revoked permits and all violation and enforcement action has been corrected and proof thereof notarized by the Town or Towns issuing such permits.

7.7 Any person or entity submitting false or misleading information on an automobile graveyard/junkyard site permit application for either the permit or condition to the permit, will be subject to revocation of the permit after a public hearing or a penalty of one thousand (1,000) dollars or both if the Board finds that the misleading or false information was critical to granting of the permit.

SECTION 8. PERFORMANCE STANDARDS.

The following performance standards are required of all automobile graveyards and junkyards:

8.1 Any portion of the automobile graveyard or junkyard which is in ordinary view be enclosed by a visual screening at least six feet in height in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. 3755

8.2 Screening

Screening may be accomplished by natural or man-made objects, plantings or properly constructed fences, any of which must completely screen the junkyard from ordinary view within the prescribed distances throughout the entire calendar year, all of which shall be outside of the highway right-of-way limits. The screening may be located within the 100 feet distance from the highway’s right—of-way line to provide the most effective screening.

Natural or man—made objects may be interpreted to be:

1. Hills, gullies, or embankments. Such manmade objects must be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance.

2. Buildings or other installations.

3. Combinations of above.

8.3 No vehicle shall be stored within three hundred (300) feet of any waterbody or inland wetland, regardless of size, also man—made water bodies shall not be filled in or drained without proper DEP permits.
8.4 No vehicle shall be stored within three hundred (300) feet of any property line of a school, church, public playground, public park or within three hundred (300) feet of a well. Wells that are on the automobile graveyard/junkyard are to be excluded.

8.5 No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist unless such vehicles are stored in a contained structure having an impermeable, leak—proof floor.

8.6 No vehicles shall be stored within the 100-year flood plain.

8.7 Upon receiving a motor vehicle, which will not be repaired, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or on the ground. All Federal and State hazardous waste laws and regulations shall be complied with.

8.8 No article included in sections 4.1 and 4.4 shall be closer than one hundred (100) feet of any property line.

8.9 To reduce noise, all dismantling of motor vehicles shall be done after 7 a.m. and before 8 p.m. daily.

8.10 Any automobile graveyard/junkyard site permit which is not issued at the time of review, has six (6) months from the date of expiration of the last permit issued to meet the requirements of the last permit issued.

8.11 Any automobile graveyard/junkyard site permit that is revoked has six (6) months to meet the regulations and ordinances in effect of the last permit issued. Any permit issued after six (6) months of the date of the revoked permit shall meet all regulations and ordinances that are in effect at the time the new permit is issued.

8.12 Any automobile graveyard/junkyard not issued a permit because of a lack of an application or an incomplete application on a site that previously had a permit must clean up (refer to Section 4 for definition) the site of such automobile graveyard/junkyard within six (6) months of the date of expiration of the last permit issued.

8.13 Any previously licensed automobile graveyard/junkyard that has either been denied a license or has had a license revoked shall have six (6) months to clean up (refer to Section 4 for definition) the site of said automobile graveyard/junkyard from the date of the final appeal by the applicant.

8.14 For sections 8.11 and 8.12 either both the person or entities that held the license or the landowner shall be responsible for proper clean up (refer to Section 4 for definition) of the site. Such clean up to be completed within six (6) months to the satisfaction of the Code Enforcement Officer.

SECTION 9. ENFORCEMENT.
This ordinance shall be enforced by the Board of Selectmen, Constable(s) or Code Enforcement Officer, as well as the State Police or county law officers Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. 2802 and the violator shall be subject to the penalties set forth in 30—A M.R.S.A. 4452 (see attached copy) and any other remedy available at law. Each day that the violation continues constitutes a separate offense. These two specific statutes become a part of this ordinance and shall be used only for minimum requirements and will not affect more severe regulations that may exist in this ordinance.

Violation of any condition, restriction or limitation inserted in a permit by the municipal officers is cause for revocation or suspension of the permit by the Town. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard or junkyard. Notice of hearing shall be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit. Any and all fines and/or monetary awards by any court exceeding the actual cost shall be paid to the Town of Randolph.

SECTION 10. EFFECTIVE DATE AND AMENDMENT.

This Ordinance shall become effective on the date of adoption and may be amended by vote of the town meeting.

SECTION 11. SEVERABILITY AND CONFLICT.

In the event that any provision of this Ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this Ordinance conflicts with state statute or any other provision of any other Randolph ordinance, the more demanding provision shall apply. Any existing ordinance or regulation setting forth lesser requirements than this ordinance are herein repealed.

Public Hearing conducted JUNE 25, 1992
Number of voters at Public Hearing TWENTY (20)

Ordinance presented to voters at annual town meeting held
on JULY 29, 1992 at T.C. HAMLIN SCHOOL RANDOLPH
Number of voters present EIGHTY-EIGHT (88)
Number of voters voting 54 yes 14 no
Ordinance adopted and effective 8/6/92
MUNICIPALITY OF RANDOLPH, MAINE

ORDINANCE

EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL

FROM VEHICLE EXCISE TAX

Section 1. Authority.

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

Section 2. Excise tax exemption; qualifications.

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

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

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

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

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

Section 3. Effective date; duration.

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

APPROVED at Annual Town Meeting July 25, 2012
Town of Randolph
Mobile Home Installation Ordinance

I. Purpose
The purpose of this ordinance is to promote the general welfare and safety of the citizens of the Town of Randolph by providing adequate controls to insure that certain mobile homes that are over 20 years of age from date of manufacture are inspected and found safe for occupancy.

II. Definitions
Mobile Home: a mobile home is a manufactured home which is transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

III. Statutory Authority
This ordinance is adopted pursuant to the “home rule” provision of Title 30-A MRSA 2101 and the police power provisions of Title 30-A MRSA 3001.

IV. Scope
Hereafter all mobile homes over 20 years of age from the date of manufacture which are either relocated into the Town of located in the Town and sold shall be required to be inspected by a Master Electrician, Master Plumber, and licensed Oil Burner Technician to insure that basic life safety components of the mobile home are safe. These inspections must be completed and sign off is required from each of the above listed people on the applicable mobile home installation application sheet. The burden of proof for determination of the age of the mobile home from date of manufacture is on the applicant. Mobile homes which are documented to be under 20 years of age are exempt from the above listed inspections. Mobile homes over 20 years of age which are relocated from one lot to another in Randolph but still occupied by the same occupant are also exempt from the inspections.

Public Hearing: June 23, 2005

Enacted: July 20, 2005
Ordinance Restricting Vehicle Weight on Posted Roads within the
Town of Randolph, Maine No. 691-25

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Randolph which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. §3009 and 29 M.R.S.A. §902 and 1011.

Section 2. Restrictions and Notices

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

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

The notice shall contain, at a minimum, the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the 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 firefighting apparatus or ambulances) while responding to an emergency;
(d) any public utility vehicle while providing emergency service or repairs; and
Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

(a) no other route is reasonably available to the applicant;
(b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
(c) the applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant’s use of same.

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

In determining whether to issue a permit, the municipal officers shall consider the following factors:

(a) the gross registered weight of the vehicle;
(b) the current and anticipated condition of the way or bridge;
(c) the number and frequency of vehicle trips proposed;
(d) the cost and availability of materials and equipment for repairs;
(e) the extent of use by other exempt vehicles; and
(f) such other circumstances as may, in their judgment, may be relevant.

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

Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as road commissioner, code enforcement officer or law enforcement officer).

Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than $250.00 not more than $1000.00. Each violation shall be deemed a separate offense. In addition
to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8. Amendments

This ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

Enacted June 25th, 1991 at a regular board meeting
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Sewerage Ordinance

Article I. Purpose

The purpose of this ordinance is to promote the health and general welfare of the citizens of the Town of Randolph by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private or industrial, shall not result in pollution, health hazard or other nuisance.

Article II. Scope

After the effective date of this Ordinance, any person owning any building or structure within the Town of Randolph which is the source of sewage and/or industrial wastes or who proposes to erect such building or structure within 300 feet of the sewer main must hook into the sewer system and conform to the requirements of this ordinance especially Sections 5.6 and 5.7.

Article III. Definitions

Unless the context specifically indicates otherwise the meaning of terms used in this ordinance shall be as follows:

§ 3.0 “BOARD OF SELECTMEN” shall mean the duly elected town selectmen of the Town of Randolph.

§ 3.1 “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

§ 3.2 “Building Drain” shall mean that part of the lowest horizontal piping of an interior building sewer system which receives the discharge from waste and other plumbing fixtures inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall (See Foundation Drain).

§ 3.3 “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

§ 3.4 “Categorical Pretreatment Standards” means discharge limitations for specific industrial user categories promulgated by the U.S. Environmental Protection Agency under Sections 307 of the Clean Water Act.

§ 3.5 “Combined Sewer” shall mean a sewer receiving both wastewater and storm or surface water runoff.
§ 3.6 “Developer” shall mean any person or persons who undertake to construct simultaneously or in planned sequence more than one housing unit on a given tract or land subdivision.

§ 3.7 “Easement” shall mean an acquired legal right of the specific use of land owned by others.

§ 3.8 “Engineer” shall mean the Professional Engineering firm retained as Town Engineer by the Board of Selectmen, Town of Randolph, Maine.

§ 3.9 “Floatable Oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

§ 3.10 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

§ 3.11 “Hearing Board” shall mean the Zoning Board of Appeals for the Town of Randolph, Maine.

§ 3.12 “Industrial User” means any person connected to a public sewer and discharging industrial waste.

§ 3.13 “Industrial Wastes” shall mean the wastewater from industrial processes, as distinct from domestic or sanitary wastes.

§ 3.14 “Interfere” means an inhibition or disruption of the treatment works, its treatment processes or operations, or its sludge process, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the Natural Pollution Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State Regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act (TSCA). A user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such user:

1. Discharges a daily pollutant loading in excess of that allowed by contract with the Town or by Federal or State law;
2. Discharges wastewater which substantially differs in nature or constituent from the user’s average discharge; or
3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the selected method of sludge management.

§ 3.15 “LPI” shall mean Licensed Plumbing Inspector.

§ 3.16 “Maine Plumbing Code” shall mean the latest edition of the State of Maine Plumbing Codes as administered by Health Engineering.

§ 3.17 “Major Renovation” shall mean work that is more than 25% of the assessed value of the property.

§ 3.18 “Natural Outlet” shall mean any outlet including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface or groundwater.

§ 3.19 “Person” shall mean any individual, firm, company association, society, corporation, municipal or quasi-municipal, state, or federal agency, or other legal entity.

§ 3.20 “pH” shall mean the negative logarithm of the of the hydrogen ion concentration in terms of molar concentrations.

§ 3.21 “Pollutant” shall mean to include but is not limited; to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked, or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

§ 3.22 “Plumbing Inspector” shall mean the Plumbing Inspector of the Town of Randolph, Maine.

§ 3.23 “Private sewer” is a pipe or conduit system ranging from 4” to 6” that carries wastewater and is operated and maintained solely by the Owner of the property.

§ 3.24 “Properly Shredded Garbage” shall mean the wastes from the handling, preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch in any dimension.

§ 3.25 “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights and is owned, operated and maintained by the Town of Randolph, Maine.

§ 3.26 “Sanitary Sewer” shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
§ 3.27 “Shall” is mandatory; “May” is permissive.

§ 3.28 “Slug” shall mean any discharge of water, or wastewater in which concentration of any given constituent or in quantity of flow exceed for any period of duration longer than 15 minutes, more than five (5) times the average 24 hour concentration of flows during normal operation or which interferes with the collection system and/or performance of the wastewater treatment works.

§ 3.29 “Slug Loading” means discharge at a flow rate or pollutant concentration that may interfere with the public sewer or wastewater treatment facilities.

§ 3.30 “Storm Drain” (sometimes termed “Storm Sewer”) shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes or other than unpolluted cooling water.

§ 3.31 “Superintendent” shall mean the Superintendent of the Sewer Department or the Public Works Director of the Town of Randolph, Maine, or an authorized representative. In the case of both parties present “Superintendent” shall be the Sewer Department.

