

2012

City of Presque Isle Maine Ordinances

Presque Isle, Me.

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		Last Date Repassed: February 2, 2009
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		Last Date Repassed: January 4, 2010
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CHAPTER 1

CITY OF PRESQUE ISLE

City Seal Ordinance



Adopted: March 3, 1997

Date Effective: March 13, 1997

Repassed: March 13, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

City Seal

Attest: _____

Deborah Ouellette, Deputy City Clerk

CHAPTER 1

CITY SEAL ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to establish the official City Seal of the City of Presque Isle, Maine.

Section 2 City Seal

The design hereby annexed shall be the device of the City Seal and the inscription shall be as follows: "City of Presque Isle, Maine. Incorporated 1859, Chartered as a City 1939".



Section 3 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

CHAPTER 3

CITY OF PRESQUE ISLE

Council Procedure Ordinance



Adopted: March 3, 1997

Amended: June 2, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

City Seal

Attest: _____
Nancy G. Nichols, City Clerk

CHAPTER 3

COUNCIL PROCEDURE ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to establish uniform rules of parliamentary procedure for City Council meetings for the Presque Isle City Council.

Section 2 Attendance

Every member shall attend all meetings of the Council unless prevented by illness, absence from the City, or unless excused by the Chair of the Council.

Section 3 Quorum

A minimum of four (4) Councilors present at a meeting shall constitute a quorum of the Council. No official business of the City Council shall be conducted unless a quorum is present at all times.

Section 4 Voting

It is the declared intent of the City Council that official business of the City Council shall be a majority rule of the Council. References in the Presque Isle City Charter for the motion, resolve, order, or Ordinances to pass shall be interpreted as: majority, shall mean a minimum of four (4) Councilors; 2/3 vote, shall mean a minimum of five (5) Councilors; and unanimous shall mean seven (7) Councilors.

Section 5 Council Chairperson

The Council Chairperson shall:

- A. Call the members to order at the designated time and if a quorum of at least four (4) members is present, proceed to business.
- B. Preserve order, speak on points of order in preference to other members, and decide all questions of order subject to appeal by the Council or a motion regularly seconded.

Chapter 3 – Council Procedure Ordinance

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- C. Declare all votes; if a vote is doubted, the Chair shall ask for a revote, for and against the question, without debate, and declare the result.
- D. Proceed with all questions in order of their motion unless the subsequent motion be previous in nature.
- E. Name the member entitled to speak when more than one member addresses the Chair at the same time.
- F. Consider a motion to adjourn as always in order except on immediate repetition.
- G. Present all petitions and other papers addressed to the Council, or cause them to be presented, and they shall lie on the table, and be taken up in the order in which they were presented, unless the Council shall otherwise direct.

Section 6 Motions

No motion shall be considered by the Council unless it has been seconded, and shall be reduced to writing if the Chair so wishes, or any member of the Council requests it.

Section 7 Order of Precedence

When a question is under debate, the Chair shall receive no motion, except the following, which shall have precedence in the order listed to:

1. Adjourn
2. Lay on the table
3. Postpone to a day certain
4. Commit
5. Amend
6. Postpone indefinitely

Chapter 3 – Council Procedure Ordinance
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Section 8 Debate

The following motions shall be decided without debate:

Adjourn
Suspend the rules
Lay on the table
Take from the table
Previous question

Section 9 Reconsideration of Vote

When a motion has been once made and carried in the affirmative or negative, any Councilor voting in the majority may move for reconsideration at anytime. Any Councilor may ask for reconsideration at anytime after the subsequent organizational meeting of the Council.

Section 10 Ordinances

No new Ordinance, order or resolve, shall be in order at any meeting of the Council unless said Ordinance, shall have been filed with the City Clerk by either a member of the Council or the City Manager, at or before twelve o'clock,

noon, of the day of said meeting of the City Council; and previous to calling said meeting to order, each member of the Council shall be furnished with a list of such Ordinances, giving descriptive titles of the same; provided however, that by majority vote of those present, the City Council may consider Ordinances, orders of resolves not filed, and the same shall be thereby in order.

No Ordinance shall be passed until it has been read on two separate days, except when this requirement is waived by a 2/3 vote of the City Council. The Yeas and Nays of all Ordinances, upon final passage, shall be entered on the record of the proceedings of the City Council by the City Clerk. The Yeas and Nays shall be taken on the passage of any order or resolve when called for by any member of the Council. Every Ordinance shall require the affirmative vote of a majority of the members of the City Council on final passage except that at least 2/3 vote of all Councilors is required to approve the City budget.

Chapter 3 – Council Procedure

Page 4:

All Ordinances which have had two readings shall be examined and certified by the Clerk and shall then be in order for final passage.

Section 11 Rules

The City Council, by majority vote at any duly called City Council meeting, may pass rules governing the parliamentary procedure of the City Council at Council meetings so long as they are not inconsistent with this Ordinance.

Section 12 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

CHAPTER 5

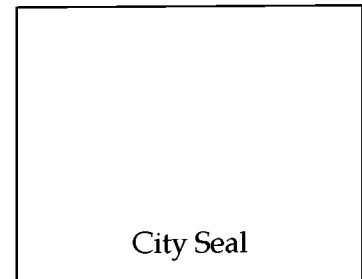
CITY OF PRESQUE ISLE

Traffic Regulations Ordinance



Adopted: September 3, 1997
Repassed: March 19, 2001
Amended: January 6, 2003
Repassed: February 23, 2005
Amended: July 10, 2006
Reconsidered and amended: August 7, 2006
Amended: April 16, 2007
Repassed: February 2, 2009
Amended by City Council: March 5, 2012

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 5

TRAFFIC REGULATIONS ORDINANCE

ARTICLE 1 - GENERAL DEFINITIONS

Section 1

When used in this Ordinance:

- A. The term “**driver**” shall mean the operator of a motor vehicle.
- B. The term “**crosswalk**” shall mean that part of any way reserved for the exclusive use of pedestrians by marks on the surface of the roadway or by such other markings or contrivances as the Chief of Police may deem suitable.
- C. The term “**loading zone**” means that part of any way reserved for the exclusive use of vehicles engaged in transportation.
- D. The term “**business district**” includes all ways adjacent to a section three hundred feet or more in length, fifty percent or more of which is occupied by buildings used for business purposes.
- E. The term “**includes**” when used in a definition contained in this Ordinance shall not be deemed to exclude other things otherwise within the meaning of the term defined.
- F. When hours of time are given in these Ordinances, it shall mean Eastern Standard Time or Daylight Saving Time whichever is in effect, either by Ordinance or custom in the City of Presque Isle.
- G. The term “**motor vehicle**” or “**vehicle**” shall mean to include all motor vehicles such as automobiles, trucks, motor cycles, and all kinds and types of conveyances from person(s) and/or property; except those propelled or drawn by humans and motorized wheel-chairs.
- H. The term “**handicapped**” shall mean those person(s) who are classified as being disabled or handicapped by some physical infirmity and in addition thereto have been issued a valid registration certificate and plate(s) or placard by the State of Maine or some other state, and the registration plate(s) is properly attached to and displayed on the vehicle.
- I. The term “**overtime parking**” shall mean and cover those vehicles which have been found to have been parked, as permitted by this Ordinance, beyond the time allocated for the parking space occupied.
- J. The term “**restricted parking**” shall mean and cover those vehicles which have been found to have been parked in those areas in which no parking is allowed by this Ordinance whether parking in such areas is not allowed at anytime, or where parking is restricted or not permitted only during certain times of the day or night, or during certain seasons of the year.

- K. Unless the context otherwise indicates, all other words and terms shall be construed in accordance with the provisions of the motor vehicle laws of Maine.
- L. The term “sidewalk” shall mean: any area designated or designed for pedestrian traffic; whether separated from the portion of the street or highway designated for vehicular traffic by curbing or otherwise.

ARTICLE 2 – POLICE AUTHORITY

Section 1

All regulations of this Ordinance are subject to the provisions that all persons must at all times comply with any direction, by voice or hand, of any member of the police force, as to stopping, placing, starting, departing, or approaching from any place, the manner of taking up or setting up passengers or loading or unloading passengers or loading or unloading goods at any location.

Section 2

The Chief of Police, with the written approval of the City Manager, shall determine and designate the character of all official warning and direction signs and signals. The Chief of Police shall place and maintain the same, and all signs herein authorized and required for a particular purpose shall be uniform.

Section 3

The Chief of Police, with the written approval of the City Manager, shall establish safety zones and crosswalks where deemed necessary in their opinion, and designate and maintain the same by appropriate devices, marks or lines, upon the surface of the roadway. When crosswalks are established and maintained outside of a business district, the Chief of Police shall cause such areas to be designated by appropriate signs or markings.

Section 4

Wherever traffic is regulated by a mechanical or electrical “stop and go” signal:

- A. Red signals shall mean “stop”. Traffic facing this signal shall stop before entering the intersection and remain standing until “green” or “go” is shown alone.
- B. Green signals shall mean “go”. Traffic facing the signal may proceed except that vehicle drivers shall yield the right of way to pedestrians and vehicles lawfully within the crosswalk or intersection at the time when such signal was exhibited.

Section 5

At intersections and crosswalks protected by signal systems or police officers, the respective right of vehicles and pedestrians shall be exercised under the direction of the traffic signals or police officers.

Section 6

No person shall violate the instructions of any mechanical or electrical traffic signal, traffic sign, marks upon the streets, barriers, or signs authorized or approved by the City Manager or Chief of Police, nor willfully deface, injure, move or interfere with the same.

Section 7

No public utility or city department shall erect, place or maintain any barrier or sign unless of a type first approved by the City Manager or Chief of Police.

Section 8

No person shall place, maintain or display any device, other than an official warning or direction sign or signal erected under authorized authority, upon or in view of a street, which purports to be or is an imitation of, or resembles an official warning or direction sign or signal, or which attempts to direct the movement of traffic or the actions of drivers, and such prohibited device shall be a public nuisance, and the Chief of Police may remove, or cause it to be removed, without notice.

Section 9

To provide for the safety and convenience of the public, the Chief of Police, with written approval of the City Manager, shall designate certain streets or areas on which angle parking, parallel parking, or no parking shall be permitted.

Section 10

In streets or areas marked or signed for angle parking, or in streets or areas marked or signed for parallel parking, no vehicle shall be parked in any other manner than as signed or marked.

Section 11

The Chief of Police, with written approval of the City Manager, may designate certain areas as taxicab stands for the exclusive use of taxicabs duly licensed to operate as such in the City of Presque Isle. The Chief of Police shall cause such areas to be designated by appropriate signs or markings.

Section 12

The Chief of Police, with written approval of the City Manager, may designate public streets to prohibit parking for more than two hours between the hours of 1:00 PM to 5:00 PM in the Retail Business Zone as defined in the City of Presque Isle Land Use and Development Code. The Chief of Police shall cause such areas to be designated by appropriate signs or markings.

Section 13

The Chief of Police, with written approval of the City Manager, may designate portions of the B & A Parking Lot, so called, for no parking areas, which for the purpose of this Ordinance shall mean to include the area bordered on the north by State Street, on the south by Chapman Street, east of Main Street, and west of the Bangor and Aroostook Railroad Company's right of way. Said area having three accesses, namely the State Street access, the Main Street access, and the Chapman Street access. The Chief of Police shall cause such areas to be designated by appropriate signs or markings.

Section 14

The Chief of Police, with written approval of the City Manager, may designate handicapped parking spaces. The Chief of Police shall cause such areas to be designated by appropriate signs or markings.

ARTICLE 3 - PEDESTRIANS

Section 1

Pedestrians shall cross all public ways not within a business district, at right angles to the curb, and when not using a crosswalk shall yield the right of way to all vehicles.

ARTICLE 4 - DRIVERS

Section 1

Every driver approaching an intersection, crosswalk, corner or curve not protected by a signal system or a police officer, shall proceed in a cautious manner and in such a way as not to cause damage or injury to other vehicles and pedestrians.

Section 2

Every driver approaching an intersection protected by a police officer shall indicate to such officer the course he/she intends to take.

Section 3

No vehicle shall enter any sidewalk except for the purpose of passing through driveways.

ARTICLE 5 - PARKING

Section 1

Except when necessary in obedience to traffic regulations, traffic signs or signals, the driver of a vehicle shall not stop, stand or park such vehicle in a street or roadway other than parallel with the edge of the roadway or curb, right hand wheels of the vehicle within six inches of the edge of the roadway or curb and facing the direction of traffic; except as provided in the following: Upon those streets which have been marked or signed for angle parking; and in places used for the loading or unloading of merchandise or materials, the vehicles used for the transportation of the same, may back into the curb but not onto the curb, whenever it is impossible to load or unload from the side of the vehicle.

Section 2

No vehicle shall remain backed up to the curb except when actually loading or unloading, and in no event shall such vehicle block the street for longer than a five minute period at a time.

Section 3

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first, setting the brakes thereon and stopping the motor of said vehicle; and when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or side of the street or highway.

Section 4

No vehicle shall be parked on any public street or highway for more than two hours between the hours of 12:00 midnight and 8:00 AM.

Section 5

No vehicle shall be parked at any time on any public street or highway so as to interfere with or hinder the removal of or plowing of snow from said street or highway by the City.

Section 6

No vehicle shall be parked or allowed to stand, whether attended or unattended, in any loading zone between the hours of 6:00 AM and 5:00 PM except for the purpose of loading or unloading merchandise or passengers.

Section 7

All vehicles attended or unattended are prohibited from parking on any bridge at any time.

Section 8

In areas marked either for angle parking or parallel parking, the driver of all vehicles shall use proper care when parking so that all parts of the vehicle are inside the designated lines, and when not so parked, shall be considered as obstructing the free passage of other vehicles.

Section 9

No trucks, except those registered for 6,000 lbs. gross weight or less, shall be parked at any time, except for a period longer than two hours from the hours of 7:00 AM to 6:00 PM other than on Sunday or legal holidays, on any of the following public parking areas:

Main Street - > from Howard Street to Davis Street

State Street - > from Third Street to Dyer Street

Academy Street - > from Third Street to Main Street

Hall Street - > entire length

Second Street - > from Church Street to Academy Street; except there will be a 15 minute limitation on all parking on both sides of the street from the north side of Church Street to Hall Street

Public Parking Area - > Parking area situated west of Main Street between State Street and Church Street, east of the Bangor and Aroostook Railroad right-of-way
Parking area situated west of Main Street between Chapman Street and State Street, east of the Bangor and Aroostook Railroad right-of-way

Section 10

Parking in a Suburban Residential Zone, Urban Residential Zone I, and Urban Residential Zone II as defined in the City's Land Use and Development Code shall be restricted as follows:

- A. No vehicle shall be parked on any public street, in the aforementioned residential zones, for more than two hours, unless in connection with a social event taking place at a residence in the immediate vicinity, or in connection with church services and functions; but, in no event, for more than eight hours of continuous parking by the same vehicle. Provided, no such vehicle shall be parked at anytime on any such street so as to interfere with, hinder, or impede the flow of traffic; or the removal of or plowing of snow from said street. For the purpose of this subsection, the term vehicle shall mean automobiles and trucks registered for 6,000 lbs. weight or less.

- B. No vehicles, except as defined in the above subsection shall be parked at any time on a public street within the aforementioned residential zones, except for loading or unloading purposes and then only for so long as is reasonable to carry out the purposes of doing so.
- C. The following areas shall be exempt from the above parking time restrictions:
- State Street between Second and Third Streets, both sides of the street.
 - Church Street between Main and Third Streets, both sides of the street.
 - Academy Street between Second and Third Streets, but only on the north side of Academy Street.
- D. All residential parking on all streets bound by Allen Street on the north to Pine Street on the south and Fleetwood Street on the east and Main Street on the west shall be restricted to parking on the east side of the roadway for all streets running north and south, and to the north side of the roadway for all streets running east and west. Commercial parking zones or other parking zones identified by roadway markings or authorized signage, regulated by other sections of this ordinance, shall be exempt from this section.

Section 11

No vehicle shall be stopped or allowed to stand as follows: Within 7 feet of any fire hydrant; within an intersection; on a crosswalk; within 15 feet from an intersection of the curb lines; or if none, then within 15 feet of the driveway entrance to the fire station or any hydrant; and along the side or opposite any vehicle, building construction, street excavation or obstruction or in front of any driveway, alleyway, road or street when such stopping, standing or parking would obstruct the free passage of another vehicle.

Section 12

No vehicle shall be parked, at anytime, on any sidewalk, or area designated or signed for pedestrian traffic, within the sidewalk shall mean that area where the City has, either by curbing or by some other method, attempted to separate the place where pedestrians walk from the vehicle traveled portion of the street or highway.

Section 13

No vehicles shall be parked, at any time, in any parking space or area that has been designated as restricted to “handicapped parking” and marked appropriately with signs or markings that clearly show the space or spaces that are to be used by those persons who have obtained proper and valid handicapped registration plates or placard from the State of Maine or some other state. Furthermore, such designated spaces are **to be used only** when the disabled person is operating the properly registered vehicle or is a passenger therein. The placard must be displayed or affixed so that the information on the placard is clearly legible from outside the motor vehicle.

Section 14

No occupied vehicles shall be stopped or allowed to stand in any business parking lot unless said occupants are actively conducting business at that establishment. The Chief of Police or his designee shall receive written notice from the business owner that they want this Ordinance enforced and the lot must have a sign conspicuously posted that reads: *"NO PARKING in this lot except for customers during business hours. Violators are subject to prosecution under City of Presque Isle Chapter 5 - Traffic Regulations Ordinance, Article 5 - Parking, Section 14."*

The fine for violating this section is listed on Page 9 of the Ordinance under Section B, Restricted Parking, which is \$15.00.

Section 15

Any police officer or parking enforcement officer, finding a vehicle parked in violation of any provision of this article, shall attach to said motor vehicle a ticket to the registered owner thereof, or the (known) operator thereof, setting forth the particular provision(s) violated and the date and time of such violation. The registered owner or the operator of said vehicle shall, within 48 hours of the time stated on such ticket, pay the City of Presque Isle, as a penalty for and in full satisfaction of each such violation noted on the ticket a fine. The fines shall be as follows:

A. Overtime Parking:

The fine will be \$15.00. If such fine is not paid within the 48 hour period, the Chief of Police shall cause a written notice of such violation to be mailed to the registered owner or operator of said vehicle notifying him/her that if the fine (\$15.00), together with the sum of \$2.00 for mailing such notice making the total \$17.00, is not paid to the City at the Presque Isle Police station within 7 days of the postmark of such written notice, the fine shall increase to \$25.00 for each such violation. If the increased fine is not paid to the City within 10 days following the expiration of said 7 days, such failure to pay shall constitute a violation of this Ordinance, and upon conviction thereof shall subject the violator to the penalties as provided in Article 7 thereof.

B. Restricted Parking:

The fine will be \$15.00. If such fine is not paid within the 48 hour period, the Chief of Police shall cause a written notice to be sent to the registered owner or operator with the same stipulations mentioned in sub-section A.

C. Sidewalk Parking:

The fine will be \$25.00. If such fine is not paid within the 48 hour period, the Chief of Police shall mail a written notice of such violation to the registered owner or operator of said vehicle notifying him/her that if the fine of \$25.00 plus \$2.00 for mailing is not remitted within 7 days of the postmark of such written notice, the fine shall increase to \$40.00 for each such violation. If such increased fine is not paid within 10 days of said 7 days, such failure to pay shall constitute a violation of this Ordinance, and upon conviction thereof shall subject the violator to the penalties as provided in Article 7 hereof.

D. Truck Parking:

For violation of trucks registered for more than 6,000 lbs. gross weight, the fine will be \$25.00. If such fine is not paid within 48 hours, the same stipulations mentioned in sub-section C will be mailed by Chief of Police to the registered owner or operator of said vehicle. Non-payment will have the same results as mentioned in sub-section C per Article 7 hereof.

E. Handicapped Parking:

The fine will be \$75.00. If such fine is not paid within the 48 hour period, the Chief of Police shall mail a written notice of such violation to the registered owner or operator of said vehicle that if the fine of \$75.00 plus \$2.00 for mailing is not remitted to the City within 7 days of the postmark of such written notice, the fine shall increase to \$100.00 for each such violation. If such increased violation is not paid to the City within 10 days of said 7 days, it shall constitute a violation of this Ordinance, and upon conviction thereof shall subject the violator to the penalties as provided in Article 7 hereof.

Section 16

Evidence of Unlawful Parking: wherever, in the City Ordinance it is provided that it shall be unlawful for a person to park a vehicle, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of said vehicle by the person in whose name said vehicle is registered.

Section 17

Removal of Violating Vehicle(s):

A. Any vehicle, of any kind or description, parked upon a public street of the City at a place, in a manner, or for a length of time prohibited by an Ordinance of the City or so as to impede the City's snow removal operation or traffic in the public street; or any vehicle parked upon a sidewalk of the City, is hereby declared to be an obstruction in such street or sidewalk and a menace to the safe and proper regulation of traffic whether vehicular or pedestrian.

- B. Any vehicle parked in such a manner as described in this section may be removed by and under the direction of, or at the request of the Chief of Police, the Senior Police Officer in charge of any shift, the Director or Assistant Director of Public Works to a garage or storage place within the City and impounded therein.
- C. Any person named in subsection B may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved and may employ any reputable person, engaged in the business of towing and storing vehicles, for such purposes.
- D. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this section, and the payment of the charges specified in this division, shall in no way relieve or prevent prosecution for the violation of any provision of the Ordinances of the City.

Section 18

Notification of Impoundment, Recovery Procedure

- A. The Police Department shall make reasonable effort to notify, as promptly as possible, the registered owner, or the operator of any vehicle of its removal from the streets or sidewalks of the City; as soon as possible that said vehicle has been impounded. Notification shall be sent to the registered owner, or the operator thereof, at his last known address, as shown by the records of the Secretary of State.
- B. Before the owner of an impounded vehicle may remove it from the possession of the person towing or storing it, he shall:
 - 1. Furnish satisfactory evidence of his identity and of his ownership of such vehicle.
 - 2. Pay established towing charge(s) and/or storage charge(s) to the person having towed and/or stored said vehicle.
 - 3. It shall be unlawful for a person to reclaim or remove an impounded vehicle unless the procedure established in B-1 and B-2 above has been followed.

Section 19

Northern Maine Regional Airport Parking Lot

The paved area adjacent to the terminal building shall consist of three areas: (a) general parking; (b) restricted parking; (c) “drop off” area for passengers and their luggage. The Airport Manager shall cause each area to be designated by appropriate signs or markings.

Each area is dealt with separately under this Ordinance as follows:

- A. *General Parking Area* – Parking is permitted in those areas designated for public parking. There are two such public parking areas, one located north of the terminal building, and one located south of the terminal building. All parking in these areas is subject to the following terms and conditions:
 1. Parking is only upon space available, no reserved parking.
 2. Vehicles parked will be checked daily. Any vehicles remaining after 4:00 AM shall be issued a parking envelope by personnel so designated by the Airport Manager which indicates the length of stay on an enclosed voucher.
 3. Payment may be deposited in the designated secured box at the terminal building or mailed in the envelope furnished.
 4. Rates for such parking shall be \$4.00 per parked night.
 5. Violators of this provision (general parking area), who fail to pay the rates charged for parking in the general parking area, as set forth in the voucher, within 7 days, shall be assessed a late payment penalty of \$10.00. If the voucher amount, together with the late charge, is not received by the City within 30 days from the date last indicated on said voucher, such failure shall constitute a violation of this Ordinance; and upon conviction thereof, shall subject the violator to the penalties as provided in Article 7 hereof.
- B. *Restricted Parking Area*
 1. **Rental Vehicles:** rental car owners, having a contract with the City, may be provided limited parking spaces, by virtue of their contract with the City, in an area designated as such, which shall be located east and/or south of the terminal building.
 2. **Taxi Cabs:** taxi cab owners, having a contract with the City may be provided limited parking spaces in an area designated as such, which is located near the terminal building.
 3. No other motor vehicles, other than rental cars and taxi cabs are permitted to be parked in this area. Any vehicle, other than a rental car or taxi cab, covered by a contract with the City as provided above, that is parked in a restricted parking area, shall be cited for violation of this section and be subject to the penalty as set forth in the Article 7 hereof.
- C. *Drop-Off Area:*
 1. No parking shall be permitted at any time in this area. Vehicles may stop in this area for the sole purpose and only for such time as it is reasonably necessary to permit the unloading or loading of luggage, and the discharge or pick up of persons disembarking or embarking at the Northern Maine Regional Airport.
 2. Any person found in violation hereof shall be subject to the penalty set forth in Article 7 hereof.

ARTICLE 6 - THROUGH WAYS

Section 1

Non-through Ways:

It shall be unlawful and prohibited for trucks licensed for more than 28,000 lbs. gross weight (as defined in Title 29-A, M.R.S.A. Section 101, as amended) to use the following streets; except in the course of business, the truck is used to service in the City of Presque Isle; houses or property located thereon, or to make a delivery to, or pick up from any such house or property; also excepting from this Section school buses, government-owned and operated vehicles and ambulances, namely: Hillside Street, Barton Street, Dudley Street, Third Street, and that part of State Street situated between Second Street and the Centerline Road.

It shall be unlawful and prohibited for trucks licensed for more than 54,000 lbs. gross weight (as defined in Title 29-A, M.R.S.A. Section 101, as amended) to use the following streets; except in the course of business, the truck is used to service in the City of Presque Isle; houses or property located thereon, or to make a delivery to, or pick up from any such house or property; also excepting from this Section school buses, government-owned and operated vehicles and ambulances, namely: Marston Road, Burlock Road and that part of the Centerline Road situated between State Street and Conant Road.

Section 2

Penalty

Whosoever violates the provisions of this section, upon being found guilty of such offense, shall be punished by a fine not to exceed \$200.00 for each such conviction, such fines to inure to the benefit of the City of Presque Isle.

ARTICLE 7 - PENALTY

Section 1

Whoever violates any of the provisions of the Ordinance, except for ARTICLE 6, shall be punished by a fine not exceeding \$200.00 for each offense, said fine to inure to the benefit of the City.

Section 2

Ownership of an automobile parked in violation of any provision of this Ordinance, shall be prima facie evidence that it was to parked by the registered owner.

Section 3

The Ordinances hereby repealed remain in force for the trial and punishment of all past violations of them and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply to any office, officer, trust, proceeding, right, contract, or event already affected by them.

ARTICLE 8 - SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

ARTICLE 9 - SUNSET PROVISION

This Ordinance shall be in force for the term of four years from its effective date. This Ordinance shall become null and void upon the expiration of four years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

Insert Exhibit A here – Map of Airport/Parking

Northern Maine Regional Airport

PARKING POLICY

This parking lot is not supervised but will be checked daily. Cars remaining after 5:00 PM are issued a parking envelope which indicates the length of stay on an enclosed voucher. Payment is to be placed in the envelope and deposited in the collection box at the corner of the terminal building or mailed.

Rates: \$4.00/day

The City of Presque Isle, including the Northern Maine Regional Airport, and their employees are:

- A. not responsible for any loss or damage to your motor vehicle while parked, whether by fire, theft or otherwise; and
- B. not responsible for loss of or damage to personal property left in your motor vehicle under any circumstances.