§ 3.32 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

§ 3.33 “Town” shall mean the Town of Randolph, Maine, or its duly authorized representative.

§ 3.34 “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.

§ 3.35 “Water Course” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**Article IV. Use of Public Sewers Required**

**Section 4.1 Prohibited Deposits in Property.**

It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage or other objectionable waste that presents a direct health risk on public or private property within the Town of Randolph or in any area under the jurisdiction of said Town.
Section 4.2 Prohibited Discharges.

It shall be unlawful to discharge to any natural outlet within the Town of Randolph, or in any area under the jurisdiction of any Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. New discharges of an unpolluted nature will be prohibited unless approved by the Town.

Section 4.3 Private Systems Allowed.

Except as provided in Article V, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4.4 Connection Required.

The Owner(s) of all new houses, buildings, or properties used for human occupancy, employment, recreation or other purposes requiring the disposal of sewage situated within the Town and butting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town, is hereby required at their own expense to install suitable toilet facilities therein. Such facilities must be connected directly to the proper public sewer in accordance with the provisions of this Ordinance. Any failing existing private septic systems, sewage disposal systems, pipes or drains and must comply within 30 days of the failure with the requirements of the Maine State Department of Health and Human Services (Maine Subsurface Waste Water Disposal Rules).

Article V. Private Wastewater Disposal

Section 5.1 Private Disposal Permitted.

Where a public sanitary sewer is not available under the provisions of Article IV Section 4, the building sewer shall be connected to a private disposal system complying with the requirements of the Maine State Department of Health and Human Services (Maine Subsurface Waste Water Disposal Rules) dealing with private sewage disposal and the Plumbing Code of the Town of Randolph, Maine.

Section 5.2 Permit Requirements.

Before commencement of construction of a private sewage disposal system, the Owner shall first obtain a written permit signed by the Plumbing Inspector. The type, capacities, location, and layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code, Part II – Subsurface Wastewater Disposal Regulations and the minimum lot size law (Maine Revised Statutes Annotated, Titles 12 Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet.
Permit and inspection fees shall be paid according to the Plumbing Code Rules.

Section 5.3 Inspection Required.

The subsurface wastewater disposal system shall be inspected by the Local Plumbing Inspector (LPI) before the system can be put into service. The procedure will follow those outlined in the Maine Plumbing Code Rules.

Section 5.4 Sanitary Maintenance.

The Owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Town. All removal or waste from the system shall be collected and deposited at a properly licensed treatment works at the expense of the Owner. At no time shall such waste be discharged into the public system.

Section 5.5 Code Enforcement Officer Authority.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Code Enforcement Officer.

Section 5.6 Connection to New Public Sewer.

When a public sewer becomes available, the private building sewer shall be connected to said sewer within 60 days, if the private system is malfunctioning, illegal, or unsanitary, as determined by the LPI. Any private wastewater facility no longer being used, shall be cleaned of sludge, and filled with suitable material or completely removed.

Section 5.7 Removal of Old System.

The contents from septic tanks of Randolph properties, boat holding tanks or RV holding tanks located anywhere in Randolph cannot be discharged to the public sewer collection system. The contents may be discharged at a properly licensed treatment facility at the expense of the Owner. Currently, Gardiner does not accept these discharges until further approval by the DEP for a Discharge Permit. Any other method of disposal will be considered an illegal discharge of wastewater.

Article VI. Building Sewers and Connections

Section 6.0 Sewer Rate Deduction.

Only sewer rate deduction will be to have an outside water meter installed by a licensed plumber at the expense of the Owner. The Owner shall pay for the inspection of the installation at the designated cost by the Town.
Section 6.1 Building Sewer Permit.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public or private sewer or appurtenance thereof without first obtaining a written permit from the Town (See application in Appendix 2).

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 30-A, Chapter 161, Subchapter 1, §3405.

Section 6.2 Sewer Connection Fees.

There shall be two (2) classes of building sewer permits:
   a. For residential and commercial service, and
   b. For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plan specifications, or other information considered pertinent in the judgement of the Town. A permit and inspection fee of $160 for a residential or commercial building sewer permit and $200 for an industrial building sewer permit shall be paid to the Town at the time the application is filed. A private collection system shall be assessed by the number of units in the development at the cost of $60 per unit.

Section 6.3 Installation Costs and Indemnification.

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

Section 6.4 Separate Sewer Connection.

A separate and independent sewer shall be provided for every building except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except as stated in Article XII and if approved by the Town.
Section 6.5 Old Building Sewers.

Old building sewers may be used in connection with new buildings only when they are found, by examination and test, to meet all requirements of this Ordinance. The cost of examination and testing shall be borne by the Owner and the Town must then review and approve results.

Section 6.6 Building Sewer Specification.

The following standards pertain to private sewer collection systems as well as public sewer systems. The building sewer shall be tar-coated ductile iron pipe or polyvinylchloride (PVC) pipe conforming to the following standards:

1. Ductile Iron Class 52 (all sizes)
2. PVC SDR 26 for 4”
3. PVC SDR 35 for 6” and up
4. Schedule 40 (all sizes).

  a. Size of Sewer. The diameter of the building sewer shall not be less than four (4) inches nor shall the slope of the pipe be less than ¼” per foot. Six (6) inch is recommended and its slope can be 1/8” per foot.

  b. Depth of Sewer. The depth of building sewers installed after the effective date of this Ordinance, shall be sufficient (4 to 5 feet deep) to afford protection from frost, but in no event shall be less than three (3) feet, and shall be insulated over the sewer pipe with 2 inches of plastic foam blue boards the whole width of the trench. The building sewer shall be laid at uniform grade and in straight alignment to the best extent possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug or other approved means. Installation shall conform to the Maine Plumbing Code.

  c. Sewer Elevation. In all buildings, constructed after the effective date of this Ordinance, in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

  d. Open Trenches. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Standards and Water Pollution Control Facility (WPCF) Manual of Practice No. 9 stating that no backfill shall be placed until the work has been inspected by the Town.

  e. Joints and Connections. All joints and connections shall be made air tight, water tight and tested. The transition joint between pipes of different materials shall be made with adapters and joint materials approved by the Town.
Premolded gasket joints shall be used and shall be neoprene compression type gaskets, which provides a positive double seal in the assembled joint. The gasket shall be a premolded, one-piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled with special pipe coupling tools designed for that purpose. Lubricant shall be a non-toxic material, and shall not chemically attack the gasket material.

Lead and oakum joints and solvent weld joints are allowed but only installed by a licensed master plumber, and if other means are not possible.

f. Point of Connection. The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expenses incidental to the installation and connection of the entire length of building sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Town. The connection of the building sewer into the public sewer shall be made at the “Y” or “T” branch. If none is available, a connection may be made by tapping the existing sewer by a method approved by the Town.

g. Notification. The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town.

h. Institutions, Industries and Schools. When any building sewer is to serve a school, hospital, public building, complex of industrial or commercial buildings or which, in the opinion of the Town will receive sewage or industrial wastes of a volume and type which may require frequent maintenance then that sewer will be connected to the public sewer through a manhole. The Town shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Town. If required, a new manhole shall be installed in the public sewer pursuant to Article VII, Section 3, and the building sewer connection made thereto as directed by the Town.

i. Excavations/Restoration. All excavations for building sewer installation shall be properly delineated with channelizing devices such as barricades, lights or cones meeting the Standards of the Manual of Uniform Traffic Control Devices (MUTCD). Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town’s Street Opening Ordinance and the Director of Public Works or Town. Below is a chart on the minimum pavement thickness (adopted from Randolph Subdivision Ordinance, Page 40, 1999).
<table>
<thead>
<tr>
<th>Street Material</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private</th>
<th>Industrial Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate subbase course (max. sized stone 6&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without base gravel</td>
<td>24&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>15&quot;</td>
<td>24&quot;</td>
</tr>
<tr>
<td>With base gravel</td>
<td>20&quot;</td>
<td>15&quot;</td>
<td>15&quot;</td>
<td>12&quot;</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course (if necessary)</td>
<td>4&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Thickness</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>2 ½&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
<td>1 ¼&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>1 ¾&quot;</td>
<td>1 ¾&quot;</td>
<td>1 ¾&quot;</td>
<td>1 ¾&quot;</td>
<td>2 ¾&quot;</td>
</tr>
</tbody>
</table>

j. Pumped Systems. All pumped systems shall meet the following minimum specifications:
1. All pumped systems shall pump effluent only from 1,000-gallon (minimum) septic tanks. Pumping of raw sewage is not allowed.
2. Pipe for force main shall be a minimum of 2" diameter Schedule 40 PCS or HDPE copper tube size polyethylene.
3. A design from all pumped systems must be submitted, reviewed and approved by the Town’s engineer before constructing a pumped system connection.

k. If work in this section has been deemed private, the cost of the sewer work described shall be the responsibility of the Owner.

Section 6.7 Violations

a. Any person found to be violating any provision of this Ordinance shall be served by the municipal officials with written notice stating the nature of the violation and a reasonable time limit in which to make a satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b. Any person who shall continue any violation beyond the time limit provided, either directly or indirectly, shall be liable to pay damages to the Town of Randolph in twice the amount the Town of Randolph is damaged. These damages will be recovered using proper action; and such person, on conviction of such acts resulting in willful injury or damage, shall be punished by a fine not exceeding $500 or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Fines and/or imprisonment is assessed and issued per violation not for all violations combined. In addition to the above, the Town of Randolph has the right to use any equitable restraint available under law against any person violating the provisions of this Ordinance.

c. Any person violating any of the provisions of this Ordinance shall become liable to the Town of Randolph for any expense loss, or damage occasioned by the Town of Randolph by reason of such violation.
Section 6.8 Legal and Illegal Pipe Connections

An illegal connection is any connection to a sanitary sewer that would allow stormwater or other waste water discharges to enter the system such as urban runoff, snowmelt runoff, groundwater, irrigation flows, water from catch basins, gutters, perimeter drains, cooling water and sump pumps.

Legal connections include but may not be limited to are kitchen sinks, bathroom fixtures, such as toilets, bathtubs, floor drains and clothes washer hookups.

Article VII. Sewer Extensions

Section 7.1 Town Extension.

Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Selectmen, the number of properties to be served by such extension warrant its cost. Under this arrangement, the property owner shall pay for and install the building sewer from the edge of the right-of-way to his residence or place of business in accordance with the requirements of Article IV.

Property owners may propose sewer extensions within the incorporated town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Selectmen. The cost of such extensions may be assessed to the benefited property owners based on current construction costs determined by the Selectmen

Section 7.2 Private Extension.

If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Selectmen in accordance with the requirements of Section 7.1. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Article VII, Section 3. The installation of the sewer extension must be subject to periodic inspection by the Town and the expenses for this inspection shall be paid by the owner, builder, or developer. The Town’s decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the standard air test before it is to be used. The cost of sewer extension shall be absorbed by the developers or the property owners, including all building sewers.
Section 7.3 Design of All New Sewer Mains.

The design of all new sewer mains and service lines shall be prepared by a Maine Professional Engineer. The plans will include plan and profile of the sewer pipe. The design shall also include a complete set of specifications to accompany the plans. The design shall be reviewed and approved by the Maine DEP (See Appendix 4 – Sewer Extension/Addition Reporting Form Guidance), Code Enforcement Officer and/or Public Works Director of the Town, and the retained Professional Engineer. All designs shall conform substantially with the latest Edition of Guides for the Design of Wastewater Treatment Works as prepared by the New England Interstate Water Pollution Control Commission (NEIWPCC). The design Engineer shall provide the Town a certificate of compliance that the construction was performed according to the plans and specifications.

All testing of the sewer shall be conducted in the presence of the Town. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced. The pipe shall then be retested. All costs of repairs and testing shall be the responsibility of the Owner at the time the work is done.

Section 7.4 Private Extension Approvals and Guarantees.

Sewer extensions constructed at the property owner's, builder's or developer's expense and within the public right-of-way, after final approval and acceptance by the Town shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed against defects in materials or workmanship for 12 months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 10% of the Engineers estimate of the cost of the extension.

Section 7.5 Building Permit Relation.

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

Article VIII. USE OF PUBLIC SEWERS

Section 8.1 Discharges Not Allowed in Public Sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer discharging to a publicly owned sewer system. There shall be no unpolluted discharges to the sanitary sewer whatsoever.
Section 8.2 Storm Sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers, or to a natural outlet approved by the Town.

Section 8.3 Prohibited Waters and Wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

a. Any liquid or vapor having a temperature higher than 104 degrees F.

b. Any waters or wastes which contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 and 104 degrees F.

c. Any waters or wastes containing fats, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) of soluble matter.

d. Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.

e. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

f. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Town.

g. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage works.

h. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalies must be neutralized, at all times, within a permissible pH range of 6.0 to 9.0.

i. Any cyanides, in excess of 2 parts per million by weight as cyanide.

j. Any toxic radio-active isotopes, without a special permit.
k. Any waters or wastes that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" sewage as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute will only be accepted by special permit by the Town and Gardiner Wastewater. Normal sewage shall be construed to fall within the following ranges:

<table>
<thead>
<tr>
<th>Constituents</th>
<th>Permissible Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspended Solids</td>
<td>180 to 350 ppm</td>
</tr>
<tr>
<td>B.O.D.</td>
<td>140 to 300 ppm</td>
</tr>
<tr>
<td>Chlorine Requirements</td>
<td>5 to 15 ppm</td>
</tr>
</tbody>
</table>

l. Any storm water, roof drains, floor drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit except as provided in Article VIII, Section 1.

m. No person shall discharge or cause to-be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the publicly owned sewage treatment plant serving the Town. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Engineer in volume and concentration of wastes discharged.

<table>
<thead>
<tr>
<th>Limits of Toxic Substances in Sewage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iron, as Fe</td>
</tr>
<tr>
<td>Chromium, as CR (Hexavalent)</td>
</tr>
<tr>
<td>Copper, as Cu</td>
</tr>
<tr>
<td>Chlorine requirements</td>
</tr>
<tr>
<td>Penol</td>
</tr>
<tr>
<td>Cyanide, as CN</td>
</tr>
<tr>
<td>Cadmium, as Cd</td>
</tr>
<tr>
<td>Zinc, as ZN</td>
</tr>
<tr>
<td>Nickel</td>
</tr>
</tbody>
</table>
Section 8.4 Grease, Oil, and Sand Separators.

Grease, oil and sand separators shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Town or authorized representative of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the Town or authorized representative of the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. The separators/interceptors shall comply with the requirements of the Maine Plumbing Code Part II.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight.

Section 8.5 Maintenance.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Town at any time.

Section 8.6 Special Wastes.

The admission into the public sewers of any waters or wastes having:

a. A 5 day Biochemical Oxygen Demand greater than 300 Parts per million or
b. containing more than 350 parts per million of suspended solids, or
c. containing more than 15 parts per million of chlorine requirement or
d. containing any quantity of substances having the characteristics described in Article VIII, Section 3 or
e. having an average daily flow greater than 2% of the average daily sewage flow of the Town.

Shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the Engineer, the Owner shall provide, at his expense, such preliminary treatment to:

1. reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or
2. (2) reduce the Chlorine requirements to 15 Parts Per million, or
3. reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 8.3, or
4. control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer, and no construction of such facilities shall be commenced until these approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this ordinance.

New installation or major renovations of a restaurant or other facilities with a kitchen serving more than 15 people per day on a year round or seasonal basis, shall require that an external grease trap shall be installed. The size and installation shall conform to the Maine Plumbing Code requirement.

Section 8.7 Maintenance of Pretreatment Facility.

Where preliminary treatment is required by the Town and Gardiner Wastewater for any waters or wastes, they shall be maintained continuously in a satisfactory and effective operation by the Owner at his expense.

Section 8.8 Control Manhole.

When required by the Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Any sampling or measurement required by the Town will be at the Owner’s expense whether or not the Owner or Town does the sampling.

A manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and, accessible at all times.

Section 8.9 Measuring and Testing.

Measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 8.3 and 8.6, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," upon suitable samples taken at control manhole provided for in Section 8.8. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
Section 8.10 Special Agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern. Special agreements as such shall be reviewed, approved and negotiated by the City of Gardiner or a designated representative for the capacity and cost.

Section 8.11 Point of Application.

All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of “Standard Methods for the Examination of Water and Sewage,” published by the American Public Health Association. However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the Town Council and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three (3) months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the Selectmen.

Article IX. Protection from Damage

Section 9.1 Malicious Conduct

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of vandalism.

Section 9.2 Certificates of Insurance.

A contractor must present a certificate of insurance showing minimum liability coverage of $100,000/$300,000 for bodily injury and a $25,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Town or authorized representative of the Town.
Article X. Miscellaneous Industrial Pretreatment Requirements

Section 10.1 Local Compliance.

All persons discharging wastes into a publicly owned sewage system shall comply with applicable requirements of federal and state industrial pretreatment regulations and the rules and regulations of the Gardiner Waste Water Treatment Facility.

Section 10.2 Federal and State Compliance

Industrial users shall comply with federal and state general pretreatment standards and applicable categorical pretreatment standards. Such compliance with categorical standards shall be achieved within three (3) years of the date such standard is effective, unless a shorter compliance time is specified, but in no case later than July 1, 1984.

Section 10.3 Suspension of Service

The Town authorized representative may, after formal notice to the public sewer user, immediately halt or prevent any discharges of pollutants appearing to present an imminent endangerment to the health and well being of persons or the environment or which may threaten to interfere with operation of the public sewer or wastewater facilities.

In the case of noncompliance enforcement actions, it is the Town authorized representative right to serve notice of violation, gain entry on private property to halt discharge blockage of a public sewer, or demand a specific action by the discharger to cease.

Section 10.4 Investigative Authority

The Town shall investigate instances of noncompliance with industrial pretreatment standards and requirements, as requested by the Gardiner Waste Water Treatment Facility.

Section 10.5 Industrial Permit

Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users are subject to such standards and shall submit to the Town; an application for a categorical permit containing information required under applicable federal and state industrial pretreatment regulations. Such information, as a minimum, shall include:

- the name and address of the facility, including the name of the operators and owners;
➤ a list of all environmental permits held by or for the facility;
➤ a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;
➤ a schedule of actions to be taken to comply with the categorical standards;
➤ information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;
➤ an identification of the industrial pretreatment standards applicable to each regulated process; and
➤ an analysis identifying the nature, concentration and quantity of pollutants in the discharge to establish whether pretreatment is necessary.

The Town may require additional information to be included in such application.

Section 10.6 Reporting Requirements

Within 90 days after the date of final compliance by existing industrial users with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the public sewer, industrial users shall submit to the Town; a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by pretreatment standards and the average and maximum daily flow for these process units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis, and if not, what additional operation and maintenance practices or pretreatment is necessary. Such industrial users shall submit to the Town during the months of June and December unless required more frequently. A report indicating the nature and concentration of pollutants in the discharge shall be written up and any additional requirements for such report may be imposed by the Town.

Section 10.7 Notice of Change

Industrial users shall give written notice to the Town and the Gardiner Waste Water Treatment Facility at least 45 calendar days before making significant changes in the nature, quantity, or rate of discharge of industrial waste.

Section 10.8 Notice of Slug Loading

Industrial users shall immediately notify the Town and the Gardiner Waste Water Treatment Facility of any slug loading discharge by such user.
Section 10.9 Reports by Industrial Users

All reports submitted by industrial users under this Article shall be signed by an authorized representative. An authorized representative may be:

- a principal executive officer of at least a level of vice president, if the industrial user is a corporation; or
- a duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

Section 10.10 Record Keeping

Industrial users subject to the reporting requirements under this Article shall maintain records of all information resulting from any monitoring activities required to prepare such reports. Such reports include for each sample:

- the date, exact place, method, and time of sampling and the names of person or persons taking the sample;
- the dates analyses were performed;
- who performed the analyses;
- the analytical techniques and methods used; and
- the results of such analyses.

Such records shall be maintained for a minimum of three (3) years and shall be made available for inspection and copying by the Town and the Gardiner Waste Water Treatment Facility.

Section 10.11 Public Access to Records

Information and data submitted to the Town and the Gardiner Waste Water Treatment Facility under this Article relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302.

Section 10.12 Exclusion of Wastes for Reasons

The Town may temporarily exclude from the public sewer, industrial wastes from one or more industrial users, whether pretreated or not, if necessary or helpful in determining the effects of such wastes upon the public sewer or Gardiner Waste Water Treatment Facility.
Article XI. Public Works Authorities

Section 11.1 Access to Property.

The Public Works Director, the Engineer, and any duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter all properties for the purpose of inspection, observation measurement, sampling and testing, in accordance with the provisions of this ordinance.

Section 11.2 Access to Easements.

The Public Works Director and any duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article XII. Hearing Board

Section 12.1 Hearing Board Designated.

The zoning board of appeals shall serve as a hearing board for this chapter for arbitration of differences between the Public Works Director and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the public works Public Works Director. The cost of the arbitration will be divided equally between the Town and the sewer user.

Section 12.2 Board’s Jurisdiction and Powers.

The Zoning Board of Appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Public Works Director, the Town Code Enforcement Officer and/or the Plumbing Inspector to the extent that such decision arises from requirements of this Chapter:

a. To determine whether the decisions of the Officers are in conformity with the provisions of this Chapter and to interpret the meaning of this Chapter in cases of uncertainty;

b. To grant variances from the terms of the Chapter where there is no substantial departure from the intent of the Chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding 15 percent of the assessed value of the buildings on the land to be served by the public sewer shall be considered a prima facie evidence of undue hardship; and
c. To permit an exception to this Chapter only when the terms of the exception have been specifically set forth by this Chapter.

d. Such exceptions and variances shall be granted only in compliance with applicable state and federal statute and regulation.

Section 12.3 Public Hearing; Notice.

A public hearing shall be held within 30 days of date that an appeal is filed. Public notice shall be given to the Town Office and to the newspaper of general circulation serving the Randolph area at least seven (7) days in advance of the hearing. Appellant shall be charged full cost of notification for the public hearing. The amount shall be paid to the Treasurer prior to publishing the notification of the public hearing.

Section 12.4 Written Decision.

A decision in writing shall be given to the appellant within nine (9) days of the hearing.

Article XIII. Sewer Service Charges

Section 13.1 Sewer Service Charges.

The source of not less than 90% of the revenues needed for retiring debt services, capital expenditures, operation and maintenance of the public sewerage works shall be Sewer Service Charges.

Section 13.2 Readiness to Serve Charges.

Sewer Service Charge rates including readiness to serve charges shall be determined by the Selectmen. This charge will be billed on a quarterly basis throughout each calendar year.

Section 13.3 Amendment to Charge.

The Selectmen reserves the right from time to time, to change Sewer Service Charges originally or previously assigned to any property owner.

Section 13.4 Payment Terms.

All sewer charges shall be committed to the Treasurer of the Town for collection on a quarterly basis and shall be due and payable, on or about as follows:

<table>
<thead>
<tr>
<th>Sent</th>
<th>Received</th>
</tr>
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<tbody>
<tr>
<td>December 15</td>
<td>January 15</td>
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<tr>
<td>March 15</td>
<td>April 15</td>
</tr>
<tr>
<td>June 15</td>
<td>July 15</td>
</tr>
<tr>
<td>September 15</td>
<td>October 15</td>
</tr>
</tbody>
</table>
There shall be a lien on real estate served or benefited by a municipal sewer and sewer disposal system to secure the payment of service charges duly established hereunder which shall take precedence over all other claims on such real estate excepting only claims for taxes. The Treasurer of the municipality shall have the same authority and power to collect such service charges as are granted by Title 38, Section 1208, to treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged, for the amount of said sewer charge in any court competent to try the same, and in such action may recover the amount of such charge with legal interest from the date of said charge and costs as well as any additional legal costs involved in such recovery.

**Section 13.5 Late Charges.**

A late charge of $2.00 will be added to each Sewer User bill remaining unpaid 30 days after the billing date. Each quarter a balance remains unpaid an additional $2.00 will be added.