CHAPTER 7

CITY OF PRESQUE ISLE

*Assessors and Board of Assessment Review
Ordinance*



First Hearing: January 4, 1999

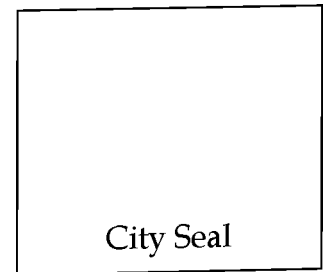
Second Hearing: January 20, 1999

Repassed: January 20, 1999

Repassed: December 16, 2002

Repassed: February 21, 2007 (Retroactive to December 16, 2006)

Repassed: January 4, 2010



Attest: _____

Beverly A. Labbe, City Clerk

CHAPTER 7

ASSESSOR AND BOARD OF ASSESSMENT REVIEW ORDINANCE

Section 1 Assessor

There shall be single Assessor appointed by the City Manager. The single Assessor shall perform all duties and responsibilities provided for Assessor under general law.

The Assessor may be removed by the City Manager for cause, after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the Assessor where such practice is generally accepted in the trade and is lawful.

The Assessor shall be appointed to serve one year and until another is chosen and qualified in his or her place.

Section 2 Board of Assessment Review

There shall be established a Board of Assessment Review for the purpose of deciding upon taxpayer appeals from decisions of the Assessor or the City Council. The Board shall have the opportunity to grant such reasonable abatement of property tax as they think proper on the basis of evidence presented at appeal.

A. The Board of Assessment Review shall be organized as follows:

1. The Board shall consist of five (5) Board members, serving three (3) year staggered terms, and two (2) Associate members appointed yearly by the City Council. Associate members shall not take part in any hearing unless designated by the Chairman to serve in the place of an absent member.
2. One (1) member shall be elected annually by the members as Chairperson, and one (1) member as Secretary of the Board. A majority of the voting members, or associate members designated by the Chairperson to serve in the place of absent members shall constitute a quorum.
3. Neither a municipal officer nor a spouse of a municipal officer may be a member or associate member of the Board.
4. Any question of whether a particular issue involves a conflict of interest, or a direct or indirect pecuniary interest, sufficient to disqualify a member from voting on that issue shall be decided by a majority vote of the members, excluding the member who is being challenged.
5. Vacancies due to death, resignation, removal by the municipal officers or failure to maintain legal residence in Presque Isle, shall be filled by interim appointment by the Council for the remainder of the unexpired term.

6. The municipal officers may dismiss a member of the Board for cause before the member's term expires. Cause may include failure to attend meetings as called by the Chairman.
 7. The City Council shall have the right to discontinue the Board of Assessment Review at any time, by vote of the Council, provided such vote to discontinue shall take place at least ninety (90) days before January 1st of any year. If so voted to discontinue, the Board shall cease to exist at the end of the then current year.
- B. The Board shall adopt rules of procedure for internal governance to include the following:
1. The Chairman shall call meetings of the Board as required. The Chairman shall also call meetings of the Board when requested to do so by a majority of the members. A quorum of the Board necessary to conduct an official Board meeting must consist of at least a majority of the Board's members or such associates as determined by the Chairman to serve in the place of an absent member.
 2. The Secretary shall maintain a permanent record of all Board meetings and correspondence of the Board. The Secretary is responsible for maintaining those records which are required as part of the proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary are public records excepting those records which, pursuant to 36 M.R.S.A. §841, are confidential. They shall be filed in the Assessor's office and may be inspected at reasonable times, excepting those records which pursuant to 36 M.R.S.A. §841 are confidential.
 3. The Board, may provide, by regulation which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that the Chair may waive any regulation upon good cause shown.
 4. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts.
 5. The transcript or tape recording of testimony is such a transcript or tape recording has been prepared by the Board, and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions.

6. The Board shall be subject to the same provisions for notice of decision and appeal as required by 36 M.R.S.A. §842 and 36 M.R.S.A. §843.

C. Severability

In the event any part or portion of the Ordinance is deemed by a Court of competent jurisdiction to be void and unenforceable, the remaining portions as parts shall remain in full force and effect.

- D. The Board shall comply with all respects with the confidential provisions of 36 M.R.S.A. §841 concerning applications for abatement due to infirmity or poverty and the Board's actions regarding said application.

E. Sunset Provision

This Ordinance shall be in force for the term of four years from its effective date. This Ordinance shall become null and void upon the expiration of four years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

RULES OF PROCEDURE

When a Taxpayer requests a hearing, it shall be in writing. Such Taxpayer is to be notified of the date, time and place for the hearing in writing, and will also be given preliminary information. The hearing shall be set to allow time to ensure effective preparation by the Taxpayer.

All hearings will be governed by the following, which information shall be furnished to the Taxpayer:

- A. Be held and conducted in a convenient place within the City of Presque Isle, open to the public, except those matters involving appeals based on poverty or infirmity pursuant to 36 M.R.S.A. §841:
 1. The Taxpayer, his witnesses, legal counsel, and other whom the Taxpayer elects to be present at the hearing;
 2. The Tax Assessor, the City Solicitor (at the Assessor's discretion), and such others selected by the Assessor, and/or, the Board.
- B. The hearing shall be opened with a presentation of the issue(s) by the Chairperson (or in absence of the Chairperson, the Chairperson Pro. Tem.).
- C. The hearing shall be conducted in an informal manner, by the Chairperson, but all person(s) testifying thereat shall be under oath. The "Rules of Evidence" shall not be adhered to, but subject to requirements of "due process." All evidence having reasonable probative value shall be admissible, but any immaterial, irrelevant and unduly repetitious evidence, as determined by the Chair, shall be excluded.
- D. The Taxpayer and the Assessor shall have the right to present their positions themselves, or by their legal counsel, or with the aid of others.
- E. All participants shall be given the opportunity:
 1. to present oral and/or written testimony or documentary evidence;
 2. to offer rebuttal evidence;
 3. to questions and to cross-examine any witness presented at the hearing;
 4. to examine all evidence presented at the hearing; and
 5. to request a view of the property in issue. The Board may allow such a view, or may, at its own Motion order a view of the property, if the Board, in its sole discretion feels that such a view is needed to enhance the hearing process. If a view is so ordered, both parties (the Taxpayer and the Assessor, together with legal counsel) shall have the right to be present, and evidence or testimony shall not be offered at the time of the view. Both parties may nevertheless call to the attention of the Board those things which either of them wish the Board to observe, without further comments during such view. The view may precede or follow the hearing itself, at the sole discretion of the Board.

- F. Result in a decision, based on the evidence and/or testimony presented at the hearing, and the observation of the Board on any view taken of the property on issue.
- G. Be permanently recorded, having a written decision and evidence will be kept on file with the Board. The hearing will allow the Taxpayer to establish all pertinent facts and circumstances, and to advance any supportive arguments without undue interference.

Information that either party does not have an opportunity to hear or see is not used in the hearing decision or made a part of the hearing record. The Board shall not review any material prior to the hearing, unless the same material is made available to both parties, and their legal counsel, if any.

- H. To maintain orderly procedure, the Chairperson shall have the right to require that all questions asked of either party or witnesses be made through the Chair, and all persons at the hearing shall abide by the Order of the Chairperson.

DISPOSITION OF HEARING DECISION

The decision of the Board of Assessment Review will be communicated in writing to the Taxpayer and to the Assessor, and a copy thereof given to the Tax Collector and the City Treasurer within ten (10) days after completion of the hearing.

The decision of the Board will be binding on the Assessor. Written notice of the decision will contain the following:

1. A statement of the issue(s);
2. Pertinent provisions in the law related to the decision;
3. Relevant facts brought out at the hearing;
4. The decision and the reason(s) for it;
5. The notice of decision will state that the Taxpayer and/or City of Presque Isle, if either is dissatisfied with the decision of the Board, shall have the right to a judicial review by the Superior Court, under Rule 80(b) of the Maine Rules of Civil Procedure; and that if the Taxpayer and/or the City are to take advantage of this judicial review, the party requesting such review must file a petition for review in the Superior Court within thirty (30) days after receipt of notice of the decision.

ROLE OF CHAIRPERSON OF BOARD

1. The Chairperson shall swear in all witnesses, using the following oath or affirmation:

“Do you solemnly swear (affirm) that the testimony you are about to give in the matter now in hearing shall be the truth, the whole truth and nothing but the truth, so help you God (under the pains or penalties of perjury).”

2. The Chairperson shall maintain order at all hearings and may exclude any person or persons from the hearing room who are, in the opinion of the Chair, disorderly and/or interfere with the orderly conduct of the hearing process.

CHAPTER 9

CITY OF PRESQUE ISLE

License and Public Hearing Fees Ordinance



Adopted: December 15, 1997

Repassed: March 19, 2001

Amended: July 2, 2001

Amended: February 2, 2004

Repassed: February 23, 2005

Amended: August 4, 2008

Repassed: February 2, 2009

City Seal

Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 9

LICENSE AND PUBLIC HEARING FEES ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to establish the license and public hearing for the City of Presque Isle.

Section 2 Fees

The fees for licenses and public hearings shall be as follows:

Auction	\$5.00 after first day
Autobody graveyard or junkyard more than 100 feet from highway	\$50.00 plus public hearing fee
Automobile graveyard or junkyard less than 100 feet from highway	\$250.00 plus public hearing fee
Automobile recycling (5 year permit)	\$250.00
Bowling alleys	\$25.00
Circus or carnival	\$25.00
Employment agency	\$100.00
Going Out of Business/Closing Out Sale	\$25.00
Hawkers and Peddlers	Based on percentage of sale
Juke Box – per machine	\$15.00

Pin Ball Machines – per location	\$25.00
Pool and billiard rooms	\$20.00

Chapter 9 – License and Public Hearing Fees Ordinance
Page 2:

Pawnbroker	\$25.00
Public Hearing fees	\$40.00
Refuse collection	\$50.00
Roller skating rink	\$25.00
Special amusement for dancing and entertainment	\$40.00
Special permit for catering off premises	\$10.00
Shooting galleries	\$10.00
Taxicab drivers	\$10.00
Taxicab service	\$40.00

Section 3 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 12

CITY OF PRESQUE ISLE

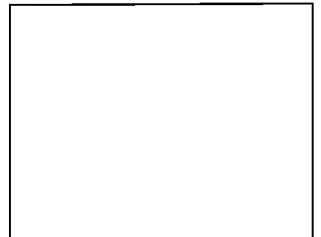
Taxicab Ordinance



Approved by the City Council: May 20, 1991
Amended by the City Council: June 3, 1996
Repassed by the City Council: February 7, 2000
Amended by the City Council: December 4, 2000
Repassed by the City Council: January 21, 2004
Amended by the City Council: May 3, 2004
Amended by the City Council: October 17, 2005
Repassed by the City Council: January 7, 2008
Amended by the City Council: March 3, 2008
Amended by the City Council: June 6, 2011

Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 12

TAXICABS

Section 1 Definitions

The following words and phrases when used in this chapter shall have the following meanings:

- A. Driver's License: means the permission granted by the Council to drive a taxicab upon the streets and roadways of the City, provided the person possesses a valid Maine Drivers License.
- B. Licensed Inspector: means and includes any person designated by the Clerk to perform inspections of taxicabs.
- C. License to operate: means the license issued by the Council authorizing a person to operate a taxicab business in the City.
- D. Limousine: means and includes any motor vehicle except a taxicab, used for the transportation of passengers for hire for special events and by appointment.
- E. Person: Includes an individual, corporation, partnership or other business association.
- F. Rate Card: means a card issued by the City Clerk for display in each taxicab which boldly shows the rates then in force.
- G. Revocation: means a suspension of the right to conduct business or drive a taxicab for a period that exceeds one year.
- H. Suspension: means taking away the right to conduct business or drive a taxicab that does not exceed one year.
- I. Taxicab: means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not less than four (4) persons and not operated on a fixed route.
- J. Taxicab Operator: means a person engaged in the business of employing drivers and taxicabs for transporting passengers for hire.
- K. Waiting Time: means the time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of the passenger.

Section 2 Police Department to Report Violations to Council

The Police Department is hereby given the authority and is instructed to watch and observe the conduct of operators and drivers operating under this chapter.

Upon discovering a violation of the provisions of this chapter, the Police Department shall report the same to the Council which will order or take appropriate action.

Section 3 Operator’s License Required

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a license from the Council.

Section 4 Application for License to be Filed; Information Desired

An application for a taxicab operator license required by Section 3 shall be filed with the City Clerk upon forms provided by the City and such application shall be verified under oath and shall furnish the following information:

- A. The name and address of the applicant
- B. Evidence of ability to secure bond or insurance
- C. The experience of the applicant in the transportation of passengers
- D. The number of vehicles to be operated or controlled by the applicant
- E. Such further information as the Council may require

Section 5 Issuance of License

If the Council finds that an applicant is fit, willing and able to perform such public transportation, and to conform to the provisions of this chapter and the rules promulgated by the Council, then the City Clerk shall issue an operator’s license stating the name and address of the applicant, the number of vehicles authorized under the license and the date of issuance, otherwise the application shall be denied.

All licenses covered by this chapter shall expire on the first (1st) day of May of each year, except if the first (1st) shall fall on a weekend or a holiday the license will expire on the next regular business day.

Section 6 Indemnity Insurance Required

No operator’s license required by Section 3 shall be issued or continued in operation unless there is in full force and effect vehicle insurance in such form and amount of coverage per applicable State law and/or regulation.

Said insurance, shall inure to the benefit of any person who shall be injured or who shall sustain damage to property, proximately caused by the negligence of a taxi operator. A copy of said insurance shall be filed with the City Clerk, with the City as a named insured.

Section 7 Fees Prerequisite to Issuance to License

No operator’s license provided under this chapter shall be issued or continued in operation unless the holder thereof has paid an annual license fee required by Section 22 for the right to engage in the taxicab business and the required fee for each vehicle under a license.

Said license fees shall be valid for one year and shall be in addition to any other license fees or charges established by proper authority and applicable to said taxicab operator or the vehicle or vehicles under his operation and control.

Section 8 Transfer of Operator's Licenses

No operator's license may be sold, assigned, mortgaged, or otherwise transferred.

Section 9 Suspension, Revocation of License; Hearing

An operator's license issued under the provisions of this chapter may be revoked or suspended by the Council if the holder thereof has:

- A. Violated any of the provisions of this chapter;
- B. Discontinued operations for more than sixty (60) days without due cause;
- C. Has violated any Ordinance of the City or the laws of the United States or of the State of Maine, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given ten (10) days notice of the proposed action to be taken and shall have an opportunity to be heard.

Section 10 Duty to Provide Service; Penalty

Holders of an operator's license issued in accordance with this chapter shall maintain a central place of business for the purpose of receiving calls and dispatching cabs.

Holders of an operator's license shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so and if services cannot be rendered within reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.

Any holder of an operator's license who shall refuse to accept a call during business hours anywhere in the corporate limits of the City at any time when such holder has available taxicabs, or who shall fail or refuse to give service during business hours shall be deemed a violator of this section and the license granted to such holder may be revoked at the discretion of the Council.

Section 11 Taxicabs to be Marked

Taxicabs will be clearly marked as such. Taxicab operators may employ a specific color scheme, identifying design, monogram or insignia.

Each licensed taxicab shall have on the top and/or each side in letters readable from a distance of twenty (20) feet the name of the licensee or the dispatch controller for the purpose of receiving calls, as well as a designated number assigned by the City Clerk to be no smaller than three (3) inches to be placed on each side of each licensed vehicle, or on each side of the taxi sign on top of the vehicle.

Section 12 Rates

No taxicab operator or taxicab driver shall charge a sum for the use of a taxicab higher than that in accordance with the following rates:

- A. A base fee shall be set based on the formula found in Section (J) below for one and \$1.50 for each additional person ten (10) years of age and over, from the same point of hire to the same destination, within the compact urban line, excluding the Airport. An additional \$1.00 per mile may be charged for trips outside the compact urban line.
- B. A fee may be charged for fares to and from the Airport, equal to the base fee, within the urban line or from any hotel or motel in the City.
- C. Trunks may be charged for at the rate of \$1.00.
- D. Charges for waiting time may be \$.35 per minute or \$20.00 per hour.
- E. Charge for errands may be \$1.00 over the cost of fare.
- F. An additional fee of \$1.00 may be charged for delivering groceries, parcels, etc.
- G. Children under ten (10) years of age accompanied by adults will be carried without charge.
- H. Taxicabs may be employed as sightseeing cabs at the rate of \$20.00 per hour for the first hour and, for each quarter hour thereafter or fraction thereof, \$5.00, provided, however, that no taxicab shall be engaged as a sightseeing cab for a shorter period than one hour.
- I. No charge shall be made for the transportation of the first two bags or parcels per passenger. A charge of \$.75 may be charged for more than two bags or parcels.
- J. The base fee shall be established based on the IRS allowable mileage rate. Such rate shall be based on a ratio of the 6/2005 rate of \$0.405 per mile equaling a base rate of \$5.50, rounded down to the nearest \$0.10. To illustrate, at the 2011 IRS rate of \$0.51, the base rate would be \$6.90 $((5.50 \times 0.51) / (0.405)) = \6.92 , rounded down to \$6.90
- K. Passengers are under no obligation to pay the fare for any trip originating in the City and going outside the City or originating outside the City and coming inside the City unless the passenger and the driver have agreed upon an amount of the fare prior to the commencement of the trip.
- L. A rate card shall be issued by the City Clerk together with each taxicab license. The rate card shall be clearly visible to the passenger at all times when the taxicab is in service. The rate card shall also contain the following statement: "If you have a complaint about the service you have received or the fare you have been charged, please call the Clerk of the City of Presque Isle at 760-2720."
- M. Whenever the IRS rate for mileage changes, the maximum rate charged, according to this ordinance, shall automatically change on the effective date and upon notification by the City Clerk to all licensed operators within the City. A public notice shall be placed according to the notification requirements of any ordinance changes; such cost shall be borne by the licensed operators.

Section 13 Equipment

- A. Taxicabs shall be at all times clean and in good repair inside and out and shall be maintained at all times in compliance with the laws of the state relating to passenger vehicle and the rules and regulations of the State Commissioner of Transportation enacted pursuant thereto.

Taxicabs shall be inspected and must pass inspection by a State of Maine Certified Inspection Station three (3) times per year, during the months of January, May and September.

- B. Every taxicab shall be equipped with an exterior light affixed to the roof thereof which shall be covered with a translucent fixture marked with the word "Taxi" in legible lettering and which shall be operated during the period between sunset and sunrise, as long as the taxicab is in service.
- C. Every taxicab shall be conspicuously marked in letters not less than one and one-half (1 ½) inches in height with the word "Taxi" and the owner's name or trade name, or, in lieu of such name or trade name, with a design or monogram containing the owner's name or trade name. Such design or monogram shall be not less than eight (8) inches in diameter.

Section 14 Display of License

A taxicab driver shall display his or her taxicab driver's license in a place within the cab which is clearly visible to passengers at all times when the cab is in service.

Section 15 Ordering of Taxicab from Service

The license inspector may require any licensee to present a taxicab for inspection whenever the inspector deems such inspection necessary and may in writing order a taxicab business licensee to remove from service any taxicab which is in violation of this chapter; provided that a reinspection shall be scheduled as soon as possible but in no case more than three (3) days thereafter. There shall be a charge of \$5.00 for the first reinspection, and a charge of \$25.00 for each reinspection thereafter, of any taxicab ordered removed from service for any violation which is deemed by the license inspector to represent a serious threat to the health or safety of passengers. Any licensee aggrieved by such an order may appeal at any time to the Clerk who shall as soon as possible, and in no case more than three (3) days thereafter determine whether such taxicab is in violation of this chapter and shall either affirm the order of the license inspector or give the licensee written permission to return the taxicab to service. Notwithstanding any other provision of this section or chapter, the license of any licensee charged with operating a taxicab which the license inspector has ordered out of service shall be suspended in accordance with Section 9, and shall either be suspended or revoked upon a finding, after notice and hearing, that the violation has in fact been committed.

Section 16 Required

No person shall operate a taxicab within the City unless such taxicab and the driver thereof are currently licensed. All licenses issued pursuant to this chapter shall be granted, denied, suspended or revoked by the Clerk, in accordance with the other provisions of this chapter. A taxicab business license shall apply to one vehicle only.

Section 17 Application

- A. Applications under this chapter shall be filed as follows:
1. Taxicab operator's licenses:
 - a. Name(s) of the stockholders of the corporation will be submitted along with the application. In all other cases by all persons having actual ownership interests in the applicant. If the applicant is a corporation, the application shall state the name and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.
 - b. A record of any disqualifying criminal conviction or a statement that no such conviction exists shall be provided.
 - c. A detailed description of the graphic design, insignia, wording and coloring which will appear upon the vehicle, if licensed, shall be included.
 - d. The application shall contain an appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the Clerk.
 2. Taxicab drivers license. The taxicab driver's license application shall:
 - a. State the age of the applicant; all applicants must be at least 18 years of age.
 - b. Provide proof the applicant has a valid, active, Maine driver's license.
 - c. Contain a complete statement of the applicant's health and physical condition
 - d. Contain a complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists
 - e. Contain a record of convictions for reckless driving, driving to endanger, operating or attempting to operate under the influence during the year preceding the application; and
 - f. State whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation or revocations.
- B. The application shall contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the above items permission to release the same to the Clerk and shall be accompanied by two (2) photographs of the applicant of such size as the Clerk may specify.

Section 18 Standards for Denial

In addition to those standards set forth in this chapter, a license under this section shall be denied to the following persons:

- A. Taxicab operator's licenses:
 - 1. To a corporation which is not licensed to do business in the state;
 - 2. To an applicant other than the registered owner of the vehicle;
 - 3. To an corporation if any principal officer or stockholder thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;
 - 4. To an applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction; and
 - 5. To any applicant whose taxicab business license has been revoked within the three (3) years preceding the application.

Section 19 Transfer

Notwithstanding any other provision of this chapter, and in lieu of any other fee, a taxicab license may be transferred to another vehicle. All additional fee of \$5.00 will be charged for the transfer at the time the transfer is requested.

Section 20 Automatic Revocation or Suspension

No taxicab driver's license shall be effective for the purposes of this chapter during any period in which the state driver's license of the licensee is suspended or revoked.

Section 21 Grounds for Suspension or Revocation

- A. Either License. In addition to the grounds for suspension or revocation of licenses set forth in other sections of this chapter, either a taxicab operator's license or a taxicab driver's license may be suspended or revoked upon a determination that the licensee:
 - 1. Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger;
 - 2. Knowingly conveyed any passenger to a place other than that which the passenger specified;
 - 3. Transported any person other than the passenger first engaging the taxicab without the express consent of such passenger;
 - 4. Drove a taxicab when not clean and neat in appearance;
 - 5. Failed to remain in the driver's compartment of the taxicab at all times that the taxicab was in service or was waiting to be hired; other than to assist a passenger or his or her bags into or out of the taxicab; or permitted any person other than the driver, and a passenger or passengers to remain in the taxicab at any such time; except a trainee, if a licensed taxicab driver;
 - 6. Refused to transport any orderly person upon request unless, in the case of a single taxicab business the taxicab is engaged, or in the case of a taxicab business

operating more than one taxicab, all taxicabs operated by such business and then in service are engaged (if no taxicab is available at the time when a request for taxicab service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab using such dispatch service unless the caller expressly declines to make such arrangement);

7. Charged more than the maximum fare specified on the rate card displayed in the taxicab;
8. Failed to notify the Clerk of any change of any material fact set forth in the application for such license; or
9. Removed from a taxicab or obscured or caused to be removed from a taxicab or obscured the notice required by Section 12.

B. Taxicab drivers licenses only. In addition to the provisions of Subsection (A), a taxicab driver's license may be suspended or revoked upon the determinations that the driver:

1. Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers.

Maximum suspensions of taxicab driver's licenses, under this section shall be as follows:

5 days for the first violation; 14 days for the second violation within a one-year period. Third violations shall result in revocation of the taxi driver's license and may be the basis for further action with respect to the taxicab operator's license.

C. Taxicab operator's licenses. In addition to the provisions of Subsection (A), taxicab operator's licenses shall be subject to suspension or revocation where it is determined that there have been repeated violations by the driver or drivers which resulted in four (4) or more suspensions for similar conduct by the same driver, or eight (8) or more suspensions by employees of the same person holding more than one taxicab operator's license for similar conduct establishing a pattern of conduct by the holder of the taxicab operator's licenses .

Section 22 Fee Schedule

The following list of fees are set in compliance with this chapter:

<u>Type</u>	<u>Fee</u>
1. Taxicab Operator's License	\$40.00
2. Taxicab Driver's License	\$10.00
3. Transfer Request	\$ 5.00
4. Inspection Required by Section 15	\$ 5.00 and \$25.00

Section 23 Rate Schedule

The following list of rates are set in compliance with this chapter:

1. Base rate may be charged for any trip within the compact urban line, except the Airport, an additional fee of \$1.00 per mile may be charged for trips outside the compact urban line.
2. \$1.50 may be charged for each additional passenger.
3. Base rate may be charged for any trip to or from the Airport, inside the compact urban line or from any hotel or motel in the City.
4. Trunks may be charged for at a rate of \$1.00.
5. Waiting time may be charged at \$.35 per minute or \$20.00 per hour.
6. Charge for errands may be \$1.00 over the cost of the fare.
7. Charge for the delivery of groceries, parcels, etc. may be \$1.00 over the fare.
8. When used for sightseeing the fare may be \$20.00 per hour, and \$5.00 of every quarter hour thereafter.
9. No fare may be collected for any child under the age of 10 years old, when accompanied by an adult.

Section 23 Penalties

Notwithstanding any other provision of this chapter, if found to have violated any provision of this chapter, taxicab operators may be fined up to \$100.00 and taxicab drivers may be fined up to \$50.00 for any violations of this chapter or may also be charged criminally or civilly for any violations of this chapter that also constitute a violation of State law, but not both.

Section 24 Sunset Provisions

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 13

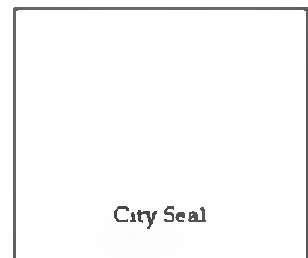
CITY OF PRESQUE ISLE

Litter and Illegal Dumping Ordinance



Approved by the City Council: July 1, 1996
Repassed by the City Council: February 7, 2000
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Revised by the City Council: February 7, 2011
Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe City Clerk



CHAPTER 13

LITTER ORDINANCE

PREAMBLE: This Ordinance is intended to replace and repeal all prior Ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

DEFINITIONS: For the purpose of this Ordinance, the following terms shall have the means ascribed to them in this section, to wit:

Litter: Any garbage, solid waste, junk, rubbish, refuse, construction debris or demolition debris, and any other waste or materials covered under the definitions set forth in Chapter 42 (Solid Waste Ordinance), which are incorporated herein (each of the terms used above shall convey the same meaning as set forth in the definition section of the Solid Waste Ordinance (Chapter 42), as though they were set forth herein).

Storage Container(s): Any metal or rigid plastic container not to exceed 55 gallon capacity, with proper covers thereto.