**Section 13.6 Interest Charge.**

Interest shall be paid at the same rate as established by the Selectmen for uncollected taxes on all sewer bills not paid and upon which procedure for imposing a lien has been initiated.

**Section 13.7 Special Charge.**

A special Sewer Service Charge shall be established for any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof if such waste entered the public sewer, or those waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Selectmen, after appropriate study, and advice, shall establish a Special Sewer Service Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections as well as the equitable rights of the public shall be the basis for such an arrangement.

**Section 13.8 Debt Service Charge.**

“Debt Service Charge” shall mean the charge per living unit for debt service, outside the Town boundary, but utilizing Town sewer system. This will equal the total outstanding debt or future indebtedness of the Town for construction of sewers heretofore or hereafter constructed by the Town, divided by the total number of living units.
Section 13.9 Living Unit.

“Living Unit” shall be defined by way of example and not limited to the following:

a. A single-family residential home = 1 unit.
b. A duplex residential home = 2 units.
c. A residential apartment house or apartment building = 1 unit/family.
d. A mobile home park = 1 unit/mobile home.
e. Hotel and motel = 1 unit/3 bedrooms.
f. Factories or plants = 1 unit/12 employees.
g. Rooming or boarding houses, nursing or rest homes = 1 unit/3 beds.
h. Self service laundries = 1 unit/washer.
i. Restaurants = 1 unit/10 seats.
j. Service stations = 1 unit/5 islands.
k. Stores = 1 unit/2500 sq. ft.
l. Assembly halls/public buildings = 1 unit/88 seats.
m. Churches = 1 unit/60 pews.
n. Schools = 1 unit/20 students.
o. Other units may be established by the Randolph Wastewater Committee.
p. Fractional units are rounded off to the nearest whole number, and no user will be charged for less than one unit.

Article XIV. Penalties

Section 14.1 Nature of Violation.

Any person found to be violating any provision of this ordinance except Article IX, Section 1 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 14.2 Penalty.

Any person, individual, firm, corporation, or partnership that fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to fine not exceeding $500 dollars for each offense. The continued violation of any provision of any section of this ordinance, other than those pertaining to the payment of charges for services-established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.
Section 14.3 Additional Action.

The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or repair of cesspools, septic tanks, sewage disposal systems, pipes or drains in order to restrain, correct or abate such violation and to prevent the occupancy of any building structure or land where such violations occur.

Section 14.4 Recovery of Expenses.

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expenses, loss, or damage occasioned the Town by reason of such violation.

Article XV. validity

Section 15.1 Conflicts

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

Section 15.2 Severability.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Article XVI – Ordinance in Force

Section 16.1 Ordinance in Force

a. This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by laws. Passage and approval of this ordinance is intended to replace and repeal any previous ordinances with regard to Sewer Use adopted by the Town of Randolph.

b. Passed and adopted by the Board of Selectmen, Town of Randolph, State of Maine, on the 25th day of April, 2006, by the following:

Selectperson: ___________________________ ___________________________
_____________________________ ___________________________
_____________________________ ___________________________

Approved this 25th day of April, 2006

Attest: Lynn R. Mealey, Town Clerk

Signed: ___________________________
The Town of Randolph, Maine:

The undersigned being ____________________________

(Owner, Lessee, Tenant, etc.)

of the property located at ____________________________
does hereby request a permit to ____________________________ an industrial sewer connection

(Install, use)

sewer connection serving the at ____________________________

(Name of Company)

which company is engaged in ____________________________ at said location.

1. A plot of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit “A”.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit “B”.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit “C”.
4. The name and address of the person or firm who will perform the work covered by this permit is ____________________________.

In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Superintendent and/or the Engineer.
2. To accept and abide by all provisions of Ordinance No. ______ of the Town and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the Town.
4. To cooperate at all times with the Superintendent and his representatives in their inspecting, sampling and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Superintendent immediately in the event of any accident, negligence or other occurrence that occasions discharge to the public sewers of any waste or process waters not covered by this permit.

Date: ____________________________

Signed ____________________________

(Applicant)

(Fee: $ ________ )

______________________________

(Address of Applicant)

$________________ Inspection fee paid

______________________________

(Certification by Town Clerk)

Application approved and permit granted:

Date: ____________________________

Signed ____________________________

(Town Clerk)
TOWN OF RANDOLPH

SEXUALLY ORIENTED BUSINESSES ORDINANCE

1. Findings.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. Research and studies of municipalities throughout this country indicate that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. A police power ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

2. Purpose.

The regulations of this Article are not directed at the content of speech, but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Article is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses; and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the Town at large. The purpose of this Article is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

3. Definitions.

The following terms as used in this Article and for the purpose of this Article have the meanings ascribed to them below:

A. "Adult amusement store," means an establishment having as a substantial or significant portion of its sales or stock in trade, sexual devices or printed material including pictures and photographs or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.
B. "Adult motion picture theater," means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities* or "specified anatomical areas,* for observation by patrons therein.

C. "Adult entertainment cabaret," means a public or private establishment which: (i) features topless dancers, strippers, male or female impersonators, or erotic dancers; (ii) features entertainers who display "specified anatomical areas"; (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, "specified sexual activities;" or (iv) offers Sadomasochistic acts or bondage and discipline to patrons.

D. "Adult spa,"* means an establishment or place primarily in the business of providing a steam bath or sauna, bathing or hot tub services, or "rub-down" or other massage services, and at which (1) a person's specified anatomical areas are not touched, rubbed, massaged or manipulated in any manner by another person with or without the aid of any instrument or device, or (2) a person's specified anatomical areas are exposed while that person touches, rubs, massages or manipulates any part of the body of another person, with or without the aid of any instrument or device, or (3) specified sexual activities are permitted to occur.

E. "Sexually oriented business," means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any business where specified sexual activities are displayed, depicted, described or simulated as a regular and substantial part of its operation.

F. "Erotic dance," means a form of dance, which seeks, through one or more dancers, to arouse or excite the sexual desire of a patron or patrons.

G. "Residence," means any structure, which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.

H. "Sadomasochistic acts," or "Bondage and discipline," means respectively, flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

I. "Sexual device" means a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.

J. "Specified criminal activity," means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor, sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which;

(1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if
the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;

(2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;

(3) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

K. "Specified sexual activities," means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, any sexual act or sexual contact as defined by Maine law, or sodomy;

(3) Fondling or other touching of human genitals, pubic region, buttock or female breast

L. "Specified anatomical areas," means:

(1) Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttocks or (c) female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

4. **License required.**

A person wishing to operate an sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, and (b) prior to expiration of the person's current annual license.

5. **Application: Investigation and issuance of license.**

A. **Application.** An applicant for sexually oriented business license shall:

1) Complete and file an application prescribed by the Board of Selectmen;

2) Deposit a license fee of $250 and a $50 processing fee in advance with the Town Clerk;

3) Submit the completed application to the Town Clerk, together with attested copies of the
articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;

4) File an sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;

5) File the release authorized by 16 M.R.S.A. §620(6) (Criminal History Record Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;

6) Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner,

7) State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

8) Submit evidence of compliance with Section 10 of this Article and evidence that there is no basis for denial of a license to applicant under the standards listed in Section 6 of this Article.

B. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

1) The Town Clerk, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in paragraphs 2 through 5 below. The Town Clerk shall also immediately consult with the Chairman of the Board of Selectmen and then arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least ten days prior to the public hearing before the Board of Selectmen. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from Town officials, the Town Clerk shall forward the application and other documents to the Board of Selectmen for public hearing and final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Town Clerk and a decision shall be made within three (3) business days thereafter.

2) The Health Officer, within fifteen days of notice, shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and then report findings in writing to the Town Clerk;

3) The Fire Chief, within fifteen days of notice, shall inspect the location or proposed location of the business to determine if applicable State and fire and safety regulations have been satisfied and then report findings in writing to the Town Clerk;
4) A constable or other law enforcement officer shall investigate the applicant, including the criminal history record information required under Section 5.A.5, and then report findings in writing to the Town Clerk; and

5) The Code Enforcement Officer, within fifteen days of notice, shall verify that the proposed premises of the establishment will comply with Section 10 and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Town Clerk.

C. Issuance of license. The Board of Selectmen, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this Article. The license shall be issued upon determination by the Board of Selectmen, based upon the record, including evidence and testimony at the public hearing, that the application meets the requirements of this Article. The license may not be transferred or assigned.


An application for a sexually oriented business license shall be denied by the Board of Selectmen in the following circumstances:

A. the applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;

B. the applicant is an individual who is less than 18 years of age;

C. the applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Town Clerk or Board of Selectmen that is reasonably necessary to determine whether the license is issuable;

D. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;

E. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license immediately preceding five years;

F. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;

G. the site on which the sexually oriented business is proposed is a prohibited site under Section 10; or

H. the application in any other way fails to meet the requirements of this Ordinance.
7. **Standards for suspension: Revocation.**

A sexually oriented business license, may be suspended or revoked by the Board of Selectmen after notice and hearing upon a finding that the licensee has violated any provision of this Article.

8. **Age restriction.**

No sexually oriented business may permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

9. **Display of License.**

Prices charged and names of owners or officers to be prominently displayed.

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

10. **Prohibited sites, Site Requirements.**

A. A sexually oriented business may not be sited within 300 feet of the lot lines of any of the following:

1) a church, synagogue or other house of religious worship;
2) a public or private elementary or secondary school;
3) a residence;
4) a day care facility;
5) a public park or public recreational facility;
6) another sexually oriented business.

The distance cited in this section shall be measured between any structure used as a sexually oriented business and the lot line of the site of the use listed in (1) through (6) above at their closest points.

B. A sexually oriented business must have a separate driveway entrance, parking area and signage at least 100 feet from any driveway entrance or signage of any of the following:

1) a church, synagogue or other house of religious worship;
2) a public or private elementary or secondary school;
3) a residence;
4) a day care facility;
5) a public park or public recreational facility;
6) another sexually oriented business.

C. A sexually oriented business must have a continuous 6 foot high solid fence along all boundary lines it has in common with any of the following:
1) a church, synagogue or other house of religious worship;
2) a public or private elementary or secondary school;
3) a residence;
4) a day care facility;
5) a public park or public recreational facility;
6) another sexually oriented business.

D. A lawful existing sexually oriented business, at the time of renewal of a not yet expired valid license, shall not be in violation of the site requirements of Section 10 by the subsequent location of a residence, day care center, school, house of worship, or public park or recreational area, at a site that would otherwise conflict with the site requirements of this Section.

11. Interior Layout of Sexually Oriented Business.

A. Any sexually oriented business having available for customers, patrons or members, any boom, room or cubicle for any private viewing of any adult entertainment shall comply with the following requirements:

1) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented business, and shall be unobstructed by any door, lock or other control-type device.

2) Construction. Every booth, room or cubicle shall meet the following construction requirements:

   a) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.

   b) Each booth, room or cubicle must have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.

   c) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth textured and easily cleanable.

   d) The floor must be light-colored, non-absorbent, smooth textured and easily cleanable.

   e) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.

1) Occupants. No more than one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

B. Any adult motion picture theater shall comply with the following requirements:

1) Aisle lights and overhead lights in the theater shall be kept on during
business hours and shall illuminate to a minimum of ten-foot candles except when motion pictures are being shown;

2) No standing shall be allowed in the theater,

3) Signs shall be posted warning patrons that sexual activity is prohibited in the theater, and informing them of the presence of surveillance cameras; and

4) Theater employees shall regularly patrol the theater during business hours and eject persons found to be engaged in sexual intercourse, a sexual act, sexual contact or any criminal activity. Incidents of sexual intercourse, sexual acts, sexual contact or criminal activity in the theater shall be immediately reported to a law enforcement officer.

C. Rest room must be individual rooms and shall not contain facilities for more than one person at a time. No more than one person may be in the rest room with the door closed at any time.

12. Prohibited activities.

A. All acts of public indecency, as defined in 17-A M.R.S.A. §854, are prohibited in sexually oriented businesses.

B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.

C. Dancers, performers, employees, owners or officers of a sexually oriented business shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with each other or any patron or client of the sexually oriented business; and

D. Patrons and clients of sexually oriented businesses shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with any dancer, performer, employee, owner, officer, patron or client of the sexually oriented business.

13. Dancers and other performers.

A sexually oriented business must observe the following restrictions on dancers and the performers:

A. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

B. No dancing or other performance shall occur closer than ten feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.
14. **Enforcement.**

A violation of this Article is a civil violation and the civil penalties and remedies under Section 9 of this ordinance shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections 10 through 13. The Article shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectmen. If court action is required to enforce this Article, the Town shall be awarded its enforcement costs, including its reasonable attorney’s fees.

15. **Severability.**

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

16. **Appeals.**

An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectmen may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. Service of Process shall be served on the Town Clerk or any Selectman. The Town shall file its responsive pleadings and record of proceedings with the Court not later than ten (10) business days after service of the summons and complaint. Additionally, the Town shall submit its responsive brief within fourteen (14) days after receipt of the plaintiffs brief, and shall move for an expedited hearing. All enforcement action, if any, shall be stayed during the pendency of the Rule 80B appeal.

Adopted on: February 19, 2008 at Special Town Meeting
ORDINANCE REGULATING THE STORAGE AND DISPOSAL OF GARBAGE AND JUNK

ARTICLE V

SOLID WASTE

A. Definitions

1. “Garbage,” means all animal and vegetable waste and all decayable matter including waste resulting from the handling, sale, storage, preparation, cooking and consumption of feed and food products. For the purpose of this Article, garbage shall not mean or include organic matter contained in properly maintained compost piles or covered subsurface packaged garbage decomposing units so long as no health hazard or other nuisance is created, shall not include leaves, pine needles, grass clippings, tree trimmings or similar plant materials used for fill or mulching purposes, and shall not include agricultural wastes produced by a farm or farm operation conforming with best management practice as defined in 17 M.R.S.A s2805.

2. “Junk”, means all rubbish and trash, including discarded, worn out or junked household appliances, furniture, plumbing and heating supplies; discarded scrap and junked lumber and wood products; old or scrap metal of any kind, paper products, bedding, glass, plastic, rags, rope, batteries and other scrapped or junked manufactured items or materials, but excluding garbage.

3. “Solid Waste Landfill,” means a waste disposal facility for the disposal of garbage, junk or other solid waste, on or in land, except as provided by statute. Terms used in this definition, not defined herein, shall have the same definitions as provided in 38 M.R.S.A. s1303-C.

B. Prohibition

1. Storage. It shall be unlawful to store any garbage or junk outside of a closed structure within three hundred (300) feet of any dwelling, retail or service establishment, or public road within the Town, unless such garbage or junk is stored in closed rigid containers that provide protection against animals, insects, wind and precipitation, except that:

(a) Garbage may be stored in sealed plastic bags outside a closed structure or container for a period not to exceed five (5) days, provided that such garbage will be removed from the premises within said period.

(b) Any item or junk that does not fit within a standard container may be stored outside a closed structure or container for a period not to exceed thirty (30) days;

(c) Junk stored within a licensed junkyard or salvage facility may be stored with in three hundred (300) feet of any structure used solely for the purpose of storing, processing, salvaging, or selling such junk, to the extent permitted by law.

(d) Junk which is to be salvaged or repaired may be stored for a period not to exceed sixty (60) days with three hundred (300) feet of a repair establishment.
(e) Garbage dumpsters and other similar containers used to hold garbage which as a result of high temperatures expel strong odors of decaying materials shall be required to be made empty of garbage and sanitized and treated to eliminate all offensive odors. When the town CEO (Code Enforcement Officer) or LHO (Local Health Officer) determine that said emptying and sanitation steps are necessary, attempts to notify the owner or manager of the property shall be made by one of the two above officials. The property owner or manager shall cause the required necessary removal of the odors within 24 hours of being notified. Should the Town not be able to notify one of the above persons within 24 hours, the CEO or LHO shall have the garbage and odors removed and the Town shall bill the property owner along with the regular real estate tax bill to recover the money spent on solid waste garbage and trash removed.

2 Disposal. It shall be unlawful to operate or maintain a solid waste landfill within three hundred (300) feet of any dwelling, commercial or institutional structure, public road or water body with the Town.

C. Enforcement: Remedies.

1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Article as provided in 30-A M.R.S.A. s4452.

2. Penalties and Other Remedies. Any person, including but not limited to a landowner, the landowner’s agent, or a contractor who violates the provisions of the Article is liable for the civil penalties and remedies set forth in 30-A M.R.S.A. s4452. The minimum penalty for a specific violation in One Hundred Dollars ($100) and the maximum penalty is Twenty-Five Hundred Dollars ($2500). A specific violation occurs on each day a violation continues to exist after written notice of violation has been sent to the land owner. Civil penalties may be assessed on a per day basis.

D. Authority: Provisions Supplementary to Statute.

The provisions contained herein are intended to be supplementary to provisions of the Maine Revised Statutes relating to public nuisances (Title 30-a) and solid waste (Title 38).

E. Appeal Procedure.

1. Making an appeal:

   (a) An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer in the administration of this ordinance. Such appeal shall be taken within five (5) days of the date of the decision being appealed.

Ordinance was adopted in July 1998 at Town Meeting
Ordinance amended by adding Section B.1.(e) in July 2011 at Town Meeting
“An Ordinance Relating to Minimum standards of Space and Occupancy”

Section 1: Purpose

The purpose of the ordinance is to promote the health, safety and general welfare of the residents of the Town of Randolph and to prevent overcrowding of dwelling units.

Section 2: Definitions

(A) Town: Town of Randolph, Maine

(B) Dwelling: A building containing one or more dwelling units.

(C) Dwelling Unit: A room or group of rooms designed and equipped for us as independent living quarters by one family and including provision for living, sleeping, cooking, eating, and sanitation.

(D) Family: One or more persons occupying premises and living as a single housekeeping unit as distinguished from person occupying a group home, boarding, rooming or lodging house.

(E) Building or Structure: Any building or structure having a roof supported by columns or walls.

(F) New Building or Structure: Anything constructed or erected requiring a fixed location on the lot after the effective date of this ordinance.

(G) Nonconforming Building or Structure: A building or portion thereof lawfully existing at the time this ordinance became effective which was designed, erected, or structurally altered for a use which does not conform to the requirements of this ordinance.

(H) Non Conforming Use: A building or portion thereof lawfully existing at the time this ordinance became effective which was designed, erected, or structurally altered for a use which does not conform to the requirements of this ordinance.

(I) Habitable Space: Space in a structure for living, sleeping, eating and cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are non-habitable spaces.

(J) Owner: Any person having a legal or equitable interest in the property.

(K) Rent: Compensation made in any form by a Tenant or a Landlord or Owner.

(L) Shall: Is Mandatory.

(M) May: Is permissive.

Section 3: Specifications
(A) Dwelling Unit Dimensions:
(1) All dwelling units shall have a ceiling height of not less than 7 feet.
(2) All dwelling units shall have a height of not less than 7 feet in hallways, corridors, bathrooms and toilet rooms.
(3) Any portion of a room with a sloping ceiling measuring less than 4 feet from the finished floor to the finished ceiling shall not be included in computing the habitable space.
(4) No habitable rooms other than kitchens and dining alcoves shall have less than 70 square feet of habitable floor area.
(5) No habitable room other than kitchen and dining alcove shall be less than 7 feet in any horizontal dimension.
(6) No dwelling unit shall have less than 300 square feet of habitable space.

(B) Space for each person:
(1) All rented dwelling units shall contain at least 120 square feet of habitable space for each occupant over the age of one year old.

Section 4: Nonconforming Uses

(A) Uses Permitted:
(1) The owner occupied dwelling unit, lawful at the time of the effective date of this ordinance, may be continued although such use does not conform with the provision of this ordinance.
(2) Rented dwelling units lawful at the time of the effective date of this ordinance, may be continued although such use shall not be further reduced and when rented to a new family shall conform to section 3 A-6 and section 3 B-1.

(B) Discontinuance of Nonconforming Use:
(1) Any rented nonconforming dwelling unit which is discontinued for a period of one year or more may not be resumed as nonconforming. The use of the dwelling unit shall thereafter conform to the requirements of this ordinance, except for Section 3 A-1 and Section 3 A-2.
(2) Any nonconforming rented dwelling unit which is damaged or destroyed by fire or any cause, shall thereafter conform to the requirements of this ordinance.

(C) Transfer of Ownership:
(1) Ownership of dwelling units which remain lawful but become nonconforming by the passage of this ordinance, may be transferred and the new owner may perpetuate the nonconforming use subject to the regulation herein.

Section 5: Administration
An applicant for a building permit, or other permits involving a dwelling required by the Town of Randolph shall show in writing the room dimensions of the proposed structure on the lot before granted such permit.

The Board of Appeals shall have the power to hear and grant exemptions which shall generally be for hardship cases.

(1) Variance
A variance may be granted by the board only where strict application of the ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words “undue hardship” as used in this subsection mean:

(1a) That the building in question cannot yield a reasonable return unless a variance is granted;
(2b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
(3c) That the granting of a variance will not alter the essential character of the locality; and
(4d) That the hardship is not the result of action taken by the applicant or a prior owner.

Section 6: Enforcement

(A) The code enforcement officer shall act in all cases of violations of this ordinance by notifying, in writing, the Municipal Officers and the owner or lesor of the dwelling go the kind or nature of the violation and the correction of same if possible.

(B) The Municipal Officers are charged with the prosecution for all violations of the provisions of this ordinance. In cases such notices referred to in Section 6 (A) above, are not promptly complied with after receipt of said notices, the Municipal Officers may institute such actions or proceedings at law or in equity as are proper to restrain, correct or remove such violations.

(C) Any person or corporation who violate any of the provisions of this ordinance or fail to comply within 30 days with any of the requirements thereof shall, upon conviction, be punished by assessing a fine of not more than $100.00 for each offense. Each day such violations continue shall constitute a separate offense.

Section 7: Conflicting Ordinances:

(A) Where the provision of this ordinance conflict with the provisions of any existing ordinance, the stricter provision shall prevail.

Section 8: Validity

(A) Should any section or part of a section or any provisions of this ordinance be declared by the court to be unconstitutional or invalid, such declaration
shall not be deemed to affect the validity of any other section, subsection, or other portions of this ordinance.

Section 9: Effective Date

(A) The effective date of this ordinance shall be the date this ordinance is enacted by the voters of the Town of Randolph.

This Ordinance became effective 5-22-84
TOWN OF RANDOLPH
SUBDIVISION ORDINANCE

Adopted July 28, 1999

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ARTICLE 1 - PURPOSES

The purposes of this ordinance are:

1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.2 To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., s4404;

1.3 To assure new development in the Town of Randolph meets the goals and conforms to the policies of the Comprehensive Plan;

1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Randolph;

1.5 To protect the environment and conserve the natural and cultural resources identified in the Randolph Comprehensive Plan as important to the community;

1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

1.8 To promote the development of an economically sound and stable community.

ARTICLE 2: AUTHORITY AND ADMINISTRATION

2.1 Authority.

A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., s4403, and adopted by the Town Meeting of the Town of Randolph, hereinafter called the "Town."

B. This ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Randolph, Maine."

2.2 Administration.

A. The Planning Board of the Town of Randolph, hereinafter called the "Board," shall administer this ordinance.

B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Randolph.
2.3 Amendments

A. This ordinance may be amended by a vote of the Randolph Town Meeting. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE 3: DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings, unless defined differently below; Other words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this ordinance.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit a premise or travel over a specific section of road. For the purpose of this ordinance, a single-family, detached home can be expected to produce 10 ADT. Other land uses shall be based on predicted values from Trip Generation, published by the Institute of Transportation Engineers, or actual observation.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

Common Open Space: Land within a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public.

Complete Application: Submission of the required fee and all information required by this ordinance, unless waived by a vote of the Board. A complete application is determined by the Board and evidenced by written statement to the applicant that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.


Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.
Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision as presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year. The floodplain is as indicated on the Flood Insurance Rate Maps for the Town of Randolph, unless actual observation of on-site conditions indicates otherwise.

High Water Mark: 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. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: A subdivision which contains three or more dwelling units on land in...
common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Inspector: The Code Enforcement Officer, Public Works Commissioner, or any registered professional engineer hired or retained by the Town of Randolph, either as staff or on a consulting basis.

Open Space Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the district in which the development is located in return for the provision of permanent open space.

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

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

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year. The term shall include both the Gardiner Water District and any privately-developed system within the Town.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this ordinance as a reference for unobstructed road visibility. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 1/4 feet above the pavement.

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

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the town. Water Street, Windsor Street, and Kinderhook Road are arterial streets.
Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or which serve as a feeder to arterial streets, and collector of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next dividing of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless: a) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36 M.R.S.A., s1102 for a period of at least 5 years before the second dividing occurs; or b) The division of the tract or parcel is otherwise exempt under this definition. A lot of 40 or more acres shall not be counted as a lot, except where the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined by Randolph's Shoreland Zoning Ordinance.

A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this ordinance, unless the intent of the transferor in any transfer or gift is to avoid the objectives of this ordinance. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The grant of bona fide security interest in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot by the original holder of the security interest or that person’s successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.
Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.
Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.
Subdivision, Commercial: Any subdivision in which one or more of the lots or units is intended primarily for the conduct of manufacturing, service, or other form of business or commerce.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands 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.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

ARTICLE 4: PLANNING BOARD REVIEW OF SUBDIVISIONS

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda prior to each scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda by contacting the Chairperson. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5: PREAPPLICATION SKETCH PLAN

5.1 Purpose
The purpose of the preapplication sketch plan and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and ascertain the requirements that may be placed on him by the Town prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering.

5.2 Procedure

A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision to the Board.

B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. The date of the on-site inspection is selected.

5.3 Submission

The Preapplication Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with a general description of the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located.

The Sketch Plan shall be accompanied by:

A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.

B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the preapplication meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the contour interval it will require on the subdivision plan. Prior to the inspection, the applicant shall place flagging at the centerline of any proposed streets, and at the approximate intersections of the street center lines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested;
The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., s302.

5.6 Establishment of File

Following the preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

ARTICLE 6: MINOR SUBDIVISION

6.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A., s.4404, or the standards from Article 11 of this ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a minor subdivision plan. Applications shall be submitted by mail to the Board in care of the Randolph town office or delivered by hand to the office and must be received within seven days of the Board's scheduled meeting. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for a Minor Subdivision shall be accompanied by a non-refundable application fee of $25 per lot or dwelling unit, payable by check to the Town of Randolph. If a public hearing is deemed necessary by the Board, the applicant shall be billed and liable for the costs of advertising and notification over and above the application fee.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board's consideration of the plan until the next meeting which the applicant attends.

D. At the meeting at which an application for approval of a minor subdivision is initially presented, the Board shall:
   1. Issue a dated receipt to the applicant.
   2. Notify in writing all owners of property within 200' of the proposed subdivision, specifying the parcel to be divided and including a general description of the project.
3. Notify the clerk and the review authority of Chelsea or Pittston if any portion of the subdivision abuts or crosses their boundary.

E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. The Board shall determine whether to hold a public hearing on the final plan application. The public hearing, if necessary shall be held within thirty days of the determination of a complete application. The Board shall cause to be published a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and owners of property within 200' of the parcel.

G. Within thirty days of the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in Title 30-A M.R.S.A., s.4404 and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

6.3 Submissions

The minor subdivision plan application shall consist of the following items:

A. Completed Town of Randolph Subdivision Application Form

B. Location Map, drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show: existing subdivisions in the proximity of the proposed subdivision; Locations and names of existing and proposed streets; Boundaries and designations of zoning districts; An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.

C. Final Plan:
The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

D. Application Requirements. The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., s.4404 are met.

1. Verification of right, title, or interest in the property.

2. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

3. A copy of the most recently recorded deed for the parcel, showing all existing restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

5. An indication of the type of sewage disposal to be used in the subdivision.
   a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Gardiner Sewer District, stating that the district has the capacity to collect and treat the waste water, shall be provided.
   b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

6. An indication of the type of water supply system to be used in the subdivision.
   a. When water is to be supplied by the Gardiner Water District, a written statement from the district shall be submitted indicating that there is adequate
supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the district approving the design of the extension shall be submitted.

b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

7. The date the plan was prepared, north point, and graphic map scale.

8. The names and addresses of all landowners within 200 feet of the property boundaries.

9. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

10. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision, and the location and boundaries of any wetland, regardless of size.

11. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.

12. The location of any zoning boundaries affecting the subdivision.

13. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

14. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted.

16. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Town's Flood Insurance Rate Map,
shall be delineated on the plan.

17. For commercial subdivisions only, an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

18. For commercial subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

19. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

20. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

21. The location and method of disposal for land clearing and construction debris.

ARTICLE 7: PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan. The application shall be submitted at least seven days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the town office or delivered by hand to the town office. Failure to submit an application within six months shall require resubmission of the Sketch Plan to
the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, incorporating any recommendations made by the Board.

B. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee of $25 per lot or unit, payable by check to the Town of Randolph. In addition, the applicant shall fund a special account in the amount of $25 per lot or unit designated for that subdivision application, to be used by the Board for advertising and notification, and for hiring professional expertise to assist in reviewing the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require an additional $25 per lot or dwelling unit. Any balance in the account remaining after a decision on the final plan application shall be returned to the applicant.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the preliminary plan application. If the applicant or his representative fail to attend the meeting, the Board shall delay any action on the preliminary plan application, including acknowledging receipt of the application, until the next meeting that the applicant attends.

D. Following the meeting at which an application is initially presented, the Board shall:
   1. Issue a dated receipt to the applicant.
   2. Notify in writing all owners of property within 200' of the proposed subdivision that an application has been submitted, specifying its location and including a general description.
   3. Notify the clerk and Planning Board of Chelsea or Pittston if any portion of the subdivision abuts or crosses their municipal boundary.
   4. Notify the public works director, school superintendent, water district, constable, and fire chief of the size and construction characteristics of any multi-family, commercial or industrial buildings and request that these officials comment upon the adequacy of their existing capital facilities to service the proposed subdivision.
   5. Within thirty days, determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall schedule a public hearing on the preliminary plan application. The Public Hearing shall be held within thirty days of the determination. The Town shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.

G. Within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
H. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
   1. The specific changes which it will require in the final plan;
   2. Required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
   3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

I. Approval of a preliminary plan shall constitute only an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2 Submissions

The preliminary plan application shall consist of the following items.

A. Town of Randolph Subdivision Application Form.

B. Location Map, drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to orient itself. The map shall show:
   1. Existing subdivisions in the proximity of the proposed subdivision.
   2. Locations and names of existing and proposed streets.
   3. Boundary lines and designations of zoning districts affecting the property.
   4. An outline of the proposed subdivision and any remaining portions of the owner's property.

C. Preliminary Plan, submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. In addition, one copy of the plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

D. Verification of right, title or interest in the property, by means of deed, lease, purchase-and-sale agreement or other document.

E. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
F. A copy of the most recently recorded deed(s) for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

G. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

H. An indication of the type of sewage disposal to be used in the subdivision.
   1. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Gardiner Sanitary Treatment District stating the district has the capacity to collect and treat the waste water shall be provided.
   2. When sewage disposal is to be accomplished by subsurface waste water disposal systems, a high intensity soil survey and test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. The high intensity soil survey shall show the location of all test pits dug on the site.

I. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Gardiner Water District, include a written statement from them indicating there is adequate supply and pressure for the subdivision.

J. The date the plan was prepared, north point, and graphic map scale.

K. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and of all property owners within 200 feet of the property boundaries.

L. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.

M. The extent of all rivers, streams, or wetlands within or adjacent to the proposed subdivision.

N. Contour lines at the interval specified by the Board, showing elevation in relation to Mean Sea Level.

O. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

P. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

Q. The proposed lot lines with approximate dimensions and lot areas.

R. All land proposed to be dedicated to public use and the conditions of such dedication. The location of open space to be preserved and a description of proposed ownership, improvement and management.
S. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Town of Randolph Flood Insurance Rate Map, shall be delineated on the plan.

T. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a potential for adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments where the density of the developed portion is in excess of one dwelling unit per 20,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

U. An estimate of the amount and type of vehicular traffic to be generated on a daily basis (ADT) and at peak hours. Average daily traffic shall be estimated based on the definition in this ordinance. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

V. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.
ARTICLE 8: FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least seven days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the town office or delivered by hand to the town office. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board. If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances which may impact on the proposed development have not been amended.

B. There is no separate fee for the final plan phase of the approval process. Any costs of advertising, notification, and professional services incurred by the Board shall be taken from the special account established for that purpose at the time of preliminary plan application.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
   1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a waste water discharge license is needed.
   2. Maine Department of Human Services, if the applicant proposes to provide a public water system or an engineered subsurface waste water disposal system(s).
   3. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is needed.
   4. Maine State Fire Marshall, if a commercial building requiring fire safety and ADA compliance.

D. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan application. If the applicant or his representative fail to attend the meeting, the Board shall delay any action on the application, including acknowledging receipt of the application, until the next meeting that the applicant attends.

E. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

F. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination.
If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

G. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the final plan. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the town at least seven days prior to the hearing.

H. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.

I. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., s4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, it shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the town office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The final plan shall include or be accompanied by the following information.

A. Proposed name of the subdivision, plus the assessor's map and lot numbers.

B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the Gardiner Sanitary Treatment District, a written statement from the district indicating that it has reviewed and approved the sewerage design.

D. An indication of the type of water supply system(s) to be used in the subdivision.
   1. When water is to be supplied by the Gardiner Water District, a written statement from the District shall be submitted indicating that it has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
   2. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

E. The date the plan was prepared, north point, graphic map scale.

F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

G. The location of any zoning boundaries affecting the subdivision.

H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.

K. Street plans, meeting the requirements of Section 12.2.B.2.

L. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

M. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion
and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained. If proposed streets and/or open spaces or other land is to be offered to the Town, written evidence that the Selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town of Randolph Flood Insurance Rate Map, shall be delineated on the plan.

P. Where the proposed subdivision is expected to have a significant impact, the applicant shall submit a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town, or quasi-municipal districts. These lists shall include but not be limited to: Schools, including busing; Street maintenance and snow removal; Police and fire protection; Solid waste disposal; Recreation facilities; Storm water drainage; Waste water treatment; and Water supply. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

Q. The location and method of disposal for land clearing and construction debris.

R. If a Lot Owner's Association is proposed to be formed, draft articles of incorporation, draft bylaws specifying the authority, operating procedures, and suitable capitalization, and covenants for mandatory membership of lot owners.

8.3 Final Approval and Filing

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town of Randolph.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., s.4404, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions of approval or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer.
C. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon
which the plan is approved and signed by the Board shall become null and void.

D. At the time the Board grants final plan approval, it may permit the Plan to be divided into
two or more sections subject to any conditions the Board deems necessary in order to ensure
the orderly development of the Plan. If any municipal or quasi-municipal department head
notified of the proposed subdivision informs the Board that their department or district does
not have adequate capital facilities to service the subdivision, the Board shall require the plan
to be divided into two or more sections subject to any conditions the Board deems necessary
in order to allow the orderly planning, financing and provision of public services to the
subdivision. If the expansion, addition or purchase of the needed facilities is included in the
Town's capital improvements program, the time period of the phasing shall be no longer than
the time period contained in the capital improvements program for the expansion, addition or
purchase.

E. 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 revised
final plan is first submitted and the Board approves any modifications, except in accordance
with Article 10. The Board shall make findings that the revised plan meets the criteria of
Title 30-A M.R.S.A., s.4404, and the standards of this ordinance. In the event that a Plan is
recorded without complying with this requirement, it shall be considered null and void, and
the Board shall institute proceedings to have the plan stricken from the records of the
Registry of Deeds.