Person: The word "person" as used herein shall mean and include an individual, or group of individuals, entities, and/or partnership.

Illegal Dumping: the act of placing, depositing, dumping, disposing of, or allowing the disposal of, any solid waste on any land or into any water, public or private, including one's own property, but not limited to, municipally or state-owned land and waters not legally permitted for the disposal of such waste.

Section 1 General

- A. *Purpose:* the purpose of this Chapter is to promote the general health and welfare of the citizenry of the City of Presque Isle by providing for the orderly disposal of solid waste, to upgrade the quality of human life and the environment, to control pollution, to protect our natural resources, and to ensure an adequate capacity for disposal of waste into the future.
- B. *Conformity:* This Chapter shall conform to all applicable Federal and State laws
- C. *Conflicts:* In the event of a conflict with the provisions of this Chapter and Ordinances of the City of Presque Isle, the more stringent provisions shall apply.
- D. *Severability:* In the event any portion of this Chapter or Article herein is held to be invalid, the balance of this Chapter or said Article shall remain unaffected thereby.

- E. *Violations and Penalties:* A violation of this Chapter shall be enforced in accordance with the provisions of 30-A M.R.S.A. § 4452, or the same that may be amended from time to time, as a land use violation. The penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Chapter, except where expressly provided herein. The City of Presque Isle shall be entitled to its costs for successfully prosecuting any violation of this Chapter, including but not limited to, attorney fees, costs associated with prosecuting the cases, including staff time, clean up costs associated with any remedial action taken by the city or on behalf of the city, even if such costs were incurred by a independent third party, and/or revenue otherwise not received by the community because of the actions of the violator.
- F. *Enforcement:* It shall be the duty of any designated official under the authority of the Presque Isle City Manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.
- G. *Penalty:* Any person who violates any of the provisions of this Ordinance shall be assessed a fine of not less than five hundred (\$500.00) for the first offense; and not less than one thousand (\$1,000.00) for each successive violation. Each day's continuance or failure to comply shall be punishable as such. All fines, fees and costs shall be recovered to the City of Presque Isle.

Section 2 Curbside Collection and Litter Control

- A. No person shall litter within the limits of any street, highway, public way, public parking lot, private way, passageway, bridge or into water or on banks or onto the ice of any lake, pool, brook, river or stream within the City of Presque Isle.
- B. No property owner within the City of Presque Isle shall or allow his tenant(s) to so deposit or store on his property, outside of a building, any rubbish, household waste, or garbage except in proper storage containers, waiting timely transport to a transfer station or the sanitary landfill ("Timely Transport" as used herein shall mean within two [2] weeks). All proper storage containers, if kept on the premises outside of any building or storage shed, shall be kept so that said containers are securely covered at all time, to insure public health and safety.
- C. When all proper storage containers are placed at curbside for collection by a licensed refuse collector said containers shall not be so placed prior to 6:00 PM the evening prior to the day of collection and said containers shall be removed from curbside no later than 8:00 PM the day of collection.
- D. The owner of property, is for the purpose of section 2 of this Chapter, presumed to have knowledge of any violation of this section by his tenant(s), and shall be responsible for the acts of his tenant(s) that are in violation of this section.
- E. It shall be considered a violation of this ordinance for any person to use another persons' or entities' means of disposal, i.e. dumpster, without permission, to dispose of their solid waste.

Section 3 Health Nuisances

- A. *Trash in Public Places Prohibited:* No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Presque Isle shall throw, deposit or leave any garbage, yard waste, waste matter, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or cause the same to be thrown, deposited or left upon any street, alley, gutter, park, or other public space, or throw or deposit the same in or upon any private premise or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this Article or by Chapter 42 of the Presque Isle Ordinances.
- B. *Polluting of Bodies of Water Prohibited:* No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Presque Isle shall throw, deposit or leave any dead animal or any cold or offensive matter in any waters in the City of Presque Isle. Nor shall any person throw, cast or place any living animal with the intent to drown or harm the same in any waters in the boundaries of the City of Presque Isle.
- C. *Illegal Dumping:* Any person, partnership, corporation, association or other legal entity who with or without authority from the owner of a premises who shall throw, dump, or deposit any refuse, rubbish, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animal(s), biological waste or waste matter of a similar nature upon any premises, shall be guilty of an offense except as follows:
1. The composting of material as authorized by the State of Maine Solid Waste Management Rules, provided no nuisance is caused;
 2. Open burning or incineration as allowed within this Ordinance.
- D. *Incineration is Prohibited:* It shall be unlawful for any person to burn or incinerate any solid waste within the City of Presque Isle, unless authorized by federal and state law, approved by the Fire Department, and further limited to:
1. The burning of leaves, brush, garden waste, slash, slab wood and other natural wood wastes resulting from property maintenance, logging and clearing operations.
 2. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.
 3. All open burning must be extinguished by one half hour after sunset unless otherwise approved by an authorized fire official.

- E. *Compliance is Mandatory:* If, in the opinion of an authorized official of the City it shall be for the health or comfort of the inhabitants of the City of Presque Isle that any particular substance should be removed forthwith and without delay, it shall be his or her duty to cause the same to be removed accordingly. Whenever any person shall have been duly notified to remove any of the substances mentioned in this Article, or to perform any other act or thing which it may be their duty to perform for the preservation of the public health and safety of the residents of the City of Presque Isle and the time limit for the performance of such duty shall have elapsed without compliance with such notice, by an authorized agent shall forthwith cause such substance to be removed at the expense of the person so notified. The authorized official or their designee shall cause all persons who shall violate or disobey any provision of the Article to be prosecuted and punished to the greatest extent possible by law.
- F. *Licensed junkyards:* Nothing within this ordinance shall be interpreted as affecting the proper and authorized operation or using of a licensed junkyard as defined by law.

Section 4 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted below: This Ordinance shall become null and void upon the expiration of four (4) years from said effective date; unless recommended and required by the City Council to remain effective prior to such expiration date.

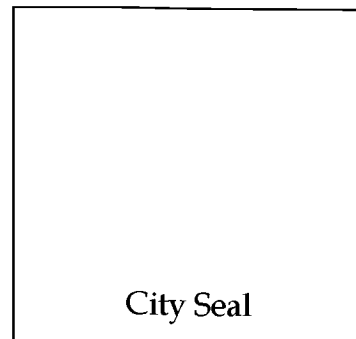
**CHAPTER 16
CITY OF PRESQUE ISLE**

***LAND USE AND DEVELOPMENT
CODE ORDINANCE***



Date of Passage: December 19, 1979
Re-Passed: January 4, 2010
Amended: June 4, 2012

Attest: _____
Beverly A. Labbe, City Clerk



City Seal

LAND USE AND DEVELOPMENT CODE

The following Code has been prepared for the purpose of codifying into a single document the various land use regulations and development review procedures ordinarily distributed among the zoning ordinance, subdivision regulations and street acceptance ordinance. This Code is prepared primarily to serve, once adopted, as a land use code. The text is divided into three chapters. The first chapter consists of the basic content of the zoning ordinance; what uses can go where and related procedures for appeal and routine administration.

The second chapter deals with performance standards for those uses. It is based upon standards currently in use in the City, together with new one reflecting both recent legislation and the need to provide standards where beforehand none existed.

The third chapter sets forth the criteria and procedures for reviewing development proposals of all types in the City.

LAND USE AND DEVELOPMENT CODE

CITY OF PRESQUE ISLE, MAINE

FINAL

1993

DATE OF PASSAGE: December 19, 1979

DATE EFFECTIVE: January 1, 1980

REVISIONS

Revised:

Approved by the City Council: January 19, 1980

Revised:

Chapter II, Section III C (3), (4), (5) Signs - General

Approved by the City Council: January 15, 1987

Revised:

Approved by the City Council: May 4, 1987

Revised:

Chapter II, Section II Parking Loading & Traffic

Approved by the City Council: August 3, 1987

Revised:

Chapter 1, Section XIII Retail Business Zone

Approved by the City Council: October 5, 1987

Revised:

Chapter 1, Section IX & X Urban Residence - 1 & Urban Residence - 2

Approved by the City Council: November 20, 1989

Revised:

Chapter I, Section XVI, XVII, XVIII, XIX WPAHZ, WPAFZ, WPBZ & WRPZ

Chapter II, Section VII Site Design Standards for Watershed Protection

Chapter III, Section V Watershed Protection Development Plan

Approved by the City Council: May 17, 1990

Revised:

Chapter II, Section VI Mobile Home Parks/Seasonal Trailer Parks
Approved by the City Council: November 15, 1991

Revised:

Chapter I, Section I (E) Re-zoning
Chapter II, Section II (A) (2) Parking Loading & Traffic
Approved by the City Council : March 14, 1991

Revised:

Chapter III, Section III (A) Signs - Residential
Chapter III, Section V (A) Watershed Protection Development Plan
Approved by the City Council: May 16, 1991

Revised:

Chapter I, Section V Definitions
Chapter I, Section VIII Suburban Residence Zone
Chapter I, Section IX Urban Residence - 1 Zone
Chapter I, Section X Urban Residence - 2 Zone
Chapter I, Section XIV Professional Medical Zone
Chapter II, Section II Parking Loading & Traffic
Approved by the City Council : June 13, 1991

Revised:

Chapter I, Section XII (C) (3) Retail Business Zone
Chapter I, Section XIII (C) (3) Business Zone
Approved by the City Council : September 26, 1991

Revised:

Chapter 1, Section IV (B) (2) Appeals - Powers and Duties
Approved by the City Council: November 18, 1991

Revised:

Chapter II, Section I Environmental
Approved by the City Council: January 1, 1992

Revised:

Chapter I, Section IV (D) (2) Appeals
Chapter I, Sections VII, VIII, VIX, X, XI, XII, XIII, XIV.D.2
Chapter I, Section XVI (E) (2) Watershed Protection Aircraft Hazard Zone
Chapter I, Section XVIII (E) (2) Watershed Protection Business Zone
Chapter II, Section III (B) Signs - Nonresidential
Approved by the City Council: April 16, 1992

Revised:

Chapter II, Section IV (A)	Appeals
Chapter II, Section VI (B)	Aircraft Hazard Zone
Chapter II, Section III (A)	Signs – Off-Street Parking Standards
Chapter II, Section IV (D)	

Approved by the City Council: August 16, 1992

Revised:

Chapter I, Section V	Definitions
Chapter I, Section XI (C)	Resource Protection Zone
Chapter II, Section I (F)	Environmental – Shoreland Area Protection
Chapter II, Section I	Environmental

Approved by the City Council: October 17, 1994

Revised:

Chapter I, Section V	Definitions
Chapter I, Section VI (C)	Aircraft Hazard Zone
Chapter I, Section VII (C)	Agricultural Farming Zone
Chapter I, Section VIII (C)	Suburban Residence Zone
Chapter, I, Section IX(C)	Urban Residence – 1 Zone
Chapter I, Section X (C)	Urban Residence – 2 Zone
Chapter I, Section XII (B)	Retail Business Zone – Permitted Uses
Chapter I, Section XII (C)	Retail Business Zone – Special Exceptions
Chapter I, Section XIV (C)	Professional Medical Zone
Chapter I, Section XVI (D)	Watershed Protection Aircraft Hazard Zone
Chapter I, Section XVII (D)	Watershed Protection Agricultural Farming
Chapter II, Section III (B)	Signs – Off-Street Loading Standards
Chapter II, Section III (C) (3)	Signs - General
Chapter II, Section III (C) (4)	Signs - General
Chapter II, Section III (C) (5)	Signs - General

Approved by the City Council: May 16, 1996

Revised:

Chapter I, Section V	Definitions
Chapter I, Section XX	Suburban Commercial Zone
Chapter II, Section II (C) (1)	Parking, Loading & Traffic
Chapter II, Section III (B)	Signs - Nonresidential
Chapter II, Section III (C)	Signs - General

Approved by the City Council: June 27, 1996

Revised:

Chapter I, Section IV (A) (2), (3), (5)	Appeals – Appointment & Composition
Chapter I, Section IV (B) (4) (b) & (c)	Appeals – Powers & Duties
Chapter I, Section V	Definitions
Chapter I, Section VII, (C) (6)	Agricultural Farming Zone
Chapter I, Section VIII (C) (2)	Suburban Residence Zone
Chapter I, Section IX (C) (2)	Urban Residence – 1 Zone
Chapter I, Section X (C) (3)	Urban Residence – 2 Zone
Chapter I, Section XII (C) (3)	Retail Business Zone
Chapter I, Section XIII (C) (3)	Business Zone
Chapter I, Section XX (C) (2), (3), (4)	Suburban Commercial Zone
Chapter I, Section XXI (addition)	Light Industrial Zone
Chapter II, Section I, F Sub-sections 5, 9.A.13	Environmental – Shoreland Area

Approved by the City Council: September 3, 1997

Revised:

Chapter I, Section V	Definitions
Chapter I, Section VII (C) (13)	Agricultural Farming Zone

Approved by the City Council: February 2, 1998

Revised:

Chapter I, Section V	Definitions
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Approved by the City Council: April 6, 1998

Revised:

Chapter II, Section III (C) (5)	Signs – Access & Parking Layout
Chapter II, Section III (B)	Signs - Nonresidential

Approved by the City Council: June 18, 1998

Revised:

Chapter II, Section II (2)	Parking, Loading & Traffic
Chapter II, Section V (A-H)	Site Design Standards

Approved by the City Council: January 22, 2011

Revised:

Chapter I, Section XXII	Residential Office Zone
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Approved by the City Council: July 2, 2001

Revised:

Chapter I, Section 1 (C)	General – Zoning Maps
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Approved by the City Council: January 7, 2002

Revised:

Chapter I, Section 1 (C) General – Zoning Maps
Chapter I, Section XII (B) Retail Business Zone
Approved by the City Council: October 21, 2002

Revised:

Chapter 1, Section 1 (C) General – Zoning Maps
Approved by the City Council: December 2, 2002

Revised:

Chapter I, Section III (D) Administration – Building Permit
Chapter I, Section III (F) Administration – Certificate of Use
Chapter I, Section III (G) Administration - Fees
Chapter I, Section V Definitions
Chapter I, Section XIV (C) (7) Professional Medical Zone
Chapter II, Section III (C) (2) Signs - General
Approved by the City Council: April 7, 2003

Revised:

Chapter II, Section III (C) (5) Signs - General
Approved by the City Council: September 3, 2003

Revised:

Chapter I, Section V Definitions
Approved by the City Council: April 19, 2004

Revised:

Chapter I, Section 1 (C) General – Zoning Maps
Approved by the City Council: October 18, 2004

Revised:

Chapter I, Section 1(C) General – Zoning Maps
Approved by the City Council: May 3, 2004

Revised:

Chapter I, Section II Non-conformance
Chapter IV (4) Appeals
Chapter, I, Section IV (B) (3) Appeals – Powers & Duties
Chapter I, Section VII (D) (2) Agricultural Farming Zone
Chapter I, Section VII (C) Agricultural Farming Zone
Chapter I, Section XII (D) (2) Retail Business Zone
Chapter I, Section XIII (D) (2) Suburban Residence Zone
Chapter I, Section XIV(D) (2) Professional Medical Zone
Approved by the City Council: January 19, 2005

Revised:

Chapter I, Section V Definitions
Chapter I, Section VII (C) Agricultural Farming Zone
Approved by the City Council: August 1, 2005

Revised:

Chapter 1, Section 1 (C) General – Zoning Maps
Approved by the City Council: January 4, 2006

Revised:

Chapter I, Section 1 (C) General – Zoning Maps
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Chapter II, Section I (C) (3) Environmental – Mineral Exploration
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Chapter I, Section V Definitions

Chapter I, Section VI Aircraft Hazard Zone

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PLANNING BOARD ORDINANCE - CHAPTER 43



CHAPTER I
ZONING REGULATIONS



**SECTION I
GENERAL**

1. PURPOSE

This Chapter is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been drafted as an integral part of a Comprehensive Planning process for the City of Presque Isle, Maine, to promote the health, safety and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the City: to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of un-built areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

2. ESTABLISHMENT OF ZONES

To implement the provisions of this Chapter, the City of Presque Isle, is hereby divided into the following classes of zones:

Agricultural/Farming	AFZ	Urban Residence - 2	URZ - 2
Aircraft Hazard	AHZ	Watershed Protection Agricultural/Farming	WPAFZ
Business	BZ	Watershed Protection Aircraft Hazard	WPAHZ
Industrial	IZ	Watershed Protection Business	WPBZ
Light Industrial	LIZ	Watershed Resource Protection	WRPZ
Professional/Medical	PMZ	Suburban Commercial Zone	SCZ
Residential Office	ROZ	Light Industrial Zone	LIZ
Resource Protection	RPZ	Residential Office Zone	ROZ
Retail Business	RBZ	Rural Residential Zone	RRZ
Rural Residential	RRZ	Source Water Protection Area	SWPA
Suburban Commercial	SCZ	Industrial Zone Conditional	IZ-C
Suburban Residence	SRZ	Rural Residential Zone - 2	RRZ-2
Urban Residence - 1	URZ - 1	General Development Zone	GDZ

3. ZONING MAPS

The location and boundaries of the above zones are hereby established as shown on a map entitled "Zoning Map of the City of Presque Isle", dated _____, prepared by the Presque Isle Planning Board and kept on file at the Presque Isle Municipal Office, which map with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Code. When uncertainty exists with respect to zoning boundaries as shown upon the above map, the following shall apply;

- 1) Unless otherwise indicated, zoning boundary lines are the side lines, plotted at the time of adoption of this Code of street, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- 2) Other zoning boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Maps on file in the office of the City Clerk. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.
- 3) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by 1 or 2 above, the Board of Appeals shall interpret the Zoning boundaries.

4. CONFORMITY

- 1) No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this Code except those existing at the time of adoption of this Code which by the provisions of this Chapter become legally nonconforming.
- 2) The regulations specified by this Code for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.
- 3) Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Chapter, notwithstanding the fact that the fee to such land may be in the owner of such lot.
- 4) No part of a yard, or other space, or off-street parking or loading space about or in connection with any building and required for the purpose of complying with this Code, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

- 5) When a lot of record at the time of enactment of this Code is transected by a Zoning District Boundary, the regulations set forth in this Chapter applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.
- 6) In any district, notwithstanding limitations imposed by other sections of this Code, single lots of record at the effective date of adoption or amendment of this Code may be built upon. This provision shall apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

5. REZONING

- 1) The Planning Board may present recommendations to the City Council for rezoning based on conditional or contract zoning or any other type of zoning consistent with the Maine Revised Statutes. For the purposes of this ordinance, “*Conditional zoning*” means the process by which the City Council may rezone property to permit the use of that property subject to conditions not generally applicable to other properties similarly zoned. “*Contract zoning*” means the process by which the property owner, in consideration of the rezoning of the owner’s property, agrees to the imposition of certain conditions of restrictions not imposed on other similarly zoned properties. All such rezoning shall:
 - ⊗ Be consistent with the City’s comprehensive plan;
 - ⊗ Establish rezoned areas which are consistent with the existing and permitted uses within the original zones; and
 - ⊗ Only include conditions and restrictions which relate to the physical development or operation of the property.

The Planning Board shall conduct a public hearing prior to any property being rezoned under this paragraph. Notice of this hearing shall be posted in City Hall at least 14 days prior to the public hearing and shall be published in a newspaper of general circulation within the City of Presque Isle at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known addresses. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

6. CONFLICT WITH OTHER ORDINANCES

Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

7. SEVERABILITY

In the event that any section, subsection or any portion of this Code shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of this Code; to this end, the provisions of this Code are hereby declared to be severable.

8. CHANGES AND AMENDMENTS

No zoning regulations or amendment, thereof, shall be adopted until after the Planning Board of the City of Presque Isle shall have a public hearing thereon at least ten (10) days before it is submitted to the City Council for consideration. Public notice of the hearing shall be made at least ten (10) days prior to such hearing.

9. SCHEDULED MEETINGS

There shall be a scheduled meeting of the City of Presque Isle Planning Board each third Thursday of the month at 7:00 P.M. at City Hall.



**SECTION II
NONCONFORMANCE**



- 1) Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Code and made nonconforming by the provisions of this Chapter or any amendments thereto may be continued subject to the provisions of this section.
- 2) If any nonconforming use ceases for any reason for a period of one year or more, any subsequent use shall conform to the provisions of this Code.
- 3) Whenever a conforming use is changed to a permitted use, such use shall not thereafter revert to nonconforming status, notwithstanding any other provisions of this Chapter.
- 4) Whenever any changes in the exterior character or appearance of any nonconforming use is proposed, excepting normal maintenance, the Board of Appeals shall review all Applications and may, in its sole discretion, grant permission for such proposed changes.
- 5) Any residential outbuilding, including attached and detached garages, may be replaced provided:
 - the new structure has the same use,
 - the new structure is constructed no closer to the lot lines than the old structure it replaced,
 - the new structure is started within 60 days from date the old structure is removed.

SECTION III ADMINISTRATION

A. CODE ENFORCEMENT

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the City Council to enforce the provisions of this Chapter. If the Code Enforcement Officer shall find that any of the provisions of this Chapter are being violated, he shall notify by certified mail the owner responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; to insure compliance with or to prevent violation of its provisions. The Code Enforcement Officer shall be appointed or reappointed annually at the first City Council meeting of the new year.

B. LEGAL ACTION AND VIOLATIONS

When any violations of any provisions of this Code shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Code, including seeking injunctions of violations and the imposition of fines, the same to be brought in the name of the City.

For violations of this Code pertaining to the Shoreland Zone, the municipal officers, or their authorized agent, are authorized by the Maine Department of Environmental Protection, under the provisions of the Mandatory Shoreland Zoning Act, to enter into administrative consent agreements for the purpose of eliminating violations of this Code and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence found by the Zoning Board of Appeals that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

C. FINES

Any person, firm or corporation, as owner of, or having control of any building, or premises, who violates any of the provisions hereof, or fails to obtain any required licenses, shall, by having committed a violation of this Code and upon conviction be deemed guilty of a civil violation, and shall be subject to penalties in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

D. BUILDING PERMIT

No building or other structure shall be erected, moved, added to, or altered, or demolished, nor shall a discontinued nonconforming use be renewed, without an appropriate permit therefore, issued by the Code Enforcement Officer in accordance with Section 105 et. Seq. of the International Building Code (IBC) as amended. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. If the building or part is not substantially completed within two years of the issuing of the permit, the permit shall lapse. It may be renewed without charge upon application.

The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals.

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the Code Enforcement Officer. Following installation of service, the company or district shall forward the written documentation to the Code Enforcement Officer, indicating that the installation has been completed.

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

E. APPLICATION

- 1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality.
- 2) All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter or authorization from the owner or lessee.
- 3) All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
- 4) The application shall include such information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.
- 5) Whenever on-site subsurface disposal is contemplated, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and shall be subject to prior obtainment of a plumbing permit. All systems will comply fully with the Maine State Plumbing Code as may be in effect at the time of application.
- 6) The Code Enforcement Officer shall approve or deny an application for a Building Permit within 14 working days of receiving said application; failure to approve or deny within 14 days shall constitute denial.
- 7) No building or structure of any kind shall be erected and no alteration of the natural contour of the land by grading or filling for any purpose shall be permitted in an area subject to periodic flooding. Generally as described in Chapter II, Section D.
- 8) There shall be a separate permit required for the grading (movement) of soil, rock, vegetation to the site (fill) and/or from the site (excavation) of a parcel of land undergoing site development whether or not there shall be future development upon the parcel of land. A permit fee separate and exclusive of the building permit fee is required.

F. CERTIFICATE OF USE AND OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Use and Occupancy has been issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Chapter, building, plumbing, electrical and safety codes and any and all other applicable codes.

No building permit shall be issued until an application has been made for a Certificate of Use and Occupancy, and the Certificate of Use and Occupancy shall be issued in conformity with the provisions of this Code upon completion of the work.

A temporary Certificate of Use and Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building, pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Code Enforcement Officer shall maintain a public record of all Certificates of Use and Occupancy.

Failure to obtain a Certificate of Use and Occupancy shall be a violation of this Code.

G. FEE

Applications for permits to erect, move, add to, alter, or demolish any building or other structure, site development, or to renew a discontinued non-conforming use, and applications for Certificates of Use and Occupancy shall be accompanied by a fee, as may be established from time to time by the Presque Isle City Council.

**SECTION IV
APPEALS**

A. APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be established by the Presque Isle City Council.
2. The Board shall consist of 5 members; serving staggered 3-year terms, and 1 alternate member, serving a one-year term. The Board shall elect annually a chairman from its membership. The Board also shall appoint annually a secretary to prepare an agenda, provide proper public notice of each meeting, and keep the minutes of the proceedings of the Board of Appeals. The minutes shall show the vote of each member upon any matter coming before the Board. All minutes of the Board shall be public record. A quorum shall consist of 3 members. All decisions shall be by majority vote of those present and voting, and shall be in writing setting forth in detail the reasons for approval or denial.
3. Elected or appointed members of the municipal government or spouses thereof may not serve as a member.
4. A vacancy shall be deemed to have occurred when a member shall fail to attend four (4) consecutive meetings or fails to attend at least 75% of the regular meetings (unexcused by the Chair) during the preceding twelve (12) month period.
5. All members on the Board shall conform with the ordinance.
6. When a member is unable to participate for any reason, the alternate member shall act in the regular member's stead, but only if the alternate has been present for all prior deliberations, if any, on the appeal under consideration; however, the alternate shall not replace a regular member in the further consideration of any appeal upon which the alternate had voted originally on that appeal. The foregoing shall not prevent the alternate member, while acting in the regular member's stead, from acting on any new matters coming before the Board.

B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court in accordance with Maine Law.

The Board of Appeals shall have the following powers and duties;

- 1) *Administrative Appeals.* To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Code. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by majority vote.
- 2) *Special Exceptions.* The Board of Appeals shall approve, deny, or approve with conditions all applications for special exceptions which are specifically listed as special exceptions. Any person or entity who wishes to obtain a local Building Permit pursuant to Chapter I, Section III.D of this Code, for an approved or existing use categorized as a special exception, must obtain a special exception from the Zoning Board of Appeals. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this ordinance that:
 - a. The proposed use is in compliance with state and federal laws.
 - b. The proposed use will not create fire safety hazards because it provides adequate access to the site, or to the buildings on the site, for emergency vehicles.
 - c. The proposed use will not produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver or any vehicle upon that town way.
 - d. The provisions for buffers and on site landscaping provide adequate protection to neighboring properties from detrimental features of the development.
 - e. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of property in the immediate neighborhood as a result of noise, vibrations, fumes, odor, dust or glare.

- f. The proposed use meets the general standards of Chapter II, Sec. II "Parking, Loading and Traffic".
- g. The proposed use will not cause regular on-street parking.
- h. The proposed use will not have a significant detrimental effect on the value of properties in the immediate neighborhood which could be avoided by reasonable modification of the plan.
- i. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements.
- j. Adequate provision has been made for disposal of wastewater, sewage, and solid waste and for the prevention of ground and surface water contamination.
- k. Adequate provision has been made to control erosion and sedimentation.
- l. Adequate provision has been made to handle storm water run-off and other drainage problems on the site.
- m. Change in elevations of the site will not cause storm water drainage problems to adjoining property.
- n. The proposed water supply will meet the demands of the proposed use and for fire protection purposes.
- o. Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law.
- p. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat.
- q. When located in the Resource Protection Zone, the proposed use meets the standards of Chapter II in this ordinance.
- r. The proposed use will protect, maintain, and, where warranted, improve the water quality of the public water supply.

- 3) **Variance Appeals.** To authorize upon appeal a variance from the terms of this ordinance, in conformity with 30-A M.R.S.A. § 4353, especially affecting a particular parcel of land or an existing structure thereon, but not affecting generally the zone in which it is located, where a literal enforcement of the provisions of this ordinance would involve undue hardship or practical difficulty, as differentiated by statute, to the appellant, and where desirable relief may be granted without substantial detriment to the neighborhood and provided there is no substantial departure from the intent or purpose of this ordinance. Variances shall be granted only for a use permitted in a particular zone.

Except as provided in 3-A, 3-B, and 3-C, the Board may grant a variance only where strict application of this ordinance or a provision thereof to the petitioner and his/her property would cause "undue hardship". The term "undue hardship" as used in this subsection means:

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

3-A) **Disability Variance:** The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap, as defined by state statute and as amended from time to time. For the purposes of this subsection, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

3-B) *Set-Back Variance for Single-Family Dwellings*: The Board may grant a set-back variance for a single-family dwelling only when strict application of this ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
2. The granting of a variance will not alter the essential character of the locality;
3. The hardship is not the result of action taken by the applicant or a prior owner;
4. The granting of the variance will not substantially reduce or impair the use of abutting property; and
5. That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Under this subsection, a variance may be granted only for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. Under this subsection, if the petitioner has obtained the written consent of an affected abutting landowner, the Board may allow for a variance to exceed 20% of a setback requirement, except for minimum setbacks from a water body or wetland as established in Chapter II, Section I.F.15.A. of this Code.

3-C) *Variance from Dimensional Standards*: The Board may grant a variance from dimensional standards of this ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
3. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
4. No other feasible alternative to a variance is available to the petitioner;
5. The granting of a variance will not unreasonably adversely affect the natural environment; and
6. The property is not located in whole or in part within shoreland areas, as described by state statute.

As used in this subsection, “dimensional standards” means and is limited to provisions of this ordinance relating to lot area, lot coverage, frontage, and setback requirements.

As used in this subsection, “practical difficulty” means that the strict application of this ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

A variance application also must meet the requirements of a special exception, as described in Chapter I, Section IV.B.2.

A copy of all variances granted by the Zoning Board of Appeals in shoreland zones shall be submitted to the Maine Department of Environmental Protection within fourteen (14) days of the decision.

Recording a Variance: Variances granted by the Zoning Board of Appeals will receive a certificate from the Code Enforcement Office on which information related to the variance, as determined by state statute and including any conditions imposed by the Board, will be prepared in recordable form. This certificate must be recorded at the Aroostook County Registry of Deeds, Southern Division, Houlton, Maine, within 90 days of the date of final written approval of the variance or the variance is void. The variance is not valid until recorded as described above. The date of the final written approval shall be the date stated on the written approval.

- 4) ***Miscellaneous Appeals.*** To hear and decide those appeals specifically mentioned herein:
- a) To consider proposed changes in the exterior or appearance of any nonconforming use, excepting normal maintenance, as described in Chapter I, Section II.4 of this Code; and
 - b) To permit variations in the Standards contained in Chapter II, Section II of this Code.

Miscellaneous appeals must meet requirements required for a special exception.

- 5) *Statement of Findings.* All decisions of the Board of Appeals under this section shall be accompanied by written statement that set forth with particularity the precise reasons why the findings were made.

The Code Enforcement Officer shall notify the chairman of the Planning Board of any applications to the Zoning Board of Appeals for special exceptions or use variances. The Planning Board may send a report to the Zoning Board of Appeals. The City Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any pertinent data in respect to the Comprehensive Plan for the City of Presque Isle.

The Planning Board report shall be submitted to the Board of Appeals for its consideration no later than the officially scheduled time of the Public Hearing on the appeal.

APPEAL PROCEDURE

- 1) In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after receipt of a written decision from the Code Enforcement Officer by certified mail. The appeal shall be filed with the Code Enforcement Officer on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal.
- 2) In the case of all appeals, the Code Enforcement Officer shall notify by certified mail the owners of property abutting the property for which an appeal is taken, of the nature of the appeal and of the time and place of the public hearing thereon. Notice of all appeals shall be advertised in the Star Herald at least 10 days in advance of the hearing.
- 3) For the purposes of this section, the owner of property shall be considered to be the parties listed by the Assessors of Taxes for the City of Presque Isle as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
- 4) Following the filing of an appeal, the Code Enforcement Officer shall notify forthwith the Board of Appeals and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days mailing of notices but within thirty (30) days of the formal appeal.

- 5) Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Planning Board and the municipal officers within thirty (30) days of the date of the hearing of the appeal.
- 6) At any hearing, a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.
- 7) The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
- 8) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- 9) A right of appeal under the provisions of this Chapter secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.
- 10) If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.
- 11) The appellant shall pay a fee as determined from time to time by the City Council.

SECTION V DEFINITIONS

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

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

Accessory Building: A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building. By way of example, farm structures such as barns, silos, and similar structures are generally considered as accessory buildings.

Adult Daycare Facility: Care, activities, and protection maintained or carried out on a regular basis by a person or a combination of persons in a private dwelling or other facility, for consideration, for any part of a day for three (3) or more adults, 19 years of age or older, who are not blood relatives and who are coming to the facility for the express purpose of participating in this adult daycare facility.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Code; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Animal Density: Number of animals allowable for the pasturage or feedlot purposes, measured in Animal Units per acre.

Animal Unit: An animal unit (AU) is the equivalent of 1,000 lbs of animal. For smaller species numerous animals can be added up to determine the number of animals allowable under the maximum animal density for a given zone.

Apartment Building: A building arranged, intended, or designed to be occupied by three or more families, each living in an independent dwelling unit.

“Assisted Living” Housing: A form of non-institutional residential housing consisting of private apartments, in which congregate-type services may be made available by the operator to residents for a fee beyond the basic shelter costs. Those medical/mental health services, as appropriate to the needs of the individual resident, shall be provided by persons certified or licensed by the State of Maine.

Basal Area: The area of cross-section of a tree stem at DBH (diameter breast height) and inclusive of bark.

Bed and Breakfast Inn: A building of residential character other than a hotel, motel, or boarding house, which is compatible with the neighborhood, used for, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes and which:

- ☑ where the general public can stay overnight;
- ☑ provides guests with a limited menu serving only a breakfast meal prepared in the home;
- ☑ requires a Lodging license from the Maine Department of Health & Human Services under 10-144 Chapter 206 regardless of the number of rooms
- ☑ provides temporary lodging for less than thirty (30) days;
- ☑ provides such temporary lodging in four (4) or more rooms for guests;
- ☑ provides one (1) or more meals daily for guests;
- ☑ has a manager of the inn residing on the premises; and
- ☑ does not provide the accessory uses associated with a hotel/motel.

Best Management Practices: Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Department of Agriculture, Food and Rural Resources pursuant to 38 MRSA Section 410-J.

Billboard: The surface of any building or structure which is available for hire for advertising purposes.

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

Building: Any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate structure.

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

Chemical Storage: Chemical storage includes storage in tanks (above and underground), in drums of different sizes, and in bags or in bulk (in piles or silos). Chemical storage includes chemicals in quantities larger than those intended for normal homeowner(s) purposes. Homeowner(s) use of chemicals is not included in this definition. (Examples include petroleum products, solvents, agricultural chemicals such as fertilizers and pesticides, waste chemicals, manure and road salt. Normal domestic heating oil tanks with a capacity of 275 gallons of liquid or less are not included in this definition.

Clear-cut: Any timber harvesting on a forested site greater than 5 acres in size which over a ten-year period results in an average residual basal area of trees over 6 inches in diameter of less than 30 square feet per acre, unless one or both of the following conditions exist:

- If, after harvesting, the average residual basal area of trees over 1 inch in diameter measures at 4.5 feet above the ground is 30 square feet per acre or more, a clear-cut does not occur until the average residual basal area of trees 6 inches or larger measure at 4.5 feet above the ground is less than 10 square feet per acre; or
- After harvesting, the site has a well-distributed stand of trees at least 5 feet in height that meets the regeneration standards applicable under 12 MRSA, C. 805, Section 8869, Subsection 1. (Chapter 4 of Maine Forest Service Rules Chapter 20).

Code Enforcement Officer: Shall mean the head of the Presque Isle Land and Building Department with duties as prescribed in the City Administrative Code.

Commercial Firewood Processing: The conversion of timber into wood stove size with the intent to sell to others.

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

Community Water System: Community water systems provide water to 25 or more year round residents and have 15 or more service connections.

Congregate Housing: Non-institutional residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired or socially isolated residents; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities, as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

Cord: A unit of measure of wood products 4 feet wide, 4 feet high and 8 feet long, or its equivalent, containing 128 cubic feet when the wood is ranked and well stowed. Any voids that will accommodate a stick, log, or bolt of average dimensions to those in that pile shall be deducted from the measured volume.

Corner Lots: In districts where yards are required:

Such corner lots located at the intersection of two streets, shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Code.

Coverage: The percentage of the plot or lot area covered by the building area.

Daycare/Home Babysitting Facility: A house or place in which a person or a combination of persons maintain or otherwise carry out a regular program, for consideration, for any part of a day providing care and protection for three (3) or more children under the age of 16.

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

Diameter Breast Height (DBH): The diameter of a standing tree measured 4.5 feet from ground level.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to set back, lot area, shore frontage and height.

Disability: A disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions, or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation, or related services.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Dwelling: A building, including mobile homes, designed or used as the living quarters for one or more families. The term shall not be deemed to include motel, rooming house, or trailer.

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

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

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

Expansion of Use: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

Farm Implement: Equipment including, but not limited to, tractors, trailers, combines, tillage implements, sprayers, balers, and other equipment, including attachments, used in the planting, cultivating, irrigation, harvesting, and storing of agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway.

Farm Implement Dealer: Any person, partnership, corporation, association, or other form of business enterprise engaged primarily in the retail sale or lease of farm implements and the attachments, special service tools, and repair parts for such implements, machinery, and equipment.

Farm Implement Sales and Service Business: A business whose primary function is the retail sale or lease of farm implements and the attachments, special service tools, and repair parts for such implements, machinery, and equipment. For the purposes of this definition, the service/repair/maintenance component of the business must be secondary to the sales/lease of farm implements.

Feedlot: A plot of land on which more than 20 head of livestock are fed or fattened for market.

Feedlot Operation: A feedlot operation including piggeries shall mean a facility which confines, feeds or maintains animals for a total of 45 days or more in any 12 month period and which does not sustain crops, vegetation forage growth or post harvest residues in the normal growing season over any portion of the facility.

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

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

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

Forest Products: Logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood, or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones, or other seed crops.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Freshwater Wetland: Those areas that are inundated by surface of groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities and industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Gasoline Station: Any building or location which supplies motor vehicles with gasoline or oils, or provides for motor vehicle repair or maintenance. This does not include those uses which repair or maintain small engines such as lawn movers, chain saws, snowmobiles and the like.

Great Pond: An inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Code, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner, other than the City of Presque Isle.

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

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: An occupation operated from a dwelling and in accordance with the following:

1. The activity clearly is incidental, secondary, and accessory to the use of the dwelling for residential purposes;
2. No more than 25% of the floor area of the dwelling, not to exceed 500 square feet, shall be used for the home occupation, or, a detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation;
3. Persons other than those residing in the dwelling shall not be employed in the home occupation;
4. The home occupation is conducted entirely within the dwelling or approved accessory building, except for permitted signage. The home occupation use shall not substantially alter the exterior appearance or character of the residence or accessory building in which it is conducted, either by exterior construction, lighting, graphics, or other means;
5. The home occupation is not conducted in such a manner or advertised in such a way as to attract retail or wholesale customer traffic or other non-residential traffic;
6. The storage and delivery of goods, stock, and/or materials is allowed only for items manufactured, produced, created, or grown as product(s) of the home occupation and which are to be sold off-premises. All other sales, display, stock, and/or materials are prohibited;
7. Activities considered appropriate as a home occupation include, but are not limited to:
 - 🏠 Artists, sculptors, authors, photographers, and composers
 - 🏠 Computer programming, personal computer data processing and home computer bulletin board services
 - 🏠 Dressmakers, seamstresses, and tailors
 - 🏠 Hairdresser/barber provided only one person may conduct such activity
 - 🏠 Music and art teachers or other tutoring services on an individual basis
 - 🏠 Telephone answering service
 - 🏠 Washing/ironing
 - 🏠 Home crafts, such as model making, rug weaving, woodworking, ceramics (kiln limited to no more than six cubic feet), and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery and equipment that would ordinarily be employed in connection with a hobby or avocation not conducted for gain or profit.

- 🏠 Home offices, provided that the use complies with Item 11, below
- 🏠 “Work at home” or “telecommuting” activities where an employee of a business, located in another location, performs work for the business in the employee’s residence. All physical contact between the business and the employee must occur at the place of business and not at the residence.
- 🏠 Other activities and uses which, at the discretion of the Zoning Board of Appeals, allow residents to utilize their homes as a work place and a source of livelihood, while protecting residential areas from adverse effects of activities associated with home occupations.

8. Permitted home occupations shall not in any event be deemed to include the following type of activities and uses:

- Animal hospitals
- Harboring, training, or raising dogs, cats, birds, horses, or other animals
- Automobile repairs, servicing, or painting
- Medical offices for doctors, (M.D., D.O., D.C.), dentists, optometrists, and veterinarians; however, to allow greater opportunity for confidentiality than that afforded in business or professional medical zones, counseling services provided to individuals by psychiatrists, psychologists, and other licensed professionals may be considered by the Zoning Board of Appeals on a case-by-case basis, provided that the use complies with Item 11, below;
- Tanning salons
- Pawn shops
- Furniture stripping
- Massage parlors; this should not be construed to categorically exclude massage therapy by licensed massage therapists.
- Other uses, which by their nature, have a tendency, once started, to increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area;

9. No storage of explosives or highly flammable or extremely hazardous materials, as defined by the U.S. Environmental Protection Agency, is allowed on the premises;

10. There is no external evidence of the home occupation, such as;

- Signs, *except* as permitted by this Code;
- Heavy commercial vehicle delivery and/or storage;
- Outside storage of equipment, material, or stock;
- Noise, dust, smoke, vibration, odors, noxious fumes, heat, glare, electromagnetic interference, or other nuisances which can be detected beyond the property line;

11. No more than five (5) clients per day, and only one (1) client at a time, are allowed on site;
12. Motor vehicle and bicycle parking necessitated by the conduct of any home occupation shall be provided on site;
13. No heavy mechanical equipment is installed or used *except* such that is used for normal domestic or household purposes;
14. Requests for home occupations must complete a supplement to the application for "Special Exception". This supplement shall include such information as the Zoning Board of Appeals determines from time to time to be appropriate to its deliberations of a request for a home occupation; and
15. Approval of an application for a home occupation shall be conditioned upon compliance with the description of the home occupation in the application and such other conditions as may be imposed by the Zoning Board of Appeals. Any change in the conduct of the home occupation that departs from that approved by the Zoning Board of Appeals must be brought to the Board as a new application. Approval of home occupations by the Zoning Board of Appeals will be site-specific and nontransferable and shall remain in effect until: (1) it is revoked by the City, for cause; (2) the home occupation is not used by the resident(s) for 180 consecutive days; or (3) the person(s) granted approval for the home occupation moves from the residence.

Hotel: A building in which lodging or boarding and lodging capabilities are provided for more than 20 persons, offered to the public for compensation and in which ingress and egress to and from rooms and made primarily through and inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public on contradistinction to a lodging house or a motel, which are herein separately defined.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

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

Junk Yard: A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of secondhand products or materials, or for the storage of any three or more automobiles or trucks which cannot pass the State inspection test in their existing conditions.

Kennel: Kennel shall include both boarding and breeding kennels as defined by Title 7 MRSA Chap. 717 §3907 and as regulated by the State of Maine Department of Agriculture, Food and Rural Resources: any place, building, tract of land or abode in or on which three (3) or more privately owned dogs or other pets, or both, are kept at any one time for their owners in return for a fee. Also five (5) or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes. The sale or exchange of one litter or puppies within a 12-month period alone does not constitute the operation of a kennel.

Large Scale Water Production Facility: Large scale water production facilities shall include Community Water Systems as well as facilities operated by private enterprise drawing high volumes of potable or food-grade water from wells located in the City's SWPA, including holders of NTNCWS permits.

Lot: A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Code, and having frontage upon an approved street or private right-of-way.

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

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this ordinance, two types of manufactured housing are included. Those two types are:

- ✂ Those units constructed after June 15, 1976, commonly called “newer mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
- This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.;
- ✂ Those units commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Medically-related Business Offices and Organizations: Business offices and membership organizations in which no retail trade is conducted with the general public and in which no stock of goods is maintained for sale to customers. These businesses and organizations must demonstrate a direct relationship with medical and/or dental patients and/or care providers, or equipment necessary for the provision of care to medical and/or dental patients. These businesses and organizations include but are not limited to offices for equipment manufacturers' representatives, insurance agencies, financial service businesses, and labor unions that represent health care providers.

Medium and Large Utility and Community Wind Energy System: A wind energy system, including all equipment, machinery, and structures, that:

- a) Is used to convert and then store or transfer energy from the wind into usable forms of energy intended primarily for off-site consumption and may transfer excess energy into the regulated power grid;
- b) Has a nameplate capacity of 100 kw or more, as defined by the MPUC; and
- c) Has a total height of 120 feet or more.

Meteorological Tower (Met Tower): Includes the tower, base plate, anchors, guy cabled and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purposes of this Section, Met Towers are those towers erected on a temporary basis primarily to collect data relevant to the siting of Small Wind Energy Systems.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

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

Mobile Home Park: A parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board for the placement of manufactured houses on individually owned lots.

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

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

Nacelle: The cover of the electrical generator on a tower.

Net Residential Acreage: The gross available acreage less the area required for street or right of ways.

Net Residential Density: Net residential density shall mean the number dwelling units per net residential acre.

Net Retail/Commercial Acreage: The gross available acreage, less the area required for street or right of way.

Net Retail/Commercial Density: The number of retail/commercial buildings per net retail/commercial acre.

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

Non-conforming Use: A building, structure or use of land legally existing at the time of enactment of this Code, and which does not conform to the regulations of the district or zone in which it is situated.

Normal High Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Non-Transient Non-Community Water Systems: Provide water to 25 or more end users including factories, prisons, offices, schools and other institutions, whether for drinking water or for water used in food product processes.

Owner: The individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

Parking Space: A parking space shall mean an area not less than 10 feet wide and 18 feet long for perpendicular and diagonal parking and 7 feet wide and 22 feet long for parallel parking exclusive of drives or aisles leading to streets and usable for the storage or access thereto shall be construed as to be usable for the storage or access thereto shall be construed as to be usable year round.

Permanent Foundation: Means all of the following:

- ☒ full concrete or masonry foundation;
- ☒ a poured concrete frost wall or a mortared masonry frost wall with a concrete footing below the frost line, with or without a concrete floor;
- ☒ a reinforced, floating concrete pad for which the Code Enforcement Officer may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
- ☒ any foundation which, pursuant to the City's building code, is permitted for other types of single-family dwellings.

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

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same premises.

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

Public Utility: As defined by statutes.

Raising of Livestock or Fowl: Shall mean the keeping, boarding or holding of cattle, horses, pigs, sheep, cows, chicken, geese, etc., for commercial or personal (non-commercial) use.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

- ∞ HaA HADLEY SILT LOAM, LEVEL
- ∞ HaB HADLEY SILT LOAM, UNDULATING
- ∞ Wn WINOOSKI SILT LOAM

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

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

Replacement System: A system intended to replace:

- ⌘ An existing subsurface sewage disposal system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- ⌘ Any existing overboard wastewater discharge.

Research and Development Facility: A laboratory or other facility for carrying on investigation on the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area: The sum of the basal area of trees remaining on a harvested site.

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

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

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Rooming House: Any dwelling in which more than three persons, whether individually or as families are housed for compensation with or without meals. This shall be deemed to include fraternities, sororities and school dormitories.

Rotor Diameter:

- a) Horizontal Axis Small Wind Energy Systems: The cross sectional dimension of the circle swept by the rotating blades.
- b) Vertical Axis Small Wind Energy Systems: The cross sectional of the circle swept by the furthest outreaching part of the blade.

Small Wind Energy Systems (SWES): A wind energy system including all equipment, machinery, and structures, that:

- a) Is used to convert and then store or transfer energy from the wind into usable forms or energy intended primarily for on-site consumption, but may transfer excess energy into the grid in accordance with applicable state laws and regulations;
- b) Has a nameplate capacity of 25 KW or less; and
- c) Has a total height of 60 ft. or less, unless approved by the Planning Board in accordance with B.1-Authority.

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

1. In the case of electric service
 - × The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - × The total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service
 - × The extension, regardless of length, will be made by the installation of telephone wire to existing utility poles, or
 - × The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The nearest horizontal distance from either the lot line or the normal high water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream or tributary stream.

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

Site Development: Any grubbing of stumps, brush, or rocks; stripping of topsoil; cutting or filling of land; or any combination of the aforementioned measure, whether or not they are intended to be preliminary to development.

Skid Trail: A route used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing.

Slash: Bark, branches, tops, chunks, cull logs, uprooted stumps, and broken or uprooted trees and shrubs left on the ground as a result of a timber harvesting operation, right-of-way construction or maintenance, and land clearance.

Source Water Protection Area: Defined by 30-A MRSA §2001, sub-§ 20-A.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions is made in Chapter I of this Code.

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

Street: A way established or maintained under public authority, or a sixty-eight (68) foot wide private way approved by the Planning Board and plotted, dedicated and recorded, or a way shown on a plan of a subdivision duly approved by the Planning Board.

Street Frontage: The width of the lot as it fronts the street.

Structure:

1. Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
2. Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

Structures and Uses Extending over or beyond the normal high-water line or within a Wetland:

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

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

Subdivision: As defined by state statutes.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit or the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, Subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber Harvesting: The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Total Height:

- a. Horizontal Axis Small Energy Systems: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- b. Vertical Axis Small Wind Energy Systems: The vertical distance from ground level to the highest point of the Small Wind Energy System.

Tower: The monopole (freestanding or guyed) structure that supports a wind generator.

Trailer Park: An area occupied or designed to be occupied by trailers for seasonal use only from May through October.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined, as depicted on the most recent U.S.G.S. 7.5 minute maps of Presque Isle. This definition does not include the term “stream” as defined elsewhere in this Code.

Upland Edge: The boundary between upland and wetland.

Variance: A variance is a relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, a literal enforcement of the Code will result in unnecessary or undue hardship.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1\2 feet above ground level.

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

Waterbody: Any great pond, river, or stream, as defined herein.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Well: A well is a hole, shaft, casing and/or pipe which has been dug, drilled, and/or placed in-ground for the purposes of extracting or monitoring water.

Wellhead: The wellhead is the specific location of a well.

Wetlands: Those areas that are inundated by surface or groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Wetlands Not Associated with Great Ponds and Rivers (Non-Significant): Wetlands less than 10 acres in size, not contiguous with, nor adjacent to a great pond, river or stream, nor within the Shoreland zone of a Waterbody and which are not hydraulically connected to a waterbody.

Wind Energy-Related Non-Operational: Some or all of the components of a Wind Energy System which the owner shall certify is constructed for educational purposes only.

Wind Turbine: The blades, rotor, and associated mechanical and electrical conversion components mounted on top of the tower.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts the street.

Yard Rear: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot as it abuts the street.

Yard Side: An open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

SECTION VI
AIRCRAFT HAZARD - AHZ

A. PURPOSE

To protect the airport from adverse developmental effects, and, to prohibit large concentrations of people. To this end no building or premises shall be used and no building or structure shall be erected which is intended in whole or in part for any industry, trade, manufacturing, or commercial purposes or for other than one or more of the following specified purposes.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Agricultural, including nursery, farm or garden and the sale of products there from as an accessory use, but *excluding* any use injurious, noxious or offensive to the neighborhood.
- 3) Storage and handling, washing, packing and shipping of agricultural products either in conjunction with or separate from a farming operation, but not including processing of the product.
- 4) Municipal public utility or state buildings, airport terminals, structures and properties *excluding* schools, churches, auditoria or structures that accommodate large concentrations of people.
- 5) Golf courses, ski slopes and similar extensive recreational uses not involving confined areas provided that no structure for the assemblage of persons be constructed therewith.
- 6) Accessory uses customarily incidental to any of the above uses.

C. SPECIAL EXCEPTIONS

- 1) Cemeteries
- 2) Mineral exploration/extraction
- 3) Home occupations
- 4) Daycare/home babysitting facility**
- 5) Adult daycare facility**
- 6) Bed & Breakfast Inn/Temporary Lodging Places

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Maximum net residential density - (1 dwelling unit - 1 1\2 net residential acres)

Minimum land area per dwelling unit - (60,000 square feet)

Minimum lot size - (60,000 square feet)

Minimum street frontage - (200 feet)

Minimum front yard - (40 feet)

Maximum building coverage - (15%)

Minimum rear and side yards - (30 feet)**

**Buildings higher than 40 feet shall have side and rear yards not less than 50% of the building height.

Maximum building height - (35 feet)

Minimum distances between principal buildings on the same lot shall be the height equivalent of the taller buildings.

Minimum setback from streams and waterbodies - (100 feet)

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per Dwelling Unit	40,000	200
Governmental, Institutional, Commercial, or Industrial, per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected in the Aircraft Hazard Zone without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

In no instances shall any structure pierce the imaginary surfaces created and accepted by the City in its then current Airport Master Plan, without Federal Aviation Administration knowledge and written approval.

SECTION VII
AGRICULTURAL/FARMING-AFZ

A. PURPOSE

Much of the prevailing character of the City of Presque Isle is rural and is actively being farmed. It is the intent of this Section to protect the natural rural quality and farm land properties from development sprawl by prescribing the most appropriate uses and standards. To this end, the following shall apply.