F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be
evidence of any acceptance by the Town of any street, easement, or other open space shown
on such plan. When a park, playground, or other recreation area shall have been shown on
the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance
by the Town of such areas. The Board shall require the plan to contain appropriate notes to
this effect. The Board may also require the filing of a written agreement between the
applicant and the selectmen covering future deed and title dedication, and provision for the
cost of grading, development, equipment, and maintenance of any such dedicated area.

G. Except in the case of a phased development plan, failure to complete substantial construction
of the subdivision within five years of the date of approval and signing of the plan shall
render the plan null and void. Upon determining that a subdivision approval has expired
under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that
effect.
ARTICLE 9: REVISIONS TO APPROVED PLANS

9.1 Procedure

An applicant for a revision to a previously approved plan shall be subject to the same procedures as a new application. If the revision involves the creation of more than three additional lots or units, or the creation or extension of a roadway, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or units, the procedures for final plan approval shall be followed. Otherwise, the procedures for a minor subdivision shall be followed.

9.2 Submissions

The application shall include a copy of the approved plan as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

9.3 Scope of Review

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 10: INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements.

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
   1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements and provide a construction schedule, so that the Selectmen can arrange for a municipal inspector to assure that all specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
   2. Deposit with the selectmen a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. If the municipal inspector finds upon inspection that any of the required improvements have
not been constructed in accordance with the plans and specifications, he shall so report in writing to the selectmen, Board, and the subdivider and builder. The selectmen shall take any steps necessary to assure compliance with the approved plans.

C. The municipal inspector is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspector shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain prior permission from the Board to modify the plans.

D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

F. No road or other public way shall be proposed for town meeting acceptance until a written certification signed by a professional engineer is submitted at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the appropriate district or utility shall certify in writing that they have been installed in a manner acceptable to the utility. As built plans shall be submitted to the selectmen.
10.2 Violations and Enforcement.

A. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.

B. A person shall not convey, offer or agree to convey any land or units in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land or unit in an approved subdivision which is not shown on the plan as a separate lot or unit.

D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.

F. No building permit shall be issued for construction within an approved subdivision before the street upon which the lot fronts is completed to rough grade, including the application of gravel base, in accordance with specification up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is fully completed in accordance with specifications.

G. The subdivider shall maintain all improvements and provide for snow removal on streets and sidewalks until accepted by the Town of Randolph or until control is placed with a lot owners association.

H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., s.4452.

ARTICLE 11: PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the approval criteria found within the subdivision statute (Title 30-A M.R.S.A., s4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with these standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof
shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1. Pollution.

A. The proposed subdivision shall not discharge waste water to a water body.

B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies.

11.2. Sufficient Water.

A. Water Supply.

1. Any subdivision in an area not currently served by the Gardiner Water District shall make provisions for connection to it. When public water supply service will not be available at the time of construction of the subdivision, an internal supply network (within the subdivision) shall be installed and capped, to allow future connection when service becomes available without additional excavation within rights-of-way.

2. When a subdivision is to be served by the Gardiner Water District, the complete supply system within the subdivision including fire hydrants, shall be installed. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the District and the fire chief.

3. When a proposed subdivision draws water from individual wells or a private community water system, individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. If a public water supply system other than the Gardiner Water District is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

4. In areas where the fire chief has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the Town of Randolph granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their
construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3. Impact on Existing Water Supplies.

In meeting the standards of Section 11.2, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Gardiner Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements as necessary to alleviate existing deficiencies.

11.4. Soil Erosion.

A. The proposed subdivision shall prevent soil and other contaminants from entering waterbodies, wetlands, and adjacent properties.

B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Contractors trained and certified in erosion control practices by Maine Department of Environmental Protection shall be used.

C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5. Traffic Conditions.

A. In general, the subdivision shall be designed so as to

1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

2. Avoid traffic congestion on any street; and

3. Provide safe and convenient circulation on public streets and within the subdivision.

B. More specifically, provisions for vehicular movement shall conform to the following standards.
1. Vehicular access to the subdivision shall be arranged to avoid through traffic use of existing residential access streets.

2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to LOS D or below. The applicant shall be responsible for paying the costs of system improvements as necessary to alleviate existing deficiencies.

3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, sidewalks, bicycleways and traffic controls within existing public streets.

4. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done in instances where ADT exceeds 200.

5. Provision shall be made for street connections to adjoining lots of similar existing or potential use in subdivisions when such access will facilitate fire protection service or enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

6. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Street naming shall be in accordance with the Town of Randolph E911 Addressing Ordinance. The applicant shall either install street name, traffic safety and control signs meeting town specifications or reimburse the town for the costs of their installation. Street lighting shall be installed as approved by the Board.

7. The applicant shall provide for cleanup following street construction. Cleanup shall consist of removal of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.


A. Public System.

1. Hookups to the Randolph Wastewater system shall be installed where required by Article 3, Section 4, of the Town of Randolph Sewer Use Ordinance (1981, or as
amended). The complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

2. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

3. The sewer district shall review and approve in writing the construction drawings for the sewerage system, including size and location of laterals, collectors, manholes, and pump stations.

B. Private Systems.

1. When a proposed subdivision is not within the Gardiner Sewer District service area, sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.

2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

   a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.

   b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

   c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.
3. When a proposed subdivision street traverses open fields the Board may require the planting of street trees.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Maine Historic Preservation Commission, adequate measures for the protection of the subject resources shall be included in the plan.

2. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.

3. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

4. Reserved open space land may be dedicated to the Town of Randolph.

5. Where land within the subdivision is not suitable or is insufficient in amount, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within: 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor; or within 250 feet of a critical natural area as identified by the Maine Critical Areas Program, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.
D. Public Access.

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

11.8. Conformance with the Land Use Ordinance.

All lots shall meet the minimum dimensional requirements required by the Town for the district in which they are located, except as provided in Section 12.10. The proposed subdivision shall meet all applicable performance standards or design criteria from the Randolph Land Use Ordinance.


A. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. Provision of the Performance Guarantee as provided by Article 13 shall be considered evidence of financial capacity.

B. Technical Ability

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.10. Impact on Water Quality or Shoreline.

Cutting or removal of vegetation along waterbodies shall not increase water temperature, result in shoreline erosion or sedimentation of waterbodies.

11.11. Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.
1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
   a. A map showing the basic soils types.
   b. The depth to the water table at representative points throughout the subdivision.
   c. Drainage conditions throughout the subdivision.
   d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
   e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
   f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. If ground water contains contaminants in excess of the primary Drinking Water Standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

4. If ground water contains contaminants in excess of the Secondary Drinking Water Standards, the subdivision shall not cause concentrations of contaminants to exceed 150% of background levels.

5. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision, either by direct drawdown or by increasing runoff with a corresponding decrease in infiltration of precipitation.

When any part of a subdivision is located within the 100 year floodplain as identified by the Randolph Floodplain Management Ordinance:

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

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall not be constructed within the 100 year floodplain. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The construction requirement shall also be clearly stated on the plan.


Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.


A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995. The storm water management system shall be designed to meet the following standards:
1. Quantity. Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.

2. Quality.
   a. Major Subdivisions. Storm water run-off in major subdivisions must be treated by the use of best management practices to achieve, by design, 40% reduction in total suspended solids.
   b. Minor Subdivisions. Storm water run-off in minor subdivisions must be treated by the use of best management practices to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town allowing maintenance and improvement of the system.

11.15 Reservation and Maintenance of Open Space and Common Land, Facilities and Services.

A. All open space, common land, facilities and property shall be owned either by:
   1. The owners of the lots or dwelling units by means of a lot owners' association;
   2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
   3. The Town of Randolph.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the town, there shall be a conservation easement deeded to the Town of Randolph prohibiting future development.

C. The common land or open space shall be delineated and noted on the final plan that:
   1. It shall not be used for future building lots; and
   2. Which portions of the open space, if any, may be dedicated for acceptance by the Town.
D. Where a lot owner's association will be formed, the Articles of Incorporation, Bylaws, and Covenants shall, in combination, provide for the following.

1. The association shall have responsibility for maintaining the common property or facilities.

2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

4. The subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the subdivider.

ARTICLE 12: DESIGN GUIDELINES

This article is intended to provide design guidelines sufficient to meet the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Subdivision design not incorporating these guidelines may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant.

12.1. Sufficient Water

A. Well Construction.

1. Due to the increased chance of contamination from surface water, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

2. Wells shall not be constructed within 75 feet of the edge of the right of way on the downhill side of any street, or within 35 feet of the edge of the right of way in any other orientation. This restriction shall be included as a note on the plan and deed restriction to the affected lots.

B. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further
than 500 feet from any building.

2. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not connected to the municipal water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum diameter of hydrant supply pipes shall be six inches.

4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the town shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.

12.2. Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains Water Street or Windsor Street, no residential lot may have vehicular access directly onto either street. This requirement shall be noted on the plan and in the deed of any lot with frontage on either street.

2. Where a lot has frontage on two or more streets, access to the lot shall be by way of the street where there is lesser potential for accidents, pedestrian hazard, and congestion. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. Access Design for Subdivision Roads. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

   a. Access points shall be designed based on the estimated Annual Daily Traffic (ADT) volume as defined in this ordinance.

      1. Low Volume Access Point: An access with 100 ADT or less.

         Skew Angle. Low volume accesses shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.
Curb Radius. The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

Access Width. The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

2. Medium Volume Access Point: An access with more than 100 ADT but less than 400.

Skew Angle. Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

Curb Radius. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

Width. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where large trucks will be common, width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

3. High Volume Access: An access with more than 400 ADT.

Skew Angle. High Volume Accesses shall intersect the road at an angle as nearly to 90° as site conditions permit, but in no case less than 60°.

Curb Radius. Without channelization islands for right-turn movements into and out of the site, curb radii shall be between 30 feet and 50 feet. With channelization, curb radii shall be between 75 feet and 100 feet.

Curb Cut Width. Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and
262 feet with a preferred width of 254 feet.

Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Throats shall be designed with 10 feet of length for every 100 ADT estimated.

Width. Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

b. Sight Distances. Access points shall be located and designed to provide for a minimum sight distance of ten feet for each mile per hour of posted speed limit for all vehicles approaching the intersection.

c. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet.

d. Access Location and Spacing.

1. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Intersection Signalized</th>
<th>Intersection Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>150</td>
<td>50</td>
</tr>
<tr>
<td>High Volume</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>Right turn in only</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Right turn out only</td>
<td>100</td>
<td>50</td>
</tr>
<tr>
<td>Right turn in or out only</td>
<td>100</td>
<td>50</td>
</tr>
</tbody>
</table>

If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be
restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Access Spacing. Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured between points of tangency of existing and proposed access points or to a projection of the property line at the edge of the roadway for access spacing to the property line.

e. Number of Accesses. No subdivision shall have more than two two-way accesses or three accesses in total onto Water Street or Windsor Street. No subdivision generating fewer than 200 ADT shall have more than one two-way access onto the named streets.

f. Delineation of access points. All accesses entering an uncurbed street shall be curbed to the full depth of the access point and to a minimum distance of 50' along the road as measured from the point of tangency. Sloped curbing shall border all raised channelization islands or medians.