B. PERMITTED USES

- 1) Any use permitted and as regulated in Section VI.B, *except* that residential uses are not limited to single-family dwellings.
- 2) Public and private open space recreational uses *including* only golf courses, ski areas, sportsmen and game clubs. All other recreational uses will be considered as special exceptions.
- 3) Any agricultural building or use *except* a sawmill, piggery, or feedlot.
- 4) Accessory uses and buildings
- 5) Public utility facilities *including* substations, pumping stations and sewage treatment plants.
- 6) Municipal building or use

C. SPECIAL EXCEPTIONS

- 1) Cemeteries
- 2) Mineral exploration/extraction
- 3) Campgrounds
- 4) Sawmill, piggery, and feedlot
- 5) Rooming house
- 6) Bed and breakfast inns
- 7) Riding stable, commercial kennel, or veterinary hospital

C. SPECIAL EXCEPTIONS - Continued

- 8) All other recreational uses
- 9) School, hospital, church, or any other institution of educational, religious, philanthropic, fraternity or social nature.
- 10) Daycare/home babysitting facility**
- 11) Adult daycare facility**
- 12) Home occupations
- 13) Commercial firewood processing
- 14) Taxidermy Studios (must comply with all applicable state and federal statutes and regulations)
- 15) Farm implement sales and service business

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Maximum net residential density--(one dwelling unit - one net residential acre)

Minimum land area per dwelling unit - (one acre)

Minimum lot size - (one acre)

Minimum street frontage - (200 feet)

Minimum front yard - (40 feet)

Maximum building coverage - (15%)

Minimum rear and side yards - (30 feet)

D. STANDARDS - Continued

****Buildings higher than 40 feet shall have side and rear yards not less than 50% of building height.**

Maximum building height - (75 feet)

****In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its current Airport Master Plan.**

Minimum set back from streams and waterbodies - (100 feet)

3) In the case of planned unit or clustered residential development, the above standards may be modified in accordance with special provisions of Chapter II, Section IV of this Code and with the condition that:

- Sewerage and water shall be provided.
- A minimum land area of 10 acres shall be provided.
- The maximum net density shall not exceed (1) dwelling unit per net residential acre.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial, or Industrial, per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION VIII
SUBURBAN RESIDENCE-SRZ

A. PURPOSE

To provide areas adjacent to the developed urban areas of Presque Isle for future residential growth consistent with economic utility servicing. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV of the Code.

B. PERMITTED USES

- 1) Dwellings *exclusive* of mobile homes
- 2) Public open space recreational uses
- 3) Accessory uses and buildings
- 4) Underground public utility facilities
- 5) Overhead electric utility distribution facilities and overhead telephone distribution and trunk facilities.

C. SPECIAL EXCEPTIONS

- 1) Rooming house
- 2) Bed and breakfast inns**
- 3) Public utility facilities, *including* substations, pumping stations and sewage treatment facilities.
- 4) Cemeteries
- 5) Neighborhood convenience commercial facilities (excluding gas stations) with a maximum size of 1,000 square feet in building area per each 10,000 square feet of lot area, not to exceed 2,000 square feet of total building area, which are intended to serve the immediate area in which such facilities are located.
- 6) Recreation activity buildings and grounds operated for profit
- 7) Home occupations

C. SPECIAL EXCEPTIONS - Continued

- 8) Hospital, nursing homes, homes for the aged and congregate and "assisted living" housing.
- 9) School (including day nursery) municipal or state building or use, church, or any other institutions of educational, religious, philanthropic, fraternal, political or social nature which is not used for residential occupancy.
- 10) Daycare/home babysitting facility**
- 11) Adult daycare facility**

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum land area per dwelling unit (single) - (10,000 square feet)

Minimum land area for multiple family dwelling shall be 10,000 square feet for the first dwelling unit plus 5,000 square feet for each additional dwelling unit within one building.

Minimum lot size - (10,000 square feet)

Minimum street frontage - (75 feet)

Minimum front yard - (30 feet)

Maximum building coverage - (25 %)

Minimum rear and side yards - (10 feet)*

*Buildings higher than 30 feet shall have side and rear yards not less than 50% of the building height.

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in the then current Airport Master Plan.

D. STANDARDS - Continued

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

Minimum setback from streams and waterbodies - (100 feet)

- 3) In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II Section IV of this Code and with the conditions that:

- Sewerage and water shall be provided.
- A minimum land area of 10 acres shall be provided except as otherwise prescribed herein.
- The maximum net density shall not exceed 6 dwellings per net residential acre.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, Per dwelling unit	40,000	200
Governmental, Institutional, Commercial, or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION IX
URBAN RESIDENCE-URZ-1

A. PURPOSE

To preserve the physical, aesthetic and social quality of Presque Isle's urban area and, consistent with this stated goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this Code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV, of this Code.

B. PERMITTED USES

- 1) 1 and 2 family dwellings
- 2) Public-owned open space recreational uses
- 3) Accessory uses and buildings
- 4) Underground public utility facilities
- 5) Overhead electric utility distribution facilities and overhead telephone distributions and trunk facilities

C. SPECIAL EXCEPTIONS

- 1) Rooming house or apartment building
- 2) Bed and breakfast inns **
- 3) Congregate and "assisted living" housing
- 4) Funeral Home
- 5) Private recreational uses *exclusive* of drive-in theaters
- 6) Public utility facilities *including* substations, pumping stations and sewage treatment facilities
- 7) School (including day nursery), hospital, municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy

C. SPECIAL EXCEPTIONS - Continued

- 8) Home occupations
- 9) Daycare/home babysitting facility **
- 10) Adult daycare facility **

** No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum area per dwelling - (7,000 square feet)

Minimum land area for multiple family dwellings shall be 7,000 square feet for the first dwelling unit plus 4,000 square feet for each additional dwelling unit within one building.

Minimum lot size - (7,000 square feet)

Minimum street frontage - (50 feet)

Minimum front yard - (30 feet)

Maximum building coverage - (25%)

Minimum rear and side yards, all buildings - (10 feet)*

*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

D. STANDARDS - Continued

Minimum setback from streams and waterbodies - (100 feet)

3) In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II, Section IV of this Code and with the conditions that net residential:

- Sewerage and water shall be provided.
- A minimum land area of 1 acre shall be provided.
- The maximum net density shall not exceed 10 dwelling units per net residential acre.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).



SECTION X
URBAN RESIDENCE - URZ-2



A. PURPOSE

To preserve the physical, aesthetic and social quality of Presque Isle's urban area and, consistent with this stated goal, to provide therein for the location of residential uses in accordance with the standards of this Code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Chapter II, Section IV of this Code.

B. PERMITTED USES

- 1) 1 and 2 family dwellings, *exclusive* of mobile homes
- 2) Public-owned open space recreational uses
- 3) The taking of boarders or the leasing of rooms by resident families
- 4) Accessory uses and buildings
- 5) Underground public utility facilities
- 6) Overhead electric utility distribution facilities and overhead telephone distribution and trunk facilities

C. SPECIAL EXCEPTIONS

- 1) Congregate and "assisted living" housing
- 2) Rooming house or apartment building
- 3) Bed and breakfast inns**
- 4) Funeral homes
- 5) Private recreational uses *exclusive* of drive-in theaters
- 6) Public utility facilities including substations, pumping stations and sewage treatment facilities

C. SPECIAL EXCEPTIONS - Continued

- 7) School (including day nursery), hospital, municipal or state building or use, church, or any other institution of educational, religious, philanthropic, fraternal, political or social nature, which is not used for residential occupancy
- 8) Home occupations
- 9) Daycare/home babysitting facility**
- 10) Adult daycare facility**

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum area per dwelling - (7,000 square feet)

Minimum land area for multiple family dwellings shall be 7,000 square feet for the first dwelling unit plus 4,000 square feet for each additional dwelling unit within one building.

Minimum lot size - (7,000 square feet)

Minimum street frontage - (50 feet)

Minimum front yard - (30 feet)

Maximum building coverage - (25%)

Minimum rear and side yards, all buildings - (10 feet)**

**Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

Maximum building height - (35 feet)*

D. STANDARDS - Continued

*In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

Minimum setback from streams and waterbodies - (100 feet)

3) In the case of planned unit or clustered residential developments, the above standards may be modified in accordance with the special provisions of Chapter II, Section IV of this Code and with the conditions that net residential:

- Sewerage and water shall be provided.
- A minimum land area of 1 acre shall be provided.
- The maximum net density shall not exceed 10 dwelling units per net residential acre.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XI
RESOURCE PROTECTION-RPZ

A. PURPOSE

To further the maintenance of safe and healthful conditions; prevent and control potential water pollution sources; protect spawning grounds; fish, aquatic life, bird and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. To this end, no structures will be permitted except as herein defined.

B. PERMITTED USES

- 1) Outdoor conservation and recreational uses not operated for profit.
- 2) Piers, docks, wharfs, breakwaters, causeways, and uses projecting into waterbodies subject to proper state and federal laws, *excluding* those involving structures designed to be occupied or operated as a retail outlet.

C. SPECIAL EXCEPTIONS

- 1) Structures accessory to permitted uses and non-conforming uses.
- 2) Agricultural uses and practices.
- 3) Recreational uses operated for profit, upon showing that water quality will not be adversely affected and potential flood damage would be at a minimum.
- 4) Conservation practices designed to stabilize or enhance natural or man-made conditions.
- 5) Public facilities for education, scientific or religious purposes.
- 6) Boat buildings, marinas and fuel docks, upon showing water quality will not be adversely affected and potential flood damage would be at a minimum.
- 7) Public utilities
- 8) Single-family residence – A permit for construction of a single-family residence may be approved by the Zoning Board of Appeals, if, in addition to A-R of the Special Exception requirements, the applicant demonstrates that all of the following shall be met:

C. SPECIAL EXCEPTIONS - Continued

- a. There is no location on the property, other than a location within the Resource Protection Zone, where the structure can be built;
 - b. The lot on which the structure is proposed is undeveloped and was established and recorded in the Southern Aroostook County Registry of Deeds before the adoption of the Resource Protection Zone;
 - c. The proposed location of all of the buildings, sewage disposal facilities, and other improvements are:
 - i. located on natural ground slopes of less than 20%; and
 - ii. located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds, along rivers, based on detailed flood insurance studies, and as delineated on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the floodplain provisions of this Code. If the floodway is not shown on the FEMA maps, it is deemed to be 1\2 the width of the 100-year floodplain.
 - d. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.
 - e. All structures, except functionally water dependent structures, are set back from the normal high water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Zoning Board of Appeals shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate and high-value wetlands.
 - f. Sewage disposal facilities can only be installed in accordance with the Subsurface Wastewater Disposal Rules, published by the Maine Department of Human Services.
- 9) Conversion of seasonal residences to year-round residences.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) All decisions on Special Exception and Variance Appeals or changes to district boundary lines shall be transmitted to the Department of Environmental Protection with return receipts retained as a permanent record of the Board of Appeals.
- 3) Use variances are not allowed.
- 4) Minimum setback from normal high waterline of any structure other than B: 2 or C: 6 above. (100 feet)
- 5) Minimum shore frontage. (150 feet)

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XII
RETAIL BUSINESS-RBZ

A. PURPOSE

To provide local sales, services and business space within the City of Presque Isle to serve the daily needs of residents and workforce and visitors both within the immediate area and the broader region.

B. PERMITTED USES

- 1) 1 and 2 family dwellings, *exclusive* of mobile homes
- 2) Retail business and service establishments *exclusive* of junkyards and auto recyclers
- 3) Business and professional offices
- 4) Bus passenger station
- 5) Commercial parking lot or parking garage
- 6) Accessory uses and buildings, *including* home occupations
- 7) Municipal and government uses

C. SPECIAL EXCEPTIONS

- 1) Educational institutions including nursery schools, bearing in mind that excessive numbers of children can be an annoyance in residential areas and in commercial areas and may pose safety problems
- 2) Motel, rooming house or apartment building
- 3) Bed and breakfast inns
- 4) Gasoline service station
- 5) Place of public assembly, *including* theater
- 6) Public utility facilities *including* substations, pumping stations and sewage treatment facilities

C. SPECIAL EXCEPTIONS - Continued

- 7) New and used car lots

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply to the Retail Business Zone (RBZ):

Minimum lot size - (None)**

Minimum land area per dwelling unit - (**)

Minimum street frontage - (None)**

Minimum front yard - (30 feet* - except that a building setback need not be greater than existing building immediately adjacent on both sides of the proposed structure

Minimum rear and side yards - (10 feet* - except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district or use in which case a minimum of 15 feet or 50% of the building height whichever is greater, shall be required.)**

Maximum building height - (75 feet)

**In no case shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum setback from streams and waterbodies - (100 feet)

Maximum building coverage - (None, except that side, rear and front yards shall be maintained.)

**Except that space standards for residential uses shall be the same as for those of the Urban Residential Zone.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XIII
BUSINESS-BZ

A. PURPOSE

To provide general retail sales, services and business space within the City of Presque Isle in locations capable of conveniently serving community-wide and/or regional trade areas.

B. PERMITTED USES

- 1) One and two family dwellings, *exclusive* of mobile homes.
- 2) Professional Offices.
- 3) Retail and wholesale businesses and service establishments, but *excluding* new and used car lots and junk yards and those specifically mentioned under Sub-Section C following.
- 4) Accessory uses and buildings, *including* home occupations.
- 5) Public utility facilities *including* substations, pumping stations and sewerage treatment facilities.
- 6) Municipal and Government uses.

C. SPECIAL EXCEPTIONS

- 1) New and used car lots
- 2) Motel, hotel, rooming house or apartment building
- 3) Bed and breakfast inns
- 4) Gasoline station and/or repair garage
- 5) Funeral home
- 6) Place of assembly, *including* theater
- 7) Transportation terminal
- 8) Warehousing and storage

C. SPECIAL EXCEPTIONS - Continued

- 9) Research laboratories
- 10) Manufacturing operations provided that they conform with the provisions of Chapter II
- 11) Recreational Facilities and Uses

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot size - (None)**

Minimum land area per dwelling unit - (**)

Minimum street frontage - (75 feet)**

Minimum front yard - (30 feet)**

Minimum rear and side yards - (30 feet * - except as may be required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district, in which case a minimum of 40 feet shall be required.)

Maximum building height - (75 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum setback from streams and waterbodies - (100 feet)

Maximum outdoor stored material coverage - (One third required distances for side, rear, and front yards shall be maintained without material stored hereon.)

**Except that space standards for residential uses shall be the same as for those of the Urban Residential Zone - URZ-1.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).



SECTION XIV
PROFESSIONAL MEDICAL-PMZ



A. PURPOSE

To provide areas in the community for a concentration of medically-related land uses. As such, the land areas and performance standards set forth in this Code shall be strictly interpreted to encourage only residential and professional medical uses.

B. PERMITTED USES

- 1) Single Family Dwellings and Duplexes, *exclusive* of mobile homes
- 2) Hospitals
- 3) Nursing homes
- 4) Congregate and “assisted living” housing
- 5) Retail pharmaceutical sales
- 6) Doctors, dentists and similar professional offices
- 7) Accessory uses

C. SPECIAL EXCEPTIONS

- 1) Public utility facilities
- 2) Municipal and government uses
- 3) Home occupations
- 4) Funeral homes
- 5) Daycare/home babysitting facility**
- 6) Adult daycare facility**
- 7) Medically-related business offices and organizations
- 8) Apartment Buildings

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot size - (20,000 square feet)

Minimum land area per dwelling unit - (**)

Minimum street frontage - (100 feet)**

Minimum front yard - (30 feet)**

Minimum rear and side yards - (10 feet* - except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district or use in which case a minimum of 15 feet or 50% of the building height (whichever is greater) shall be required.)

Maximum building height - (75 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum setback from streams and waterbodies - (100 feet)

Maximum building coverage - (None, except that side, rear and front yards shall be maintained.)

**Except that space standards for residential uses shall be the same as for those of the Suburban Residential Zone.

- 3) All structures shall attempt to be compatible with the surrounding architectural character.

Within the Shoreland Zone, as defined in Chapter II, Section I:F:3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

**SECTION XV
INDUSTRIAL - IZ**

A. PURPOSE

To provide areas within the City of Presque Isle for manufacturing, processing, treatment, and research, and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

- 1) Wholesale, retail and storage business uses
- 2) Manufacturing, processing and treatment
- 3) Research facilities
- 4) Accessory uses and buildings
- 5) Public utility facilities *including* substations, pumping stations and sewage treatment facilities

C. SPECIAL EXCEPTIONS

- 1) Municipal and governmental uses

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum area of lot - (None)

Minimum street frontage - (None)

Minimum front yards - (50 feet)

Minimum rear and side yards - (30 feet - except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district or use, in which case a minimum of 50 feet or 50% of the building outdoor stored material height, whichever is greater, shall be required.)

Maximum building height - (None)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum distances between principal buildings on same lot shall be equivalent of the taller building.

Minimum setback from streams and waterbodies - (100 feet)

Within the Shoreland Zone, as defined in Chapter II, Section IF:3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Governmental, Institutional, Commercial or Industrial, per Principal Structure	60,000	300

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XVI
WATERSHED PROTECTION
AIRCRAFT HAZARD-WPAHZ

A. PURPOSE

To protect, maintain, and where warranted, improve the water quality of the public water supply and to protect the airport from adverse developmental effects, and, to prohibit large concentrations of people. To this end, no building or premises shall be used and no building or structure shall be erected which is intended in whole or in part for any industry, trade, manufacturing, or commercial purposes or for other than one or more of the following specified purposes.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Accessory uses customarily incident to single-family dwellings

C. PERMITTED USES, SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER III, § V.

- 1) Any agricultural building or uses, *except* a sawmill, raising of livestock or fowl for commercial purposes, feedlot, petroleum storage in excess of 660 gallons, and agricultural chemical storage.
- 2) Municipal, public utility, or state buildings, airport terminals, structures, and properties, *excluding* schools, churches, auditoria, or structures that accommodate large concentrations of people.
- 3) Accessory uses customarily incidental to any of the above uses.

D. SPECIAL EXCEPTIONS (Also Subject to Planning Board Review and Approval as in C. Above)

- 1) Home occupations
- 2) Daycare/home babysitting facility **
- 3) Adult daycare facility **

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

E. STANDARDS

1) The general standards of performance of Chapter II shall be observed.

2) The following space standards shall apply:

Maximum net residential density -(1 dwelling unit-1 1\2 net residential acres)

Minimum land area per unit - (60,000 sq. ft.)

Minimum lot size - (60,000 sq. ft.)

Minimum street frontage - (200 feet)

Minimum front yard - (40 feet)

Minimum building coverage - (15%)

Minimum rear and side yards - (30 feet – Buildings higher than 35 ft. shall have side and rear yards not less than 50% of the building's height.)

Maximum building height - (35 feet)**

Minimum distances between principal building on the same lot shall be the height equivalent of the taller buildings.

Minimum setback from streams and waterbodies - (250 feet)

Minimum setback from significant wetlands - (100 feet)

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan, without Federal Aviation Administration knowledge and written approval.

3) The above space standards may only be reduced by variance, not by miscellaneous appeals.

4) "Use" variances are not permitted in this zone.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected in the Watershed Protection Aircraft Hazard Zone without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XVII
WATERSHED PROTECTION
AGRICULTURAL FARMING - WPAFZ

A. PURPOSE

To protect, maintain, and, where warranted, improve the water quality of the public water supply and to protect the natural rural quality and farm land properties from development sprawl by prescribing the most appropriate uses and standards, to this end, the following shall apply.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Accessory uses customarily incident to single-family dwellings

C. PERMITTED USES, SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER III, § V.

- 1) Any agricultural building or use, *except* a sawmill, raising of livestock or fowl for commercial purposes, feedlot, petroleum storage in excess of 660 gallons, and agricultural chemical storage
- 2) Public utility facilities, *including* substations, pumping stations and sewage treatment plants
- 3) Accessory uses and buildings

D. SPECIAL EXCEPTIONS (Also Subject to Planning Board Review and Approval as in C. Above)

- 1) Veterinary hospital
- 2) School, hospital, municipal building or use, church, or any other institution of educational, religious, philanthropic, fraternal, or social nature
- 3) Home occupations
- 4) Daycare/home babysitting facility **
- 5) Adult daycare facility **

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

E. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Maximum net residential density - (1 dwelling unit - one net residential acre)

Minimum land area per dwelling unit - (One acre)

Minimum lot size - (One acre)

Minimum street frontage - (200 feet)

Minimum front yard - (40 feet)

Minimum building coverage - (15%)

Minimum rear and side yards - (30 feet – Buildings higher than 35 ft. shall have side and rear yards not less than 50% of the building height.)

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its current Airport Master Plan.

Minimum distances between principal buildings on same lot shall be equivalent of the taller building.

Minimum setback from streams and waterbodies - (250 feet)

Minimum setback from significant wetlands - (100 feet)

- 3) In the case of planned unit or clustered residential development, the above standards may be modified in accordance with special provisions of Chapter II, Section IV, of this Code and with the condition that:

- ⊗ Public sewerage and water shall be provided.
- ⊗ A minimum land area of 10 acres shall be provided.
- ⊗ The maximum net density shall not exceed one dwelling unit per net residential acre.
- ⊗ The above space standards may only be reduced by variance, not by miscellaneous appeals.
- ⊗ "Use" variances are not permitted in this zone.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XVIII
WATERSHED PROTECTION BUSINESS-WPBZ

A. PURPOSE

To protect, maintain, and, where warranted, improve the water quality of the public water supply, while providing general retail sales, services, and business space within the City of Presque Isle in locations capable of conveniently serving community-wide and/or regional trade areas.

B. PERMITTED USES

- 1) Single-family dwellings, *exclusive* of mobile homes
- 2) Accessory uses and buildings customarily incident to single-family dwellings, *including* home occupations

C. PERMITTED USES, SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER III, § V.

- 1) Retail, wholesale businesses and service establishments, *but, excluding:* junkyards; car, truck, and equipment dealerships, repair garages, trucking terminals, etc.; chemical mixing and/or storage facilities; and fuel-related businesses such as gasoline stations, bulk-storage facilities, etc.
- 2) Professional offices
- 3) Public utility facilities, *including* substations, pumping stations, and sewage treatment facilities
- 4) Municipal and government uses
- 5) Railroad intermodal transfer facilities
- 6) Accessory uses and buildings

D. SPECIAL EXCEPTIONS (Also Subject to Planning Board Review and Approval as in C. Above)

- 1) Funeral home
- 2) Place of assembly, *including* theater
- 3) Research laboratories
- 4) Manufacturing operations provided that they conform with the provisions of Chapter II

E. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot size - (One acre)

Minimum land area per developing unit - (One acre)

Minimum street frontage - (200 feet)

Minimum front yard - (30 feet)

Minimum side and rear yards - (30 feet - except as may be required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district, in which case a minimum of 40 ft. shall be required.)

Maximum building height - (40 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its current Airport Master Plan.

Minimum setback from streams and waterbodies - (250 feet)

Minimum setback from significant wetlands - (100 feet)

Maximum outdoor stored material coverage - (One-third material required distances for side, rear, and front yards shall be maintained without materials stored thereon.)

- 3) The above space standards may be reduced only by variance, not by miscellaneous appeals.
- 4) "Use" variances are not permitted in this zone.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3. the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XIX
WATERSHED RESOURCE PROTECTION-WRPZ

A. PURPOSE

To protect, maintain, and, where warranted, improve the water quality of the public water supply, while furthering the maintenance of safe and healthful conditions; preventing and controlling potential water pollution sources; protecting spawning ground, fish, aquatic life, bird, and other wildlife habitat; and conserving shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. To this end, no structures will be permitted except as herein defined.

B. PERMITTED USES, SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER III, § V.

- 1) Outdoor conservation and recreational uses not operated for profit.
- 2) Piers, docks, wharfs, breakwaters, causeways, and uses projecting into and/or over waterbodies subject to proper state and federal laws, *excluding* those involving structures designed to be occupied or operated as a retail outlet.

C. SPECIAL EXCEPTIONS (Also Subject to Planning Board Review and Approval as in C. Above)

- 1) Conservation practices designed to stabilize or enhance natural or man-made conditions
- 2) Public utilities
- 3) Structures accessory to permitted uses

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) All decisions on Variance Appeals or changes to district boundary lines shall be transmitted to the Maine Department of Economic and Community Development and the Maine Department of Environmental Protection with return receipts retained as a permanent record of the Board of Appeals and/or the Planning Board.
- 3) The Zone shall include those land areas any part of which are within 250 feet of the normal high water mark of any pond, lake, river, or stream subject to this type of zoning, *EXCEPTING*: With regard to Arnold Brook Lake, the Permitted Uses, Special Exceptions, and Standards of the Watershed Resource Protection Zone, as described above, shall apply to those land areas any part of which are within the first 100 feet from the normal high water mark of the lake. Any use proposed in those land areas any part of which are between 100 feet and 250 feet from the normal high water mark of Arnold Brook Lake must conform to the Permitted Uses, Special Exceptions, and Standards of either Aircraft Hazard Zone or Agricultural/Farm Zone, as appropriate, and shall require review and approval by the Planning Board, in accordance with Chapter III, Sec. V. The minimum setback of any structure from the normal high water mark of Arnold Brook Lake shall be 100 feet.
- 4) Minimum setback from normal high water of any structure other than B:2 above - (250 feet)
- 5) Minimum shore frontage - (150 feet)
- 6) The above space standards may be reduced only by variance, not by miscellaneous appeals.
- 7) "Use" variances are not permitted in this zone.

Within the Shoreland Zone, as defined in Chapter II, Section I: F: 3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial, Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

SECTION XX
SUBURBAN COMMERCIAL-SCZ

A. PURPOSE

To provide non-pedestrian-oriented areas adjacent to the developed urban areas of Presque Isle which will sustain both housing and a diversity of other low-density uses that contribute to the City's total employment base, while sustaining services needed by the City's residents and businesses. Consistent with this stated goal, commercial development shall not exceed the standards allowable herein.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Business and professional offices of 2,000 or less square feet of gross building area
- 3) Retail businesses and service establishments of 5,000 or less square feet of gross building area, but *excluding* new and used car lots, junkyards, and automobile graveyards
- 4) Public open space recreational uses
- 5) Accessory uses and buildings
- 6) Underground and overhead public utility facilities, *including* substations, pumping stations, sewage treatment plants, electric utility distribution facilities, and telephone distribution and trunk facilities
- 7) Municipal and governmental uses

C. SPECIAL EXCEPTIONS

- 1) Rooming house
- 2) Bed and breakfast inns
- 3) Cemeteries
- 4) Daycare/Home Babysitting Facility **
- 5) Adult Daycare Facility **
- 6) Recreation activity buildings and grounds, operated for profit
- 7) Home occupations

C. SPECIAL EXCEPTIONS - Continued

8) Gasoline sales at convenience stores

9) New and used car lots

** No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

1) The general standards of performance of Chapter II shall be observed.

2) The following space standards shall apply:

Maximum net residential density - (One dwelling unit - one net residential acre)

Maximum net retail/commercial density - (One retail/commercial building-one net retail/commercial acre)

Minimum land area per dwelling unit - (One acre)

Minimum land area per retail/commercial building - (One acre)

Minimum street frontage - (100 feet)

Minimum front yard - (30 feet)

Minimum side and rear yards - (30 feet)

Maximum building coverage - (15%)

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Maximum outdoor stored material coverage - (Two thirds required distances for front, side, and rear yards shall be maintained without material stored thereon)

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).



SECTION XXI
LIGHT INDUSTRIAL ZONE - LIZ

A. PURPOSE

To provide areas within the City of Presque Isle for urban and suburban light manufacturing, processing, storage, wholesaling and distribution operations, and limited commercial uses. The regulations established in this Code are intended to allow efficient use of the land while at the same time making the district attractive and compatible for a variety of uses.