Table 12.2-2. Minimum Access Spacing

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Minimum Spacing to Property Line</th>
<th>Minimum Spacing to Adjacent Access by Access Type(^2) (Dsp)(^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(feet)</td>
<td>(feet)                         (feet)</td>
</tr>
<tr>
<td>Low Volume</td>
<td>5</td>
<td>Medium w/o RT*</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>10</td>
<td>75</td>
</tr>
<tr>
<td>High Volume (w/o RT)*</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>High Volume (w/ RT)**</td>
<td>75</td>
<td>75</td>
</tr>
</tbody>
</table>

1 Measured from point of tangency of access to projection of property line on roadway edge.
2 For two more accesses serving a single parcel, or from a proposed access from an existing access.
3 Dsp measured from point of tangency of access to point of tangency of adjacent access.
   * High volume access without right turn channelization
   ** High Volume access with right turn channelization

B. Street Design and Construction Standards.
1. General Requirements.

a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with this ordinance. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of Randolph of any street or easement.

b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

1. Date, scale, and north point, indicating magnetic or true.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
5. Complete curve data for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Size, type and locations of all existing and proposed utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the road commissioner for review and comment.

d. Based on findings from a traffic study, the Board may require the subdivider to provide turning lanes, median strips, curbing or other improvements within existing public streets. Design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan. "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be offered for acceptance or maintained by the Town, until they meet the design and construction standards of this ordinance."
2. Street Design Standards.
   
a. These design standards shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.

b. Reserve strips controlling access to streets shall be prohibited. Access control shall be accomplished by means of deed restrictions and covenants.

c. Adjacent to areas zoned and designed for commercial use, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this ordinance.

d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this ordinance), the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

e. Any residential subdivision of twenty or more units, and any commercial subdivision expected to generate at least 200 ADT shall have at least two street connections with existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any single street with an average daily traffic of 200 trips per day or more shall have at least two street connections to existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

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

g. Dead end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

   Property line: 60 feet;
   outer edge of pavement: 50 feet;
   inner edge of pavement: 30 feet.

   Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall
require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

h. The design standards of Table 12.2-3 shall apply according to street classification.

Table 12.2-3 Street Design Guidelines

<table>
<thead>
<tr>
<th>Description</th>
<th>Street Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arterial</td>
</tr>
<tr>
<td>Minimum width of right-of-way</td>
<td>80'</td>
</tr>
<tr>
<td>Minimum pavement width</td>
<td>44'</td>
</tr>
<tr>
<td>Minimum shoulder width</td>
<td>5'</td>
</tr>
<tr>
<td>Sidewalk width</td>
<td>8'</td>
</tr>
<tr>
<td>Minimum grade</td>
<td>0.5%</td>
</tr>
<tr>
<td>Maximum grade*</td>
<td>5%</td>
</tr>
<tr>
<td>Minimum centerline radius without superelevation</td>
<td>500'</td>
</tr>
<tr>
<td></td>
<td>350'</td>
</tr>
<tr>
<td>Roadway crown, per foot from center</td>
<td>1/4&quot;</td>
</tr>
</tbody>
</table>

*Maximum grade may be exceeded for a length of 100 feet or less.

I. Grades and Intersections.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping distances based on the street design speed.

<table>
<thead>
<tr>
<th>Design Speed (mph)</th>
<th>20</th>
<th>25</th>
<th>30</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stopping Distance (ft.)</td>
<td>125</td>
<td>150</td>
<td>200</td>
<td>300</td>
</tr>
</tbody>
</table>

Town of Randolph Subdivision Ordinance
Stopping distance shall be calculated with a height of eye at 31/2 feet and the height of object at ½ foot.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit, providing a minimum of ten feet of stopping distance for every mile per hour of speed limit. Where individual lot driveways cannot meet this standard, the subdivider may be required to revise lot boundaries or provide shared driveways.

4. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

5. Cross (four-cornered) street intersections shall be avoided insofar as possible, except at important traffic intersections. A minimum distance of 125 feet shall be maintained between center lines of minor streets and 200 feet between collectors or a collector and minor street.

j. Sidewalks. Sidewalks shall be installed within all subdivisions. Sidewalks shall meet these minimum requirements.

1. Location. Sidewalks may be located adjacent to the curb but it is recommended to locate sidewalks 5 feet from the curb facing.

2. If bituminous sidewalks are installed, the subbase aggregate course shall be no less than twelve inches thick after compaction. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. If Portland Cement Concrete Sidewalks are installed, the subbase aggregate shall be no less than twelve inches thick after compaction. The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

4. Where sidewalks intersect curbing, adequate provision shall be made for handicapped access and movement. Standards developed pursuant to the Americans With Disabilities Act (ADA) shall be followed.
k. Curbs shall be installed within all subdivisions. The subdivider may install either granite or bituminous curbing. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width shall be measured between the curbs.

3. Street Construction Standards.

a. Preparation.

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

2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic materials, rocks and boulders, or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by an engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

b. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

<table>
<thead>
<tr>
<th>Table 12.2-4. Minimum Pavement Materials Thicknesses</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Town of Randolph Subdivision Ordinance
c. Bases and Pavement.

1. Bases/Subbase.

   (a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

   Table 12.2-5. Aggregate Subbase Grading Requirements

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4 inch</td>
<td>25-70%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-30%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-7%</td>
</tr>
</tbody>
</table>

   Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

   (b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

   Table 12.2-6. Base Course Grading Requirements

<table>
<thead>
<tr>
<th>Percentage by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4 inch</td>
</tr>
<tr>
<td>No. 40</td>
</tr>
<tr>
<td>No. 200</td>
</tr>
<tr>
<td>Sieve Designation</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>½ inch</td>
</tr>
<tr>
<td>1/4 inch</td>
</tr>
<tr>
<td>No. 40</td>
</tr>
<tr>
<td>No. 200</td>
</tr>
</tbody>
</table>

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Pavements.

   (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

   (b) Minimum standards for the surface layer of pavement shall be the Maine DOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

12.3. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Retention of Natural Beauty and Aesthetics. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street tree species shall be approved by the Board in consultation with the road commissioner. Trees shall be planted no more than fifty feet apart.

B. Retention of Open Spaces and Natural or Historic Features.
1. Subdivision designs shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the subdivision to neighboring public open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.

2. Major subdivisions of multi-family housing shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. The Board may waive this requirement when the development is restricted to elderly residents.

3. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

4. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 11.7.C. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board.

1. Protection of Habitat of Endangered or Threatened Species. Habitat of species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and
Wildlife has approved cutting of vegetation in writing.

2. Protection of Deer Wintering Areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

3. Protection of Important Waterfowl and Wading Bird Habitat. Should the Department of Environmental Protection in the future designate any wetlands within the Town as High or Moderate Value Habitat, the Board shall prohibit cutting of vegetation within 75’ of the edge of such identified wetland areas.

4. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, management plans for these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

D. Construction on Steep slopes. No construction of roads, buildings, or other improvements shall occur on slopes in excess of 25 percent. The Planning Board may waive this standard if it finds that the area of greater than 25 percent slope is less than 20,000 square feet in extent and has no direct influence on a surface water body.

12.4 Storm Water Management Design Guidelines.


B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

E. Storm Drainage Construction Standards.

1. Materials.

   a. Storm drainage pipes shall conform to the requirements of Maine Department
of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe, including, specifically pipe thicknesses. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.

b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.

c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.

3. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5. Impact on Water Quality or Shoreline

A. Within a strip of land extending 75 feet from any water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

2. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten year period.

3. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 Blocks
Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 12.2.B.2.j, except that such pathways may be surfaced with fine gravel or stone dust. Maintenance obligations of the easement shall be included in the written description of the easement.

12.7 Lots.
A. Wherever possible, side lot lines shall be perpendicular to the street.

B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.

C. If a lot on one side of a road or similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

E. All lots shall be numbered in accordance with the Town of Randolph Street Naming and Numbering Ordinance (E911). Lots numbers shall be shown on the final plan to be submitted.

12.8 Utilities

Utilities shall be installed underground wherever feasible. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordability.

12.9 Monuments.

A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
B. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.

C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes ½ inch deep shall locate the point or points described above.

D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

12.10 Open Space Development Design

A. Purpose. The purpose of this section is to promote flexibility in the design of housing developments to allow for the creation of open space, providing recreational opportunities or protecting important natural features from the adverse impacts of development.

B. Flexibility in Dimensional Standards

1. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. The Board may allow lots within subdivisions to be reduced in area and frontage below the minimum normally required in return for open space where the Board determines that the design will decrease development costs, increase recreational opportunities and diminish the impact of the loss to open space and natural features. This shall not be construed as granting variances.

2. The Board may allow for an increase in overall residential density of up to 25 percent as an incentive for Open Space Development. The bonus may be calculated in either of two ways:

   a. The subdivider may prepare a conventional subdivision plan conforming to the requirements of this ordinance and the zoning ordinance. The Open Space Bonus shall be calculated by multiplying the number of lots shown on this plan by 1.25.

   b. The subdivider may calculate the Net Residential Acreage available for development, by taking the total area of the parcel and subtracting, in order, the following:

      1. 15% of the area of the lot to account for roads and rights-of-way.
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes.
3. Portions of the lot shown to be in a floodplain as designated in the Town of Randolph Flood Management Ordinance.
4. Portions of the lot which exceed 20 percent slope or contain wetlands.
5. Portions of the lot subject to pre-existing rights of way.
6. Portions of the lot covered by surface waters.

The Open Space Bonus shall be calculated by dividing the remaining acreage by the minimum lot size permitted in the zone in which the parcel is located and multiplying the result by 1.25.

B. Special Application Requirements.

1. A sketch plan shall be submitted showing the Open Space Development Design and indicating open space and significant natural features to be preserved.

2. The preliminary plan shall include an estimate of costs of infrastructure development. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land and provision of land for conservation use. The written statement shall describe the natural features which will be preserved or enhanced by the design.

3. Within ten days of receiving the application, the Board shall invite comments on the application from the Selectmen, Road Commissioner, Budget Committee, and abutters. Within thirty days of receiving the application, the Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this section.

C. Additional Requirements for Open Space Development.

1. Open Space developments shall meet all requirements of this ordinance.

2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.

3. All Open Space Development shall utilize Town of Randolph Sewer and Water facilities.
4. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.

5. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.

6. The distance between buildings shall not be less than 20 feet.

7. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

8. Where an Open Space Development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

ARTICLE 13: PERFORMANCE GUARANTEES

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

13.1 Types of Guarantees

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

A. Either a certified check payable to the Town of Randolph or a savings account or certificate of deposit naming the Town of Randolph as owner, for the establishment of an escrow account;

B. A performance bond payable to the Town of Randolph issued by a surety company, approved by the Selectmen; or

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the town may draw if construction is inadequate, approved by the Selectmen.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the road commissioner, Selectmen, Town Attorney, or an engineer retained by the town.
13.2 Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the Town of Randolph shall have access to the funds to finish construction.

13.3 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of Randolph, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

13.4 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

13.5 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

13.6 Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13.7 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of a registered professional engineer retained by the Town and
any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.8 Default

If upon inspection, the Town finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, a written report stating the deficiencies shall be submitted to the Board and the Selectmen. The Selectmen shall take any steps necessary to preserve the Town’s rights.
ARTICLE 14: WAIVERS

14.1 Waivers Authorized

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance.

14.2 Findings of Fact Required

Where the Board makes written findings of fact that due to special circumstances, the provision of normal required improvements is not essential to provide for the public health, safety or welfare, or is not feasible because of inadequate or lacking connecting facilities, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Board shall set conditions so that the purposes of this ordinance are met.

14.4 Waivers to be shown on final plan

When the Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.
ARTICLE 15: APPEALS

15.1 Appeals to Superior Court

An aggrieved party may appeal a final decision of the Board under this ordinance to Kennebec County Superior Court, provided the appeal is filed within thirty days of the date the Board issues the written order of its decision. A final decision consists of the approval or denial of a preliminary plan, final plan, or minor subdivision plan application. Changes to the Proposed Town of Randolph Subdivision Ordinance as a result of Public Hearing June 16th, 1999

Changes to the Proposed Town of Randolph Subdivision Ordinance as a result of Public Hearing June 16th, 1999

Section 11.6. Sewage Disposal;

Existing: Any subdivision within the service area of the Randolph Wastewater System shall be connected to the public system.

New: **Hookups to the Randolph Wastewater system shall be installed where required by Article 3, Section 4, of the Town of Randolph Sewer Use Ordinance (1981, or as amended).**

Section 12.3. Impact on Scenic, Historic, or Environmental Features

New sec. 12.3.D, as follows:

D. Construction on Steep slopes. No Construction of roads, buildings, or other improvements shall occur on slopes in excess of 25 percent. The Planning Board may waive this standard if it finds that the area of greater than 25 percent slope is less than 20,000 square feet in extent and has no direct influence on a surface water body.