B. PERMITTED USES

- 1) Manufacturing and fabrication facilities
- 2) Laboratories
- 3) Professional offices
- 4) Computer and data processing facilities
- 5) Wholesaling/distribution/storage
- 6) Mini-warehousing and self-storage facilities
- 7) Laundries and wholesale dry cleaning plants
- 8) Machine shops
- 9) Photo processing
- 10) Sheet metal shops
- 11) Maintenance and repair services
- 12) Research and development facilities
- 13) Chemical/biochemical manufacturing, production, sales, and services

C. SPECIAL EXCEPTIONS

- 1) Specialty woodworking
- 2) Equipment leasing/rental
- 3) Communications facilities
- 4) Furniture manufacturing
- 5) Welding shops
- 6) Building material sales
- 7) Commercial printing
- 8) Government maintenance facilities
- 9) Government offices
- 10) Public safety facilities
- 11) Public utility facilities

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Maximum building footprint - (10,000 square feet)

Minimum land area per building - (0.5 acre)

Minimum street frontage - (100 feet)

Minimum front yard - (30 feet)

Minimum side and rear yards. - (30 feet)

Maximum building coverage - (50%)

Maximum building height - (35 feet)**

** In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

D. STANDARDS - Continued

Maximum outdoor stored material coverage - (Two thirds material required distances for front, side, rear yards shall be maintained without material stored thereon.

Minimum setback from streams and waterbodies - (100 feet)

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).



SECTION XXII
RESIDENTIAL OFFICE ZONE - ROZ

A. PURPOSE

To provide a transition zone in which residential uses and limited office uses are permitted. This zone recognizes that certain areas of Presque Isle along arterial and collector streets that have been predominately residential in nature are facing increased pressures for commercial development. The purpose of this zone is to provide for a mixture of residential and office uses that will be compatible with the traditional residential character and building design of the area.

B. PERMITTED USES

- 1) Dwellings, *exclusive* of mobile homes
- 2) Business and professional offices
- 3) Public, institutional, and personal service offices
- 4) Accessory uses and buildings
- 5) Underground public utility facilities
- 6) Overhead public utility distribution and trunk facilities

C. SPECIAL EXCEPTIONS

- 1) Rooming house
- 2) Bed and breakfast inns**
- 3) Public utility facilities, including substations, pumping stations, and sewage treatment facilities
- 4) Home occupations
- 5) Daycare/home babysitting facility**
- 6) Adult daycare facility**

**No exterior sign larger than two (2) square feet shall be permitted; no nuisance, offensive noise, vibrations, smoke, dust, odors, heat, glare, traffic, or parking problems shall be generated.

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum land area per dwelling unit (single) - (7,000 square feet)

Minimum land area for multiple family dwellings - (7,000 square feet for the first dwelling unit, plus 4,000 square feet for each additional dwelling unit within one building)

Minimum lot size - (7,000 square feet)

Minimum street frontage - (50 feet)

Minimum front yard - (30 feet)

Minimum rear and side yards - (10 feet)*

*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

Maximum building coverage - (25%)

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary airspace surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

Minimum setback from streams and waterbodies - (100 feet)

The off-street parking standards of Chapter II, Section II:A shall be observed.

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined by the closest U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).



**SECTION XXIII
RURAL RESIDENTIAL ZONE - RRZ**

A. PURPOSE

To maintain safe and healthful conditions, to prevent and control water pollution sources, to preserve the natural qualities and beauty of shore front properties, and to protect from development sprawl and density overload in areas of high residential density that pre-dated the adoption of this Code. To this end, the following shall apply.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Public open space recreational uses
- 3) Accessory uses and buildings
- 4) Underground public utilities
- 5) Overhead electric utility distribution and overhead telephone distribution and trunk lines
- 6) Outdoor conservation and recreational uses not operated for profit

C. SPECIAL EXCEPTIONS

- 1) Daycare/home babysitting facility

D. STANDARDS

- 1) The general performance standards of Chapter II shall be observed.
- 2) The following space standards shall apply:

Minimum lot size - (1 Acre)

Minimum street frontage - (200 feet)

Minimum front yard - (30 feet)

Minimum side and rear yard - (15 feet)

Minimum setback from high water mark of streams and waterbodies - (100 feet)*

Maximum building coverage - (25%)

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in the current Airport Master Plan.

No building or structure shall exceed the elevation of 684 feet above Mean Sea Level (MSL), without compliance to the Airport Master Plan and all applicable Federal Aviation Administration Regulations. This review must be conducted with the Airport Manager or other authorized individuals.

*Maine Shoreland Zoning Ordinance allows NO new construction within 100 feet of the normal high water mark, with the onetime exception of the 30% expansion rule to an existing structure.

SECTION XXIV
SOURCE WATER PROTECTION AREA (SWPA)
OVERLAY ZONE

A. PURPOSE

To protect the wells used to supply drinking water to the City of Presque Isle, as well as certain other large scale production wells serving private enterprise, from potential contamination sources and land uses which may pose a threat to the quality of the ground water being extracted within the Source Water Protection Area, consistent with 30-A MRSA §2001, sub-§ 20-A, as amended.

To this end, the following restrictions shall apply. As an overlay zone, these requirements shall be applied cumulatively, over and above the requirements of the underlying zone.

B. PERMITTED USES

- 1) Public drinking water production facility
- 2) Other large scale water production facility
- 3) Single-Family residential uses
- 4) Any other uses permitted in the underlying Suburban Commercial Zone (SCZ) or Industrial Zone (IZ), subject however to the requirements of the U.S. EPA's Source Water Protection Practice Bulletins as per the Development Plan requirements under Chapter III Section V of and as regulated under Chapter I Sections XV and XX by the City's Land Use and Development Code *EXCEPT* the following, which are *EXCLUDED in SWPA Zone*:
 - a. Business and professional office of more than 2,000 square feet gross building area
 - b. Retail business and service establishment of more than 5,000 square feet gross building area.
 - c. New and used car lot, junkyard and automobile graveyard.
 - d. Cemetery
 - e. Storage and/or stockpiling of manure
 - f. Dog Kennel
 - g. Veterinary Hospital
 - h. Gravel Pit or other mining operation

- i. Storage of chemicals other than types and amounts ordinarily associated with the permitted uses, which for a parcel used for residential purposes shall mean storage of heating oil and kerosene in excess of 330 gallons.

5) Any other uses permitted in the underlying Agricultural Farm Zone (AFZ), subject however to the specifications of the Maine Department of Agriculture Manual of Best Management Practices as per the Development Plan requirements under Chapter III Section V and as regulated under Chapter I Section VII by the City's Land Use and Development Code, *EXCEPT* the following, which are *EXCLUDED in SWPA Zone*:

- a. Feedlot operations (see revised definition of Feedlot).
- b. Grazing of any animals at an animal density greater than 1 animal unit per acre of pasturage made available to such animals.
- c. Application of pesticides other than the types and amounts ordinarily associated with Single Family residential uses.
- d. Storage and/or stockpiling of manure.
- e. Storage of chemicals other than types and amounts ordinarily associated with the permitted uses, which for a parcel used for residential purposes shall mean storage of heating oil and kerosene in excess of 330 gallons.
- f. Stables or other Equestrian facility
- g. Dog Kennel
- h. Veterinary Hospital
- i. Gravel Pit or other mining operation.

6) Utility Corridors including underground and overhead electric utility distribution facilities, telephone distribution and trunk facilities, subject to Development Plan requirements under Chapter III Section V.

C. SPECIAL EXCEPTIONS SUBJECT TO REVIEW AND APPROVAL OF THE ZONING BOARD OF APPEALS (Also subject to Planning Board review and approval of a DEVELOPMENT PLAN under Chapter V. Section III).

- 1) Duplex housing
- 2) Bed and breakfast inns
- 3) Daycare/home babysitting facility
- 4) Adult daycare facility
- 5) Home occupations

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed within the Source Water Protection Area
- 2) For permitted Agricultural uses, the following space standards shall apply within the Source Water Protection Area:

Minimum land area per dwelling unit: one acre

Minimum lot size: one acre

Minimum street frontage: 200 feet

Minimum front yard: 40 feet

Maximum building coverage: 15 percent

Minimum rear and side yards: 30 feet

Maximum building height: 35 feet

Minimum setback from streams and waterbodies: 250 feet

Minimum setback from wetlands: 100 feet

- 3) For permitted Suburban Commercial uses, the following space standards shall apply within the Source Water Protection Area.

Maximum net residential density: 1 dwelling unit - one net residential acre

Maximum net retail/commercial density: 1 retail/commercial building - one net retail/commercial acre

Minimum land area per dwelling unit: one acre

Minimum land area per retail/commercial building: one acre

Minimum lot size: one acre

Minimum street frontage: 100 feet

Minimum front yard: 30 feet

D. STANDARDS - Continued

Minimum rear and side yards: 30 feet

Maximum building coverage: 15 percent

Maximum building height: 35 feet**

Maximum outdoor stored material coverage: (Two-thirds required distances for front, side, and rear yards shall be maintained without material stored thereon)

Minimum setback from streams and waterbodies: 250 feet

Minimum setback from wetlands: 100 feet

“Use” variances are not permitted in this zone.

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available USGS benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration (FAA) regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XV
INDUSTRIAL CONDITIONAL IZ-C

A. PURPOSE

To provide areas within the City of Presque Isle for schools and other educational institutions, light manufacturing, research facilities and alternative energy generational facilities, and to which end all the performance standards set forth in this Code shall apply.

B. PERMITTED USES

- 1) Wholesale, retail and storage business uses
- 2) Research facilities
- 3) Accessory uses and buildings
- 4) Alternative energy generation facilities
- 5) Wind Energy-Related Non-Operational Training Facilities

C. SPECIAL EXCEPTIONS

- 1) Municipal and governmental uses
- 2) School or any other institution of education

D. STANDARDS

- 1) The general standards of performance of Chapter II shall be observed.
- 2) The following space standards shall apply:
 - Minimum area of lot - (None)
 - Minimum street frontage - (None)
 - Minimum front yards - (50 feet)

D. STANDARDS - Continued

Minimum rear and side yards - (30 feet – except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district or use, in which case a minimum of 50 feet or 50% of the building outdoor stored material height, whichever is greater, shall be required.)

Maximum building height - (None)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.

Minimum distances between principal buildings on same lot shall be equivalent of the taller building.

Minimum setback from streams and waterbodies - (100 feet)

Within the Shoreland Zone, as defined in Chapter II, Section I:F:3., the following minimum lot standards shall apply:

	Minimum Lot Area (sq ft.)	Minimum Shore Frontage (ft.)
Governmental, Institutional Commercial, or Industrial, per Principal Structure	60,000	300

No building or structure shall be erected that exceeds the elevation of 684' above Mean Sea Level (MSL), as determined from the closest available U.S.G.S. benchmark, without first reviewing the compliance of the proposed project with the Airport Master Plan and all applicable Federal Aviation Administration regulations. This review must be conducted with the Airport Manager or other authorized individual(s).

SECTION XXVI
RURAL RESIDENTIAL ZONE - 2 - RRZ - 2

A. PURPOSE

To maintain safe and healthful conditions, to preserve the physical aesthetic and cultural quality of Presque Isle's rural village(s), to preserve the natural qualities and beauty of rural village properties, and to protect from development sprawl and density overload in areas of high residential density that pre-dated the adoption of this Code. To this end, the following shall apply.

B. PERMITTED USES

- 1) Single-family dwellings
- 2) Public open space recreational uses
- 3) Accessory uses and buildings
- 4) Overhead electric utility distribution and overhead telephone distribution and trunk lines
- 5) Outdoor conservation and recreational uses not operated for profit

C. SPECIAL EXCEPTIONS

- 1) Daycare/home babysitting facility
- 2) Neighborhood convenience commercial facilities (excluding gas stations) with a maximum size of 1,000 square feet in building area per each 10,000 square feet of lot area, not to exceed 2,000 square feet of total building area, and which are intended to serve the immediate area in which such facilities are located.

D. STANDARDS

- 1) The general performance standards of Chapter II shall be observed.
- 2) The following space standards shall apply:
- 3) Minimum lot size - (1/2 Acre) - (State Law Size Requirement)

"In accordance with State Law, this minimum lot size for single family residential progresses shall not apply to any lot which prior to January 1, 1970 was specifically described as an indefinable and separate lot in accordance with 12 §4807-D "Exemptions"."

D. STANDARDS - Continued

Minimum street frontage - (50 feet)

Minimum front yard - (20 feet)

Minimum side and rear yard - (10 feet)

Minimum setback from high water mark of streams and waterbodies - (100 feet)*

Maximum building coverage - (35%)

Maximum building height - (35 feet)**

**In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in the current Airport Master Plan.

No building or structure shall exceed the elevation of 684 feet above Mean Sea Level (MSL), without compliance to the Airport Master Plan and all applicable Federal Aviation Administration Regulations. This review must be conducted with the Airport Manager or other authorized individuals.

*Maine Shoreland Zoning Ordinance allows NO new construction within 100 feet of the normal high water mark, with the one time exception of the 30% expansion rule to an existing structure.

SEE ATTACHED MAP "Rural Village Zone"

SECTION XXVII
GENERAL DEVELOPMENT ZONE - GDZ

A. PURPOSE

To provide space for commercial and industrial activities, within the City of Presque Isle and the Shoreland Zone of the Presque Isle Stream, in existing locations that are intensively developed. Such area shall not be established or expanded based solely on residential uses.

B. PERMITTED USES

- 1) Dwellings, *exclusive* of mobile homes
- 2) Professional Offices
- 3) Retail, wholesale, and service businesses and establishments, and other commercial activities, excluding used car lots
- 4) Accessory uses and structures, *including* home occupations
- 5) Public utility facilities
- 6) Municipal and government uses

C. SPECIAL EXCEPTIONS

- 1) Educational institutions including nursery schools, bearing in mind that excessive numbers of children can be an annoyance in residential areas and in commercial areas and may pose safety problems.
- 2) Motel, rooming house or apartment buildings
- 3) Bed and breakfast inns
- 4) Gasoline service stations
- 5) Place of assembly, including theaters
- 6) Public utility facilities including substations, pumping stations and sewage treatment facilities
- 7) New and used car lots

D. STANDARDS

Shall meet the shoreline setbacks and other shoreland zoning standards established for the "General Development I District" in the most current Department of Environmental Protection Chapter 1000 Rules "Guidelines For Municipal Shoreland Zoning Ordinances" until such time as the City of Presque Isle establishes consistent standards in this Ordinance. These standards include a reduced setback of 25 feet from the shoreline for principal and accessory structures.

E. SHORELAND AREA PROTECTION

Section 1. Purposes

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

Section 2. Authority

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

Section 3. Applicability

This section of the Code applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland rated moderate or high value by the Maine Department of Inland Fisheries and Wildlife or as reflected on the Shoreland Zoning Map for the City of Presque Isle; and within 100 feet, horizontal distance, of the normal high-water line of all perennial streams and tributary streams, as defined, as those waterbodies appear on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps comprising Presque Isle and from the upland edge of a freshwater wetland rated low or not rated by the Maine Department of Inland Fisheries and Wildlife.

**Except that an area along the Presque Isle Stream, from State Street to 26 Dyer Street on the West and from State Street to Summer Street on the East (see attached map), is hereby designated a General Development Zone as defined under DEP shoreland Zoning regulations and shall have a reduced minimum setback of 25 feet, horizontal distance, of the normal high-water line.

Such areas intentionally embrace and overlay parts of other zones established by the City of Presque Isle, in order that the purposes of shoreland protection can best be served.

This section of the code also applies to any structure extending or located beyond the normal high-water line of a water body or within a wetland.

SEE ATTACHED MAP DATED MARCH 9, 2011

SECTION XXVIII
DOWNTOWN RETAIL BUSINESS ZONE - DRBZ

A. PURPOSE

To restore traditional development potential to Downtown properties having frontage on the City's core pedestrian network by placing 1970's era zoning limitations now known to be inappropriate for the downtown setting, such as excessive parking and setback requirements, with form-based code intended to maximize ground floor potential commercial space, mixed use on upper floors and enhance pedestrian circulation.

B. PERMITTED USES

- 1) Apartment buildings and other dwelling units, *exclusive* of mobile homes
- 2) Retail business and service establishments *exclusive* of auto recyclers, junkyards, new and used car lots and gasoline service stations and *exclusive* of any establishment providing drive-through window service
- 3) Business and professional offices
- 4) Bus passenger station
- 5) Commercial parking lot or parking garage
- 6) Municipal and government uses
- 7) Place of public assembly, *including* theater and arts facilities
- 8) Accessory uses and buildings

C. SPECIAL EXCEPTIONS

- 1) Educational institutions
- 2) Hotel or Motel
- 3) Bed and breakfast inns
- 4) Public utility facilities
- 5) Home occupations

D. STANDARDS

- 1) Performance standards of Chapter II shall be observed including the following parking requirements there in which have been relaxed specifically for the Downtown Retail Business Zone (DRBZ):

Restaurant, Retail and Office uses: One (1) parking space per every 500 square feet in excess of 4,000 square feet of gross floor area. This requirement may be met by spaces provided on property of others provided such parking spaces are located within 500 feet of the owner's property.

Residential uses: Two (2) parking spaces per dwelling unit. This requirement may be met by spaces provided on property of others by written agreement provided such parking spaces are located within the Downtown Retail Business Zone. Such parking spaces may be owned by the City, in which case a City-issued Overnight Parking Permit (OPP) shall serve as the required written agreement for purposes of this subsection. Applicant must demonstrate to Code Enforcement Officer's satisfaction that parking requirements have been met either on owner's own property or on property of others to complete a Building Permit application for the construction or substantial renovation of dwelling units in the Downtown Retail business Zone.

Theater/Arts facility/Place of Assembly: No parking spaces required other than sufficient access for emergency services as determined by Code Enforcement/Presque Isle Fire Department.

- 2) The following space standards shall apply to the Downtown Retail Business Zone (DRBZ):

Minimum lot size - None

Minimum street frontage - None

Minimum rear and side yards - None

Minimum front yard - None

Maximum building height - 75 feet

Minimum land area per dwelling unit - None

Maximum front yard - same setback distance as one or both of any existing buildings located on properties to either side of the subject property.

Minimum front façade height - 18 feet.

Ground floor dwelling units constructed or substantially renovated in the Downtown Retail Business Zone must be set back within the building at least 20 feet, measured from façade exterior on any and all side(s) abutting public sidewalk(s) or walkway(s) except that a floor-to-ceiling wall, constructed in compliance with code before the adoption of this ordinance closer than 20 feet measured from façade exterior, which the owner wishes to preserve, may remain and residential units may commence at the setback distance where such pre-existing wall is located. Whether such walls qualify as pre-existing for purposes of this subsection shall be determined at the discretion of the Code Enforcement Officer.

NOTE: The gradual elimination of non-conforming uses in all zoning districts, such as ground floor apartments abutting public sidewalks or walkways and drive-through service windows in the Downtown Retail Business Zone, is governed by Chapter I, Section II: Nonconformance.



**CHAPTER II
GENERAL STANDARDS
OF PERFORMANCE**



In case of doubt, the Code Enforcement Officer may employ such independent recognized consultant necessary, after prior notification to and at the expense of the applicant, to assure compliance with all requirements of this Code related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the City prior to their undertaking.



**SECTION I
ENVIRONMENTAL**

A. SOIL SUITABILITY

- 1) In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for sewage disposal, and where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit.
- 2) The requirements and standards of the State of Maine Department of Environmental Protection, Maine Department of Human Services and latest revised edition of the State Plumbing Code shall be met.

B. PREVENTION OF EROSION

- 1) No person shall perform any act or use of the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the City. This shall not affect any extra active operations complying with the standards of performance specified elsewhere in this Code.
- 2) All development shall generally comply with the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control" published by the Maine Soil and Water Conservation Commission. Special consideration will be given to the following:
 - ◆ Select a site with the right soil properties, including natural drainage and topography, for the intended use.
 - ◆ Utilize for open space uses those areas with soil unsuitable for construction.
 - ◆ Preserve trees and other vegetation wherever possible.
 - ◆ Hold lot grading to a minimum by fitting the development to the natural contour of the land; avoid substantial areas of excessive grade.
 - ◆ Spread jute matting or straw during construction in critical areas subject to erosion.
 - ◆ Construct sediment basins to trap sediment from run-off waters during development. Expose as small an area of subsoil as possible at any one time during development and for as short a period as possible.
 - ◆ Provide for disposing of increased run-off caused by changed land formation, paving and construction, and for avoiding sedimentation of run-off channels, on or off the site.
 - ◆ Plant permanent vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation.
 - ◆ All logging roads shall be located, constructed and maintained in conformance with the erosion prevention provisions of the "Permanent Logging Roads for Better Woodlot Management" published by the U.S. Department of Agriculture.

C. MINERAL EXPLORATION AND EXTRACTION

1) Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer, following approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

- 2) Top soil, rock, sand, gravel, and similar mineral materials may be removed from locations where permitted under the terms of this Code only after a special permit for such operations has been issued by the Code Enforcement Officer, upon approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, and provided that nothing herein shall be deemed to apply to normal excavation operations incidental to construction activities for which a valid permit is held.

The following standards shall be met:

- Specific plans shall be established to avoid hazards from excessive slopes or standing water.
- The operation shall be shielded from surrounding property with adequate screening.
- No water source shall be disturbed.
- No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.
- There shall be a distance of at least twice the depth of the excavation between the edge of the digging or quarrying activities and the property lines.
- A surety bond, payable to the City in an amount recommended by the City Manager and approved by the City Council shall be filed with the City Clerk of Presque Isle. The amount shall be sufficient to guarantee conformity with the provisions of the grant of approval.

- 3) Mineral extraction may be permitted under the following conditions:
- a. In considering special permits for removal of mineral materials, the Board of Appeals shall take into consideration the following items:
 - × Fencing, landscaped buffer strips, public safety
 - × Advertising signs, lighting
 - × Parking space, loading and unloading areas
 - × Entrances and exits
 - × Time period for operation
 - × Hours of operation
 - × Methods of operation
 - × Weight and loading limit of trucks
 - × Ecological and other natural considerations, including excessive erosion and sedimentation
 - × Coverage of loads and prevention of sand and gravel spillage upon public streets
 - × Rehabilitation proposals
 - b. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph e. below.
 - c. Specific plans outlining the methods to be used to avoid hazards from excessive slopes or standing water must be presented to the Planning Board for review and approval before a permit is granted.
 - d. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C, no part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet of the normal high-water line of a great pond or a river, and within one hundred (100) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland of significant importance as defined within the NRPAM Title 38, M.R.S.A. All other non-significant wetlands as defined in Chapter 1, Section IV, Definitions, shall not require a setback from the upland edge of said wetland, but the wetland area itself will be treated like all other wetlands. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

- e. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 2. Where an embankment must be left upon the completion of operations, it shall be at a slope *not* steeper than 1-foot vertical to 4 feet horizontal.
 3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area, adequate to meet the provisions of the “Environmental Quality Handbook Erosion and Sediment Control”, published by the Maine Soil and Water Conservation Commission. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- f. In keeping with the purposes of this section of the Code, the Zoning Board of Appeals and/or the Planning Board may impose such conditions as are necessary to minimize the adverse effects associated with mineral extraction operations on surrounding uses and resources and to safeguard the health, safety, and welfare of the community.

D. FLOOD PLAIN AREA

Land along rivers, streams and ponds which is subject to flooding through storm or seasonal action, called flood plain areas, may be used for woodland, grassland, agriculture or outdoor recreational use. The Code Enforcement Officer shall maintain a map showing known flood plain areas, and no building shall be constructed herein. Flood plain areas shall be considered as those areas within the 100 year frequency flood plain as identified by an authorized Federal or State agency, or where such identification is not available, are located on flood plain soil identified and described in the Northeastern Aroostook County Soil Survey to comprise the following solid types:

Hadley (Ha); Winooski (Wn); Mixed Alluvial (Mn).

E. AGRICULTURE

1. All agricultural activities must be conducted in accordance with all applicable laws, rules, and standards, including but not limited to: the Right to Farm Law [17 M.R.S.A., Section 2805] and the Maine Nonpoint Source Control Program [38 M.R.S.A. c. 3, subsection-C:I].
2. Agricultural practices shall be conducted to minimize solid erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.
3. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Solid and Water Conservation Commission in July, 1972, or subsequent revisions thereof.
4. Manure shall not be stored or stockpiled within one hundred (100) feet horizontal distance, of a great pond or a river, or within one hundred (100) feet horizontal distance of other water bodies, tributary streams, or wetland. Within five (5) years of the effective date of this section of the Code all manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.
5. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland Zone shall require a Solid and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Code.
6. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this section of the Code and not in conformance with this provision may be maintained.
7. After the effective date of this section of the Code, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

F. SHORELAND AREA PROTECTION

Section 1 Purposes

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

Section 2 Authority

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

Section 3 Applicability

This section of the Code applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland rated moderate or high value by the Maine Department of Inland Fisheries and Wildlife or as reflected on the Shoreland Zoning Map for the City of Presque Isle; and within 100 feet, horizontal distance, of the normal high-water line of all perennial streams and tributary streams, as defined, as those waterbodies appear on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps comprising Presque Isle and from the upland edge of a freshwater wetland rated low or not rated by the Maine Department of Inland Fisheries and Wildlife.

**Except that an area along the Presque Isle Stream from State Street to 26 Dyer Street on the West and from State Street to Summer Street on the East (see attached map), is hereby designated a General Development Zone as defined under DEP Shoreland zoning regulations and shall have a reduced minimum setback of 25 feet, horizontal distance, of the normal high-water line.

Such areas intentionally embrace and overlay parts of other zones established by the City of Presque Isle, in order that the purposes of shoreland protection can best be served.

This section of the Code also applies to any structure extending or located beyond the normal high-water line of a water body or within a wetland.

Section 4 Effective Date and Repeal of Formerly Adopted Shoreland Zoning Provisions

This section of the Land Use and Development Code, which was adopted by the Presque Isle City Council on January 1, 1992, shall not be effective unless approved by the Department of Environmental Protection. A certified copy of this section of the Code, attested and signed by the City Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on this amendment within forty-five (45) days of its receipt, it shall be deemed approved. Upon approval of this amendment, the Shoreland Zoning provisions previously adopted in 1980 are hereby repealed.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this amendment, if this amendment is approved by the Department of Environmental Protection.

Section 5 Availability

A certified copy of the Land Use and Development Code, Chapter 16 of the City Ordinances, of which this and other sections pertaining to shoreland area protection are a part, shall be filed with the City Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this section of the Code shall be posted.

Section 6 Severability

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

Section 7 Conflicts with Other Ordinances

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

Section 8 Amendments

This section of the Code may be amended by majority vote of the City Council. Copies of amendments, attested and signed by the City Clerk, shall be submitted to the Department of Environmental Protection following adoption by the City Council and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the City within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Department.

Section 9 Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this section of the Code is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map, which is made a part of this Code:

Aircraft Hazard	AHZ
Agricultural Farming	AFZ
Suburban Residence	SRZ
Urban Residence - 1	URZ-1
Urban Residence - 2	URZ-2
Resource Protection	RPZ
Retail Business	RBZ
Business	BZ
Professional Medical	PMZ
Industrial	IZ
Watershed Protection Aircraft Hazard	WPAHZ
Watershed Protection Agricultural Farming	WPAFZ
Watershed Business	WPBZ
Watershed Resource Protection	WRPZ
Suburban Commercial	SCZ
Light Industrial	LIZ
Residential Office	ROZ
Rural Residential	RRZ
Source Water Protection Area	SWPAZ

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the City Clerk and shall be located in the City Clerk's Office at City Hall.

D. Changes to the Official Shoreland Zoning Map

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

Section 10 Interpretation of District Boundaries

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

Section 11 Land Use Requirements

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

Section 12 Non-conformance

A. Purpose

It is the intent of this section of the Code to promote land use conformities, except that non-conforming conditions that existed before the effective date of this section of the Code shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Code.
2. Repair and Maintenance: This Code allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-Conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
- b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Zoning Board of Appeals, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

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

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

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced, provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement of the greatest practical extent as determined by the Zoning Board of Appeals in accordance with the purposes of this section of the Code. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, *excluding* normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Zoning Board of Appeals shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

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

D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, *except* that non-conforming residential uses may, after obtaining a permit from the Zoning Board of Appeals, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12 (C) (1) (a) above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Zoning Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the proceeding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Zoning Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section (2) (C) (4) above.

E. Non-Conforming Lots

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

2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this section of the Code, if all or part of the lots do not meet the dimensional requirements of this Code, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

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

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

Section 13. *Zones Affected*

The provisions of this section of the Code shall apply, as appropriate, to all zones established under this Code and identified in Chapter I, Sections VI-XXI, inclusive.

Section 14. *Table of Land Uses (TO BE INSERTED)*

Section 15. *Land Use Standards*

- ☆ Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- ☆ Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- ☆ The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- ☆ If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

A. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds and rivers, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
 - × The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
2. Principal or accessory structures and expansions of existing structures which are permitted in the various zones shall not exceed thirty-five (35) feet in height, except that in the Business Zone (BZ), Retail Business Zone (RBZ), and Professional Medical Zone (PMZ) such structures shall not exceed forty (40) feet in height; however, in no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in its then current Airport Master Plan.
3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
4. The total area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

B. Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
4. No new structure shall be located wholly within, built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
5. No existing structures extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.

NOTE:

- a. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.
- b. A person performing any of the following activities shall require a permit from the Maine Department of Environmental Protection, pursuant to Title 38, M.R.S.A., Section 480-C, if the activity occurs in, on, over, or adjacent to any freshwater wetland, great pond, river, stream, or brook, and operates in such a manner that material or soil may be washed into them:
 1. Dredging, bulldozing, removing or displacing soil, sand, vegetation, or other materials;
 2. Draining or otherwise dewatering; or
 3. Any construction or alteration of any permanent structure.

C. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this section of the Code, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or river, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection Zone shall be limited to one thousand (1,000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

D. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland Zone, as indicated on the Official Shoreland Zoning Map:

- ▲ Auto washing facilities
- ▲ Auto or other vehicle service and/or repair operations, including body shops
- ▲ Chemical and bacteriological laboratories
- ▲ Storage of chemicals, including herbicides, pesticides or fertilizers other than amount normally associated with individual households or farms
- ▲ Commercial painting, wood preserving, and furniture stripping
- ▲ Dry cleaning establishments
- ▲ Electronic circuit assembly
- ▲ Laundromats, unless connected to a sanitary sewer
- ▲ Metal plating, finishing, or polishing
- ▲ Petroleum or petroleum product storage and/or sale except storage on same property as use occurs
- ▲ Photographic processing
- ▲ Printing

E. Parking Area

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately nine (9) feet wide and eighteen (18) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

F. Roads and Driveways

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

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond or a river, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection Zone except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the zone, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection L.
5. Road grades shall be no greater than ten (10) percent *except* for short segments of less than two hundred (200) feet.

6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an un-scarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an un-scarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto un-scarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
- c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- e. A permit is not required for the replacement of an existing road culvert as long as:
 - 1. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - 2. The replacement culvert is not longer than 75 feet; and
 - 3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- f. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

G. Signs

The following provisions shall govern the use of signs in the Shoreland Zone:

- a. Signs relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- b. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
- c. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- d. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- e. Signs relating to public safety shall be permitted without restriction.
- f. No sign shall extend higher than twenty (20) feet above the ground.
- g. Signs may be illuminated only by shielded, non-flashing lights.

H. Storm Water Runoff

- 1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
- 2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

I. Septic Waste Disposal

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

NOTE: The Rules, among other requirements, include:

- ♣ The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- ♣ Replacement systems shall meet the standards for replacement systems as contained in the Rules.

J. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is permitted in a Resource Protection Zone, only to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Sewer mains and appurtenances are exempt from the requirement that there be no reasonable alternative to their location in the Resource Protection Zone; instead, the applicant only needs to demonstrate that their location in the Resource Protection Zone is the cost-effective alternative.
 - ☞ Sewer mains will be located such that there is a buffer between the sewer main and the normal high-water line of the water body to minimize the adverse impacts on the water body and the surrounding uses. The width of the buffer strip and the setback distance from the normal high-water line shall be maximized, while still allowing for gravity flow, or other cost-effective alternative.
 - ☞ Sewer mains will be constructed such that there is not inflow into the sewer mains from the flooding of the water body.

K. Clearing of Vegetation for Development

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection Zone the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

- * 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 (10) 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. Adjacent to a great pond or stream or river, the width of the footpath shall be limited to six (6) feet.
- * Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a great pond or a river or stream shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system:

Diameter of Tree at 4-1\2 feet Above Ground Level (inches)	Points
2 - 4 in.	1
>4 - 12 in.	2
>12 in.	4

Adjacent to other water bodies, tributary streams, and wetlands, a “well distributed stand of trees and other vegetation” is defined as maintaining a minimum rating score of 8 per 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot X 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- * In order to protect water quality and wildlife habitat, adjacent to great ponds, streams, and rivers, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2a and 2b above.
 - * Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
 - * In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.
3. In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed.
 4. Cleared openings legally in existence on the effective date of this section of the Code may be maintained, but shall not be enlarged, except as permitted by this Code.
 5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

L. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - ❖ Mulching and re-vegetation of disturbed soil.
 - ❖ Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - ❖ Permanent stabilization structures such as retaining walls or rip-rap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soil of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or their effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - ➔ Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - ➔ Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - ➔ Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage-ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

M. Soils

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

N. Water Quality

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

O. Archaeological Sites

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

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

Section 16. Administration

Administration of this section of the Code shall be in accordance with the provisions of Chapter I and III of this Code, and with Chapter 43 of the City Charter, “Planning Board Ordinance”.

G. WASTE WATER POLLUTION

1. Waste water to be discharged into Presque Isle Sewer District sewers, should they be available, shall be in such quantities and/or of such quality as to be compatible with standards established by the District.
2. To meet those standards, the District may require that such wastes shall undergo pretreatment or full treatment at the site in order to render them acceptable for the treatment processes.
3. The disposal of wastewater by means other than a functioning sewerage system must comply with the laws of the State of Maine and the City concerning water pollution.

H. AIR POLLUTION

All pollution control shall comply with the minimum State requirements and detailed plans shall be submitted to the State of Maine Department of Environmental Protection.

I. NOISE ABATEMENT

Noise may be equal but not exceed during any consecutive 8-hour period an average of 75 dba (re 20 micro-newtons/m²) measured at any boundary line. During the peak activity of 60 minutes in a 24 hour period a noise may not exceed 100 bda when measured at the source.

J. BUFFER AREAS


1. Any nonresidential yard space abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer areas shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Presque Isle.
2. Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.
3. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops, do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.

4. Fencing, screening or natural features, or combination thereof, shall be sufficient to shield and otherwise prevent any kind of nuisance: all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
5. Fencing and screening shall be durable and properly maintained at all times by the owner.
6. Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.
7. All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

K. TIMBER HARVESTING

1. All timber harvesting activities must be conducted in accordance with all applicable laws, rules, and standards, including but not limited to: The Natural Resource Protection Act [38 MRSA § 480-A to 480-S], the Mandatory Shoreland Zoning Act [38 MRSA § 435 to 449], and the Forest Practices Act Rules Chapter 20 [12 MRSA c. 805, sub-c. III-A].
2. Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for Resource Protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
3. Except in areas as described in Paragraph 2 above, timber harvesting in a Shoreland Zone shall conform with the following provisions:
 - a. Selective cutting or no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1\2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond or a river, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of their water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or a river, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.

- b. No accumulation of slash shall be left within fifty (50) feet or the normal high-water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - 1. Surface waters are frozen; and
 - 2. The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an un-scarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the un-scarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.
- g. Where essential for proper timber management, the Planning Board may allow exceptions to Sections (1) (a) (1), (3) (a) (2), and (f), above, if the conditions otherwise conform with Chapter II, Section I.



SECTION II
PARKING LOADING AND TRAFFIC

A. OFF-STREET PARKING STANDARDS

1. Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.
2. The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in spaces each 9 feet wide and 18 feet long for perpendicular and diagonal parking and 7 feet wide and 22 feet long for parallel parking, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes or adequate size and location.

Automobile, Truck and Tractor Repair and Filling Stations:

1 parking space for each regular employee plus 1 space for each 500 square feet of floor area used for service work

Dwellings:

2 vehicle spaces per each dwelling unit

Motel, tourist homes, rooming houses, fraternities or other rooming spaces associated with a permitted use:

1 parking space for each sleeping room

Schools:

Nursery Schools: 1 parking space for each 2 rooms used as nursery rooms

Elementary Schools: 1 parking space for each adult employee plus 3 parking spaces

Junior High Schools: 1 parking space for each adult employee plus 6 parking spaces

Senior High Schools: 1 parking space for each adult employee plus 15 parking spaces for each 100 students or major fraction thereof of total enrollment

Hospital, sanitarium, nursing homes:

1 parking space for each 500 square feet or major fraction thereof of floor area, exclusive of basement

Theaters, auditoria, churches, arenas:**

1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats

Mortuary Chapels:

5 parking spaces for each chapel

Retail Stores:**

4.25 parking spaces for each 1,000 square feet of gross building area (GBA)

Bowling Alley:

4 parking spaces for each bowling lane

Restaurants:**

1 parking space for each 100 square feet, or major fraction thereof, of floor area not used for storage or food preparation

Drive-in restaurants, snack bars:

Minimum 25 parking spaces plus 4 square feet of parking for each square foot of floor space in excess of 2,500 square feet

Offices, professional and public buildings:**

1 parking space for each 500 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas

Doctor's Offices:

1 vehicle space for each 500 square feet of floor area

Transportation Terminals:

In addition to meeting all applicable parking standards as enumerated above, transportation terminals shall meet the following: 1 parking space for each employee, 1 parking space for each three seats of the terminal's major carrier vehicle and 1 parking space for each rented vehicle to be based on-site

Industry, manufacturing and business:

1 parking space for each 1,000 square feet of floor area, or major fraction thereof, for that part of every business, manufacturing and industrial building not catering to retail trade and with floor area over 3,000 square feet.

Congregate and "assisted living" housing:

1 parking space for each employee plus 1\2 parking space for each residential unit

**Except that the portion of the Retail Business Zone between Howard Street and Church Street the following parking requirements are:

Restaurant, Retail, Office/Business

1 parking space per every 500 square feet in excess of 4,000 square feet of gross floor area

Theater - None

Apartment Buildings

2 parking spaces per dwelling unit, however this requirement may be met with annual overnight parking permit (OPP)

3. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that where it cannot reasonably be provided on the same lot, the Board of Appeals may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. (See # 11.)
4. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except where the off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts.
5. Where off-street parking for more than six vehicles is required or provided on a lot in a Residential Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:
 - a. A continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.
 - b. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

6. Where off-street parking for more than six vehicles is required or provided on a lot in any Business Zone, the following requirements shall be met:
 - a. Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumper of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.
 - b. Where such off-street parking shall abut a lot in a residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.
7. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply.
 - a. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalk shall be approved by the Code Enforcement Officer. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.
 - b. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a sub-grade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
 - c. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.
 - d. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.
8. The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the streets.
9. The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use of patrons or employees among such establishments.

10. This sub-section shall apply only to the Residential Zones (SRZ) Section VIII, (URZ -1) Section IX and (URZ-2) Section X of this Land Use and Development Code-Chapter 16.

No vehicle shall be parked upon any residential property, in the aforementioned zones, that is not currently and properly registered and used by the occupant(s) or owner(s) of his dwelling or his invited guests; except when that vehicle is housed or contained in a garage or other structure that complies with the existing building codes of the City.

11. This sub-section shall apply only to that portion of the Retail Business Zone (RBZ) located between Howard/Roberts Streets to the South and Church Street to the North:
 - a. Parking requirements for all uses may be fulfilled by parking spaces located on property owned by others if located within 500 feet of the proposed development. If ownership is not located on the same lot as the principle building or use, then evidence of control or lease agreement shall be required.
 - b. Parking requirements for residential uses may be located on property owned by the City with an Overnight Parking Permit (OPP) issued annually by the Presque Isle Police Department (PIPD).

B. OFF-STREET LOADING STANDARDS

1. In those districts where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alteration, and changes of use:

Office Buildings and Hotels with a gross floor area of more than 100,000 square feet:

1 Bay

Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

5,001 to 40,000 sq. ft.	1 bay
40,001 to 100,000 sq. ft.	2 bays
100,001 to 160,000 sq. ft.	3 bays
160,001 to 240,000 sq. ft.	4 bays
240,001 to 320,000 sq. ft.	5 bays
320,001 to 400,000 sq. ft.	6 bays

Each 90,000 square feet over 400,000 square feet, 1 additional bay.

2. Each loading bay shall have minimum dimensions of 70 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and local traffic regulation.
4. The Zoning Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

C. ACCESS AND PARKING LAYOUT

1. To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial or industrial sprawl, each developer in a Business, Industrial, or Suburban Commercial Zone shall be required to prepare and implement plans to ameliorate visual and safety concerns associated with highway development. The Planning Board shall review all plans and proposals under the terms of Chapter III of this Code and together with the Presque Isle Department of Transportation, shall approve or deny plans prior to the obtainment of a building permit. The following standards shall be considered.

Ingress and egress shall be controlled and limited and shall consider:

- Sight distances along the Public R.O.W.
 - Effects on adjacent public access points
 - Overall traffic safety considerations
 - Turning movements of vehicles contemplated to be using the facility
 - Snow removal
 - Aesthetic and visual sighting from the Public R.O.W.
 - Traffic signalization requirements
2. Where sufficient land is available, all traffic turning movements will be accomplished off the public traveled way.

3. The City of Presque Isle reserves the right to designate all ingress and egress points to the public highway and to select areas for the grouping and placement of signs and traffic directions.
4. All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.
5. All parking spaces shall be clearly marked.
6. Off-street parking shall be constructed in accordance with Maine State Department of Environmental Protection (DEP) standards and guidelines.

D. CORNER CLEARANCES

For purposes of traffic safety in all districts, no building or structure other than public utility structures and traffic control devices may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents. The City of Presque Isle shall not be held to be responsible for violations which lead to accidents. The City shall direct, however, a continuous program designed to identify intersections having traffic safety problems.



SECTION III
SIGNS

A. RESIDENTIAL

In Residential Zones a single sign may be displayed advertising permitted uses not over two (2) square feet in area attached to a building or detached, and located in the front yard relating to uses or goods sold or services rendered on the premises, or the sale, rental or lease of the premises.

Temporary attached or detached, single or double-faced signs advertising the sale, rental, or lease of the premises may be displayed, not exceeding six (6) square feet in area.

Signs advertising the availability of lots in approved subdivisions are regulated under the provisions of Chapter III, Section IV.D.

B. NON-RESIDENTIAL

Non-residential uses may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four square feet of area for every foot of street frontage to a maximum of two hundred square feet for each premises, *except* that for shopping centers developed under a single ownership such signs may aggregate not more than one square foot for each foot of street frontage. Detached signs shall not extend to an elevation greater than twenty-five (25) feet above the ground upon which they are erected. Projecting signs shall not extend beyond the street line. No attached sign or supporting structure shall extend above the level of a roof or parapet or the level of the eaves on other types of roofs. Nonresidential uses in the Agricultural Zones shall not display signs aggregating more than 20 square feet. Nonresidential uses in the professional Medical and Suburban Commercial Zones shall not display signs aggregating more than fifty (50) square feet.

Within any Business Zone (BZ), Retail Business Zone (RBZ), or Suburban Commercial Zone (SCZ), contiguous, separately-owned parcels, one of which **must** be a corner lot at the intersection of two streets, may display permitted signage for on-premises, non-residential uses on one or both parcels. No more than two (2) on-premises, non-residential use signs may be displayed on either parcel for any two (2) abutting properties. Written agreements for sign placement must be executed by and between the property owners prior to placement of signage off-premises.

C. GENERAL

1. All signs may be illuminated only by non-flashing lights. All illumination shall be designed so as to prevent direct or obstructive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding, directional lights or by colored and/or interior illumination techniques. Any signs erected shall be placed no closer than 20 feet from any side property line.
2. Signs shall require a permit and shall be installed in compliance with Chapter 31, "Signs", Section 3102.4 et seq. of the BOCA National Building Code, as amended. Applications for sign permits shall be accompanied by a fee, as may be established from time to time by the Presque Isle City Council.
3. Business Directional Signs installed under this section of the Presque Isle, Maine Land Use & Development Code shall abide by the "Maine Department of Transportation Chapter 200 - Regulations for the installation of Official Business Directional Signs" and amendments thereto.

A decorative header for Section IV Residential. It features a central rectangular box with the text "SECTION IV" on the top line and "RESIDENTIAL" on the bottom line. The box is framed by ornate, symmetrical scrollwork and floral patterns on all sides. The top edge of the frame has a series of small, semi-circular arches.

**SECTION IV
RESIDENTIAL**

A. CLUSTERED RESIDENTIAL DEVELOPMENT

In all Residential Districts the following special provisions may apply subject to the conditions set forth herein.

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Presque Isle, may modify said provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

Innovative approaches to residential layout and environmental design shall be subject to the following criteria:

1. The purpose and intent of this Land Use and Development Code shall be upheld.
2. There shall be compliance with ALL State and local codes and ordinances.
3. 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.
4. There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted in the purposes of this Code, net residential density space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions, or other natural impediment.
5. Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal.
 - a. *Orientation*: building and other improvements shall respect scenic vistas and natural features.
 - b. *Streets*: access from public ways, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.
 - c. *Drainage*: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.
 - d. *Sewage Disposal*: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters.
 - e. *Water Supply*: adequate provision shall be made for both ordinary use as well as special fire needs.
 - f. *Utilities*: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
 - g. *Recreation*: facilities shall be provided consistent with the development proposal.
 - h. *Buffering*: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
 - i. *Disposition of Buildings*: shall recognize the need for natural light and ventilation.
7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property.

8. The developer shall file with the City at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the City, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook or performance bond shall be determined by the Manager of the City with the advice of various departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.
9. Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the new residential density to exceed the density permitted in that district.
10. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:
 - a. shall not be used for future building lots
 - b. a part or all of the common space may, at the option of the City, be dedicated for acceptance by the City for operation as a municipal recreation facility.
11. If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.
12. Covenants for mandatory membership in the association setting forth the owners rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.
13. This neighborhood association shall have the responsibility of maintaining the common open space(s).
14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces, neighborhood recreational facilities and City assessments.
15. The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.

A decorative header for Section V, Site Design Standards. It features a central rectangular box with the text "SECTION V" and "SITE DESIGN STANDARDS" in bold, uppercase letters. The box is framed by ornate, symmetrical scrollwork and floral patterns on both sides and top and bottom.

A. MINIMUM STANDARD FOR STREET DESIGN AND CONSTRUCTION

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent un-subdivided and open land.

B. DEFINITIONS

For the purposes of this Code certain terms used herein are defined as follows:

1. Local Residential Street:

Any street which affords direct access to houses and places of business which do not generate significant amount of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type.

2. Collector Streets:

Any street that carries the traffic to and from the major arterial streets to local access streets, or directly to destinations, or to serve local traffic generators.

C. ACCEPTANCE OF STREETS AND WAYS

1. A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance shall be laid out and may be accepted as a public street or way by the City Council only upon the following conditions:
 - a. The owner(s) shall give the City a deed to the property within the boundaries of the street at the time of its acceptance by the City.
 - b. A plan of said street or way shall be recorded in the Aroostook County Registry of Deeds at the time of its acceptance.
 - c. A petition for the laying out and acceptance of said street or way shall be submitted to the City Council upon a form to be prescribed by the Presque Isle Public Work Director. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:

- 1) A plan drawn, when practicable to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than 2 feet intervals, all angles, bearings, and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines. The plan of said street or way shall describe provisions for storm drainage.
- 2) A profile of said street or way drawn to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of the sidelines and centerline of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.
- 3) A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.
- 4) The location and size of the proposed water and/or sewer mains in accordance with this Code and the location of all curb cuts, actual or planned.
- 5) The Planning Board with the advice of the Public Works Director shall determine the adequacy of the provisions for storm drainage.
 - a. The Planning Board may require the developer, at his expense, to provide detailed plans and specifications for storm drainage.
 - b. All costs for storm drainage facilities shall be born by the developer.
 - c. When said street has been accepted, said storm drainage facilities shall be added to the City at no cost to the City.
 - d. Streets with curb and gutter drainage instead of ditches shall have typical stone, fabric, and perforated pipe under drains on each side (see attached detail).

2. Said street or way shall be previously constructed in accordance with the following specification.
 - a. *General:* All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than sixty (60) degrees. “T” intersections formed on opposite sides of the same collector street shall not be closer than 200 feet centerline to centerline. Street lines at intersections and curbs shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet. Curb line radii at street intersections should be at least 25 feet. A dead-end street or cul-de-sac shall be provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum inside radius of 75 feet. Grades of all streets shall be reasonable minimum, but in no case shall the grade be less than 1% or more than 8%, unless specifically approved by the Planning Board and the Presque Isle Public Works Director. The construction of all streets will include the removal of all stumps, roots, brush, perishable materials, and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depth specified by the Presque Isle Public Works Director. All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1\8” per running foot to a maximum of 1\4” per running foot of roadway width. The right-of-way lines of all streets shall be marked with one half inch extra heavy black iron or extra heavy galvanized pipe sufficient to reproduce the right-of-way lines.
 - b. *Local Residential Streets:* All local residential streets shall have a minimum street right-of-way width of 68 feet. The street shall be graded to a sub-grade of not less than 12 inches in the roadway location and driveway areas, and not less than 8 inches in the sidewalk area below the parallel to the finished grade on the plans, profiles and cross sections of said street or way. The sub-grade shall be carefully shaped and thoroughly compacted before gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to sub-grade and this sub-grade properly prepared for the gravel, the Presque Isle Public Works Director shall be notified. His written approval of the sub-grade must be obtained from the Public Works Director prior to the placing of gravel. The sub-base shall be built to a minimum thickness of 18 inches of crushed or screened gravel with no stones over six (6) inches, commonly referred to as “six inch minus” gravel. The sub-base shall be placed in lifts not to exceed nine (9) inches in thickness and compacted to 95%.

The City reserves the option to require a thin layer (3" to 4") of crushed or screened base gravel to be placed on top of the sub-base. This option shall be exercised at the discretion of the Public Works Director or the City Engineer when either has determined there appears to be an excess amount of three (3)" to six (6)" stones. When this option is exercised the sub-base gravel thickness may be reduced accordingly, upon approval by the Public Works Director. MDOT specification (703 - 06) (a) or (b) shall be used as a guide for gravel requirements. No frozen gravel shall be used. The developer is responsible, at his/her expense, for any and all necessary tests and reports needed to certify compaction results and materials gradation and shall provide copies to the Public Works Department. The developer shall also provide any other supervision or inspections necessary to ensure compliance with this chapter. The developer shall provide at his/her expense 50 mm of 19.5 mm "superpave" hot bituminous pavement and 30 mm of 9.5 mm rolled, of hot bituminous surface pavement, as specified by the Public Works Director. The City may require a tack coat to be placed between the binder and surface coat. The developer shall certify that all pavement is properly placed and compacted and shall provide proof of same to the Public Works Department. All asphalt shall be PG 64-28, minimum.

The 68-foot minimum width of the street right-of-way shall be divided in the following manner:

- ☞ A 24 foot paved roadway
- ☞ The side having the parking space shall also have (in order): and at option of City Council,

A curbing made of bituminous concrete or better, as determined by the Public Works Director or City Engineer, with a minimum height of 6 inches; and

A five (5) foot wide sidewalk, unless adequate pedestrian walkways are provided elsewhere. All walkways shall conform to the requirements of the Americans with Disabilities Act.

- c. *Collector Streets:* All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, as a minimum, except that paved traveled surface shall be at least 32 feet in width. The City may require up to 18 inches of crushed gravel and 6 inches of surface gravel on streets expected to carry heavy trucks. The City also may require additional Right-of-Way and street width to carry anticipated traffic loads, sidewalks, parking, etc.

3. All engineering work, inspection and supervision for the construction of the street and sidewalks, and storm sewers, and ditches shall be performed by the developer at his expense.
4. All underground utilities shall be constructed before any road material is placed. This shall include all residential connections installed to the property lines.
5. Whenever it shall be deemed necessary by the Planning Board, after consulting with the Presque Isle Public Works Director, that a storm sewer shall be constructed to serve the street under consideration, such storm sewer shall be completed before the gravel or road material is placed thereon. Said sewer shall be built by the developer in accordance with the following method:
 - © The developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Maine Department of Transportation. When said street has been accepted, said sewers shall be deeded to the City as a public sewer at no cost to the City.
6. The Presque Isle Water District shall determine the size of the water main to be installed. The Chief of the Presque Isle Fire Department must, in writing, certify that adequate water service for sufficient fire protection exists. It shall be the policy of the City to cause the installation of such fire hydrants as may be required for the fire protection at the same time as the installation of the water main.

D. ACCEPTANCE OF STREETS AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the City may at any time lay out and accept any street or way in the City of Presque Isle, Maine as a public interest so requires. The cost of said street or way may be borne by said City.

E. CURBS

Curbing of a type approved by the Presque Isle Public Works Director may be required by the Planning Board on both sides of any proposed street.

F. EASEMENT

The Planning Board may require easements for sewerage, other utilities, drainage, and stream protection. In general, easements shall not be less than twenty feet in width. Wider easements may be required.

G. "AS BUILT" PLANS

The developer shall provide "as built" plans showing all public facilities (i.e. streets, drainage facilities, and utilities) to the Planning Board and Public Works Director prior to acceptance by the City Council.

H. NO STREET OR WAY TO BE ACCEPTED UNTIL AFTER REPORT BY THE PLANNING BOARD AND THE PRESQUE ISLE PUBLIC WORKS DIRECTOR.

No street or way shall be laid out and accepted by the City Council until the Planning Board and the Presque Isle Public Works Director shall have made a careful investigation thereof, and shall have reported to the City Council their recommendations in writing with respect thereto. The final decision rests with the City Council.

I. PRIVATE STREETS AND WAYS

Private streets and ways may be constructed within the City of Presque Isle upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will be adequately maintained, provided sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the City.



SECTION VI
MOBILE HOME PARKS
SEASONAL TRAILER PARKS AND CAMPGROUNDS

A. LICENSES

No person, firm, or corporation shall establish or maintain a Mobile Home Park, Seasonal Trailer Park or Campground within the City of Presque Isle without a license issued in conformity with the provisions of this Code. A Mobile Home Park, Seasonal Trailer Park, or Campground in existence prior to the adoption of this Code may be enlarged only if the extension complies with the terms as specified herein.

1. Application for a Mobile Home Park shall be filed jointly with the Code Enforcement Officer and with the Planning and Development Department which shall, in turn, present said subdivision application to the City of Presque Isle Planning Board for review as a subdivision. The Planning Board shall review the plan of the proposal and approve; approve with conditions, or deny approval of the proposal on the basis of standards contained herein and as contained in Chapter III of this Code. The Planning Board shall inform the Code Enforcement Officer of its decision and he shall act on the application.
2. Application for a Seasonal Trailer Park and/or Campground, along with a detailed site plan and evidence of compliance with State of Maine licensing requirements, shall be filed with the Code Enforcement Officer who will review and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein.
3. The City Council is hereby authorized to seek revocation of any license issued by the State Regulatory Agency pertaining to such park, if after due investigation they determine the holder thereof has violated any of the provisions of this or any applicable Code, law or statute.

B. TRAILER PARKS AND CAMPGROUNDS

In any district where campgrounds or trailer parks are permitted under the terms of this Code, campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following regulations and minimum standards shall apply:

1. A campground may not be constructed on less than 5 acres of land.
2. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
3. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or a river, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief.
5. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices.
6. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services.
7. Tent sites shall contain a minimum of 400 square feet. There shall be a minimum of 30 feet between tent sites.
8. Trailers shall be so parked in spaces that:
 - ↔ There will be a minimum of 15 feet between vehicles.
 - ↔ There will be a minimum of 15 feet between all trailers and the exterior boundary of the park.
 - ↔ There will be a minimum of 25 feet between all trailers and all public rights-of-way located inside the boundaries of the trailer park or campground. Setbacks from roads outside the trailer park will be a minimum of 150 feet.
9. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

C. MOBILE HOME PARKS

Except as stipulated below, mobile home parks or subdivisions shall be constructed and installed in accordance with the following minimum standards and in accordance with Chapters II and III of this Code and all applicable state laws. Mobile home parks shall provide areas for the location and development of manufactured housing, as defined in this Code.

NOTE: Mobile home parks are not permitted in a Watershed Protection Zone.

1. PARK ADMINISTRATION

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws.

Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

2. OWNERSHIP

Where a developer elects to create a mobile home park where all land is under new ownership, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met.

3. CONVERSION OF PARK

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the zone in which it is located.

4. LOT SIZE, WIDTH, AND DENSITY

a. Lots Serviced by Public Sewer

A mobile home lot served by public sewer shall consist of a minimum lot area of six thousand five hundred (6,500) square feet and shall have a minimum frontage of sixty-five (65) feet.

b. Lots Served by Individual Subsurface Sewage Disposal System

A mobile home lot served by an individual subsurface sewage disposal system shall consist of a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum frontage of one hundred (100) feet. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by a Certified Geologist or Registered Professional Engineer.

c. Lots Served by a Central Subsurface Waste Water Disposal System

A mobile home lot served by a central subsurface waste water disposal system shall consist of a minimum lot area of twelve thousand (12,000) square feet and shall have a minimum frontage of seventy-five (75) feet. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by ground water quality. A Certified Geologist or Registered Professional Engineer shall prepare this assessment.

- d. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
- e. Lots within a Shoreland Zoning-controlled area shall meet the lot area, lot width, setback, and frontage requirements for that zone.
- f. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

- ☐ The area required for road rights-of-way;
- ☐ The area required for buffer strips, if any;
- ☐ For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
- ☐ The area within the Shoreland Zoning setback.

5. SETBACKS

- a. Manufactured homes in a mobile home park shall maintain the following front, side, and rear yard setbacks:
1. Fifteen feet (15) from front lot line;
 2. Ten (10) feet from side and rear lot lines.
- b. A minimum 20-foot separation shall be maintained between all manufactured homes in all directions. The Planning Board may allow side yard setbacks to be reduced to five (5) feet, provided a distance of twenty (20) feet is maintained between units for the purpose of providing more usable yard space on one side on the home.

6. FOUNDATIONS

All manufactured housing located within a mobile home park shall be placed on a permanent foundation, as defined in this Code.

7. UTILITY REQUIREMENTS

All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home, in accordance with applicable state and local rules and regulations.

8. BUFFER STRIPS

Buffer strips, not to exceed 50 feet, shall be required in those areas where the adjacent residential density, either as built or as required in Chapter I of this Code, is less than half of the mobile home park density.

No structures, streets, or utilities may be placed in the buffer strip, except that they may cross a buffer strip to provide services to the park.

NOTE: Lots may extend into the buffer strip but structures may not.

9. OPEN SPACE

For mobile home parks served by public sewer, the Planning Board may not require that an area greater than 10% of the total area devoted to individual lots be set aside for open space and/or recreation. Such space shall be accessible and usable by all residents of the park. Parking space, driveways and streets, and buffer areas are not considered usable open space; community recreation buildings, pools, and courts are recorded as such on the park plan. The owner or operator of the mobile home park shall be responsible for the maintenance of the open space(s).

The Planning Board, at its discretion, may reduce the requirement for open space if a public park is located within 1\2 mile of the mobile home park and is easily accessible.

Except as herein noted, the standards for open space(s), as found in Chapter II, Section IV of this Code, shall apply.

10. ROAD STANDARDS

The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the locations and dimensions of access junctions with existing public streets, roads, and rights-of-ways, shall be approved by the Presque Isle Planning Board. Documentation of other required permits and approvals shall be presented prior to final Planning Board approval.

- a. Privately owned roads within a mobile home park shall be designed by a State of Maine registered Professional Engineer, and shall, as a minimum, be built according to the road standards developed and adopted by the Maine Manufactured Housing Board.
- b. Roads within a mobile home park which are to be offered for acceptance by the City of Presque Isle shall be designed and constructed in accordance with the specifications established in Chapter II, Section V, of this Code.
- c. All private two-way roads within a mobile home park shall have a minimum right-of-way of 23 feet, of which 20 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- d. All private one-way streets within a mobile home park shall have a minimum right-of-way of 18 feet, of which 14 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- e. For mobile home parks expected to generate 200 trips per day or less (industry standards indicate that each unit in a mobile home park can be expected to generate 5 trips per day), paving may be accomplished through the use of either hot bituminous pavement or chip-sealing, installed in accordance with accepted paving industry standards.
- f. For mobile home parks expected to generate in excess of 200 trips per day, paving shall be accomplished with hot bituminous pavement, installed in accordance with accepted paving industry standards.
- g. For mobile home parks expected to generate in excess of 200 trips per day, there shall be at least two entrances from public streets or roads.
- h. No mobile home lot may have vehicular access directly onto a public street, road, or way that is outside the bounds of the mobile home park.

11. REFUSE DISPOSAL

Each mobile home lot shall be provided with an area for refuse storage. Within a maximum of 150 feet from each mobile home lot, there shall be a flytight, watertight, and rodent-proof container capable of storing the amount of refuse that the mobile home for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to the City disposal facility at least once each week.



**SECTION VII
SITE DESIGN STANDARDS
FOR WATERSHED PROTECTION ZONES**

A. PURPOSE

The design standards of this section are meant to reduce surface water runoff and reduce the risk of spills of hazardous materials, and in so doing, they will protect, maintain, and, where warranted, improve the quality of the public water supply.

B. PLAN REVIEW

Except for "Permitted Uses", all development, including site development, in the various Watershed Protection Zones described in Sections XVI, XVII, XVIII and XIX of Chapter I shall be issued a building permit, only upon receipt by the Codes Enforcement Officer of written notification of review and approval of the plans by the Planning Board, in accordance with Chapter III.

C. SITE DESIGN STANDARDS

The plans for development shall comply with the General Standards of Performance in this Chapter and shall meet the following additional requirements:

1. The site plan shall show:
 - a. the natural drainage system;
 - b. the streams and waterbodies that exist on the property and/or within 250 feet of the property lines; and
 - c. the wetlands that exist on the property and/or within 100 feet of the property lines. *IF* wetlands do not exist as described above, the Planning Board shall be provided with a written statement from a qualified professional that none exist.
2. There shall also be a drainage plan for the development that:
 - a. shall maintain the integrity of the natural drainage system;
 - b. shall minimize the filling of land; and
 - c. shall promote ground water infiltration of surface runoff.

3. The minimum front, side, and rear yards, *except* for limited access to the public street, shall be maintained in vegetation.
4. The areas described by the minimum setback distances from streams, waterbodies, and wetlands shall be maintained in natural vegetation, and this requirement shall have precedence over item C:3 above.
5. Access to the public streets and roads shall be strictly limited and controlled, in accordance with Section II of this Chapter and with the requirements of the Maine Department of Transportation with regard to “road opening permits”.

D. NON-EXCLUSION IN A WATERSHED PROTECTION ZONE OF PUBLIC STREETS, ROADS, AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the City and/or the State of Maine may at any time lay out and accept any street, road, or way in the City of Presque Isle, Maine, as public interest so requires. The cost of said street, road, or way may be borne by said City and/or said State.



SECTION VIII
WIND ENERGY SYSTEMS (SWES)

A. PURPOSE

To provide local regulation of Wind Energy Systems (WES) within the City of Presque Isle, to preserve and protect public health and general welfare without significantly increasing the cost to owners nor decreasing the efficiency of such systems.

B. AUTHORITY

1. The City of Presque Isle Planning Board is vested with the authority to review and approve/deny a building permit application for a WES taller than 60 feet in height. Prior notification of abutters is required, as well as a public hearing in accordance with applicable legal provisions.
2. The City of Presque Isle Code Enforcement Officer is vested with the authority to review and approve/deny a building permit application for a WES less than 60 feet in height. *Prior notification of abutters is required, as well as a public hearing in accordance with applicable legal provisions.*

C. PERMITTED USE IN SPECIFIC ZONES

Wind Energy Systems shall be considered Accessory Uses and Structures and may be permitted in the following zones in the City of Presque Isle subject to issuance of a building permit and other appropriate permits and the governing restrictions of the respective zones:

1. Agricultural / Farming Zone (AFZ)
2. Business Zone (BZ)
3. Conditional Zone (CZ)
4. Retail Business Zone (RBZ)
5. Professional Medical Zone (PMZ)
6. Suburban Commercial Zone (SCZ)
7. Suburban Residential Zone (SRZ)
8. Industrial Zone (IZ)
9. Light Industrial Zone (LIZ)
10. Urban Residential Zone 1 (URZ-1)
11. Urban Residential Zone 2 (URZ-2)
12. Rural Residential Zone (RRZ)

D. PROHIBITED USE IN SPECIFIC ZONES

Wind Energy Systems shall be prohibited in the following zones within the City:

1. Aircraft Hazard Zone;
2. Resource Protection Zone;
3. Watershed Protection Agricultural / Farming Zone (WPAFZ);
4. Watershed Protection Aircraft Hazard Zone (WPAHZ);
5. Watershed Protection Business Zone (WPBZ).

E. MEDIUM AND LARGE UTILITY AND COMMUNITY WIND ENERGY SYSTEMS

Larger utility scale and community wind energy systems are not regulated by this ordinance. Larger turbines are an integral aspect of developing renewable energy within the City and State. Since there are a host of other issues related to the siting of these larger sized wind energy systems, they require a separate regulatory and permitting procedure. Nothing in this section or any other section or standard of this code shall be construed as prohibiting wind energy systems of greater height or power generating capacity (output) produced in the following zones in the City, subject to application to and regulation by appropriate State and/or Federal agencies:

1. Agricultural / Farming Zone (AFZ);
2. Industrial Zone (IZ);
3. Light Industrial Zone (LIZ).

F. STANDARDS

1. *Number Per Lot.* On lots of less than one acre in size, a maximum of one WES is permitted per lot. On lots of one acre or larger multiple WES are permitted in accordance with applicable regulatory statutes of the Maine Public Utilities Commission or other governing oversight authority.
2. *Power Generation.* The maximum generation capacity for one Wind Energy Systems (WES) shall not exceed 25 kW.
3. *Height.* This section shall regulate the height of the wind energy systems and shall preempt any other section of this ordinance that regulates height of structures. The following height limitations shall apply to all zones in which WES installations are a permitted use as listed in section.

- a. **Small Wind Energy Systems**-No part of a small wind energy system, included but not limited to rotor blades, shall extend above sixty (60) feet above the grade of the base of a free-standing tower or building to which the system is attached unless approved in accordance with Section B.1 above. No building mounted system may extend more than twenty (20) feet above the roofline of the building to which it is attached.
 - b. **Medium Wind Energy Systems**- No part of a medium wind energy system, included but not limited to rotor blades, shall extend above one hundred and twenty (120) feet above the grade of the base of a free-standing tower or building to which the system is attached.
 - c. **Large Wind Energy Systems**- No part of a large wind energy system, included but not limited to rotor blades, shall extend above two hundred (200) feet above the grade of the base of a free-standing tower except with the approval and authorization of the Federal Aviation Administration and other oversight agencies or entities.
4. *Setbacks.*
- a. Wind towers for Wind Energy Systems shall be set back a distance of 1.5 times the height of the highest point of the turbine blade, described above, measured at the outside edge of the base of the tower. This setback distance may be reduced to 1.1 times the height of the highest point of the turbine blade, if documentation is provided that the public safety (personal and property) will not be jeopardized by doing so. All building mounted wind energy systems that rely on the building structure for their support do not require any setback.
 - i. All property lines, unless appropriate easements are secured from adjacent property owners.
 - ii. All inhabited or inhabitable residential structures, other than those owned or inhabited by the owner.
 - iii. All overhead public utility and telephone lines, unless written permission is granted by the affected utility or telephone company.
 - iv. Public and private road rights-of-way, unless written permission is granted by the owner(s) with jurisdiction over said right(s)-of-way.
 - v. Other rights-of-way, including railroads, utility corridors, etc.
 - vi. Other Small Wind Energy Systems, telecommunications towers

- b. WES shall be setback a distance of 1.5 times the highest point of the turbine blade, as described above, from any habitable building on adjoining properties.
- c. In no case shall a Wind Energy Systems be permitted within the front, side, or rear setback of any property.
- d. Guy cables for a Wind Energy Systems shall be setback at least ten feet to any property line, unless appropriate easements are secured from adjacent property owners.

5. *Access and Safety.*

- a. The minimum distance between the ground and the rotor blade shall be 15 feet.
- b. The tower's climbing apparatus shall be no lower than 15 feet from the ground on a mono-pole installation or in the case of a lattice tower, the WES must have a locked security fence completely around the perimeter to prohibit unauthorized access.
- c. All access doors to WES towers and electrical equipment shall be clearly labeled as such and shall be locked except during maintenance.

6. *Lighting.*

Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

7. *Electrical.*

Electrical controls and control wiring shall be wireless or underground except where necessary to connect the Wind Energy System to the transmission or distribution network, adjacent to that network, and shall comply with the latest adopted versions of the NFPA 70 (NEC). Applicant will provide appropriate proof of inspection & testing by the utility and/or transmission provider prior to system being energized.

8. *Design and Aesthetics.*

- a. WES shall have a color or finish that is non-reflective and non-obtrusive (galvanized steel, brushed aluminum, or white) as was originally applied by the manufacturer, unless otherwise required by the Federal Aviation Administration.
- b. At WES sites, the design of buildings and related structures shall use materials, colors, screening and landscaping that will blend the Wind Energy System to the natural setting and existing environment and structures.
- c. Wind Energy Systems shall not be used for displaying any advertising except for the reasonable identification of the manufacturer of the Wind Energy System that may be placed on the nacelle or on an unobtrusive nameplate.

9. *Noise.*

Audible noise due to wind energy facility operations shall not exceed fifty five (55) DBA for any daylight period or forty-five (45) DBA for any nighttime period, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility. Exception is granted during short term events, such as severe wind storms and utility outages.

10. *Code Compliance.*

A Wind Energy System shall comply with all applicable Federal, State, and Local Building and Electrical Codes.

11. *Met Towers.*

- a. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Wind Energy System.
- b. Met towers are permitted on a temporary basis only, to remain in use for 3 years or less.

12. *Utility Notification and Interconnection.* -Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

13. *Safety Related Control Systems-* Safety Related Control Systems consist of electrical and mechanical hardware and software which operate to control and protect the wind energy system. The SRCS must be in place to control and govern the electrical output of the WES, as well as monitoring the rotation and the preventing over-speed of the rotors and turbine.

G. APPLICATION REQUIREMENTS

1. *Building & Electrical Permits.*

A building & electrical permits shall be required for the installation of a Wind Energy System.

2. *Site Plan Required.*

The building permit application shall be accompanied by a site plan that includes the following:

- a. Property lines and physical dimensions of the subject parcels;
- b. Location, dimensions, and types of existing structures on the subject parcels;
- c. Details on any rights-of-way contiguous with the subject parcels;
- d. Any overhead utility lines on the subject parcels;
- e. Location of the proposed WES tower and associated structures and equipment.

3. *Location Plan Required.*

The building permit application shall be accompanied by a location plan depicting the following:

- a. Location of the proposed WES tower and associated structures and equipment;
- b. The location of all inhabited or inhabitable residential structures within 250 feet of the proposed location of the WES tower;
- c. All overhead public utility and telephone lines within 250 feet of the proposed location of the WES tower;
- d. All public and private road rights-of-way within 250 feet of the proposed location of the WES tower;
- e. Other rights-of way, including railroads, utility corridors, etc., within 250 feet of the proposed location of the WES tower;
- f. Other wind energy systems towers, telecommunications towers, met towers, and water towers within 250 feet of the proposed location of the WES tower; and
- g. Distances between the proposed WES tower and all of the above.

4. *Documents Required.*

The building permit application shall be accompanied by the following supporting material:

- a. Copies of any recorded easements necessary to meet the setbacks requirements as contained in subsection D.3 above;
- b. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
- c. Evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the Wind Energy System;
- d. Tower foundation blueprints or drawings must be approved by the Emerging Technologies program of the California Energy Commission or any other wind energy certification program recognized by the American Wind Energy Association, the manufacturer of the installation or completed and/or reviewed and stamped by a Maine Licensed Professional Engineer, with seal; and
- e. Structural analysis and/or drawings must provided by the manufacturer or qualified engineer showing foundation and anchor designs along with specifications for suitable soils/bedrock conditions at the chosen installation site.
- f. Other supporting documentation as deemed necessary by the Code Enforcement Office.
- g. Copy of Federal Aviation Administration's "Letter of Determination" in accordance with provisions within FAA's Part 77 for any construction within one (1) mile of the airport boundary or in excess of 200 feet in height.

5. *Fees.*

The fee required for a Building Permit from the Code Enforcement Office must be submitted with the application for a Building Permit for a Wind Energy System.

6. *Expiration.*

A permit issued pursuant to this section shall expire if the Small Wind Energy System is not installed and functioning within 12 months from the date the permit is issued.

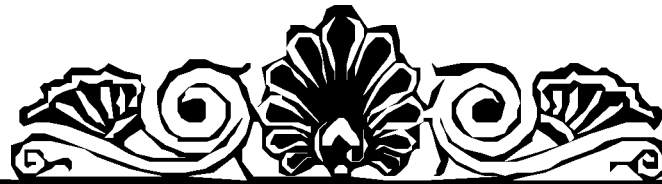
7. *Removal of Unsafe/Abandoned Small Wind Energy Systems.*

- a. *Unsafe.* Wind Energy System found to be unsafe by the Code Enforcement Office shall be immediately shut down and removed or if repaired by the owner with a written statement of correction required to be presented to the Code Enforcement Office within ten (10) days to meet current Federal, State, and Local Safety Standards.
- b. *Abandonment.* A Wind Energy System that is not used for a consecutive 12-month period shall be deemed abandoned. The Code Enforcement Office shall notify the owner by mail or phone and owner shall provide a response within 10 business days. The landowner shall set forth in writing reasons for the operational difficulty and provide a reasonable timetable for corrective action.
- c. *Code Officer's Determination.* After receiving the response, if the Code Enforcement Office still determines the WES is abandoned, the owner of a Wind Energy System shall remove the wind turbine from the tower at the Owner's sole expense within 30 days from receipt of the original notice from the Code Enforcement Office.
- d. The Code Enforcement Officer may require the applicant or owner of a WES to provide a form of surety (*i.e.* post a bond, letter of credit or establish an escrow account or other liability mechanism) at the time of construction to cover costs of the removal in the event that the City of Presque Isle must remove the facility/installation.
- e. It shall be deemed unlawful for any person, corporation or other legal entity to construct, install or operate a wind energy system that is not in compliance with this ordinance. Wind energy systems installed prior to the adoption of this ordinance are exempt.
- f. Any person, corporation or legal entity who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties upon conviction in accordance with the provisions of **Title 30-A, MRSA Section 4452** or other applicable statute.
- g. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

- h. In addition to, and separate from the provisions of Title 30-A, Section 4452, in the event the owner of a Wind Energy System and/or the owner of the real estate upon which the WES is situated, shall fail to remove the WES within the 30 days set forth in 7(c) above, the City shall have the right to go upon the land , after hearing, and dismantle and remove the WES from the site, at the expense of the owner of the WES and/or the landowner, and shall have, in addition, a lien upon real estate upon which the WES is situated for the expense incurred by the City in doing so, including all costs and reasonable attorney fees incurred thereby.
- i. The City Council shall hold a public hearing with written notice to the WES owner/landowner on which the WES is situated, at least ten (10) days prior to the hearing date, who may appear in person or by attorney, and participate in any such hearing by producing witness and evidence. If, after the hearing, the City Council determines that Section 7 of this ordinance has been violated, it may order the WES be removed from the property. If the owner of the WES and/or landowner upon which the WES is situated, failure to remove the WES from the property, within thirty (30) days of the hearing date, the City shall do so and shall have a lien on the property for expenses incurred thereby.

The lien set forth hereinabove shall be perfected by recording a copy of in the City Council's decision, following the hearing, in the Southern Aroostook District of the Registry of Deeds, with a copy thereof sent to the owner of the WES and or the landowner upon which the WES is located and with the Clerk of the City of Presque Isle. Upon recording thereof, the lien shall affix to and run with the land and may be enforced as other liens.

- j. Waiver Provisions- The Planning Board may waive any portion of this ordinance in such case where, in the opinion of the Planning Board and the City Solicitor, strict conformity would pose an unnecessary hardship to the applicant and where the waiver would not be contrary to the spirit and intent of the ordinance.
- k. Variances-The Presque Isle Zoning Board of Appeals shall have the power to hear and decide upon a variance from the requirements of this ordinance not in contradiction to the public interest in respect to a parcel of land where a literal application of this ordinance would result in unnecessary hardship. Variances are only available for height and setback requirements.



CHAPTER III
DOCUMENTATION AND PLANNING
REVIEW PROCEDURE



SECTION I AUTHORITY AND ADMINISTRATION

A. PURPOSE

The purpose of this chapter of the Land Use and Development Code is to provide uniform procedures and standards for observance by the Planning Board, other Officers of the City, and developers in regulating major new development of all kinds in the City of Presque Isle. It is not the intent of this chapter to regulate the construction of a single dwelling on an oversize lot.

B. AUTHORITY

In accordance with the provisions of Maine Revised Statutes, the following regulations governing the development of the City are adopted by the City of Presque Isle.

C. ADMINISTRATION

1. The Presque Isle Planning Board, hereinafter called the Planning Board, shall administer this chapter.
2. As to any intended development, the developer or his authorized agent shall prepare and formally submit to the Planning Board both a Preliminary Plan for study, and modification where required, and a Final Plan. The Final Plan shall not be submitted until the developer has received from the Planning Board written notice that a legal majority of the Planning Board has approved the Preliminary Plan. The requirements may be waived by the Planning Board in accordance with Subsection F following.
3. As to any intended development or site development in a "Watershed Protection Zone", the developer or his authorized agent shall prepare and formally submit a Plan to the Planning Board for review and approval; written approval of the Plan from the Planning Board must be presented to the Codes Enforcement Officer before issuance of a Building Permit. Any needed special exceptions and variances must be obtained prior to submission of Plan.

D. ENFORCEMENT

When the violation of any provision of this Chapter shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute in the name of the City, any and all actions and proceedings that may be appropriate or necessary to the enforcement of the provisions of this Chapter.

E. FINES

Any person, firm, corporation or other legal entity who conveys or offers to convey, including by rental or lease, land within a proposed development as governed by this chapter before receiving Final Approval as required by this Chapter shall be punished by a fine of not more than \$1,000 for each conveyance, offering or agreement. Any person, firm, corporation or other legal entity who otherwise violates any of the provisions of this Chapter shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than \$100.00 for each offense. Each day such a violation is continued after notification thereof shall constitute a separate offense. All fines collected under this Chapter shall inure to the City of Presque Isle.

F. VARIATION

1. A variation in the strict application of this Chapter or a provision thereof may be permitted only where in the opinion of the Planning Board, strict application to the developer and his property would cause undue hardship, or would not be in the best interest of the City, or would be waived according to Paragraph 2 following.
2. The Planning Board may waive the procedures leading up to the Final Approval required under Sections III and IV of this Chapter when, in its opinion, the development is not of potential impact so as to require governance by this Chapter or such request in writing to the Planning Board without appearing in person before it. In so waiving the requirements of those sections, the Planning Board shall nonetheless require a satisfactory description of the nature and extent of the development proposed in drawings and otherwise as necessary to provide a basis on which to give approval. The documents necessary to making applications for a Building Permit may be sufficient for this purpose.

G. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Code, the provision which established the higher standard for the promotion of health and safety shall prevail.

H. APPEALS

An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80 B. The hearing before Superior Court shall be a trial **de novo** without jury.

I. SEVERABILITY

The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this chapter shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of this chapter; to this end, the provisions of this chapter are hereby declared to be severable.

**SECTION II
PRE-APPLICATION**

A. CONFERENCE

1. Prior to formal application for approval, the developer may appear before the Planning Board to discuss the proposed development. No binding commitments shall be made between the City and the developer at this conference.
2. If the developer chooses to meet with the Planning Board in this manner, he shall make request by due process that he be included upon the agenda of a regular meeting of the Planning Board. At that meeting he shall appear with information sufficient to:
 - a. Locate the site and identify the zoning classification.
 - b. Describe the site: its area, shape, and existing features, both natural and man-made.
 - c. Describe the general intent of development.
3. The Planning Board shall respond generally by indicating to the developer its concerns and by making suggestions as to what may or may not be possible.

<p style="text-align: center;">SECTION III PRELIMINARY PLAN</p>
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A. APPLICATION

Written application for approval shall be filed with the City's Planning and Development Department, together with the Preliminary Plan, at least TEN (10) business days prior to a regularly scheduled meeting. Such written application shall be on forms as prescribed by the Planning Board. To contribute to the costs of administration and inspection, a fee in accordance with the following shall be filed with the application. No fees shall be refundable.

(To be determined)

B. REQUIREMENTS

The Preliminary Plan submitted by the developer shall consist of ten (10) copies) of all materials necessary to provide the following information. Where practical, sheet size of drawings shall be 24" X 30". The developer may request a waiver of requirements not relevant or not of substantial import to his proposal, in which case he shall list them.

- 1) Names of: Project, Owner, Developer, Surveyor and/or Engineer and/or Architect.
- 2) Graphic and written scale, north point and date.
- 3) Location within the City, abutting owners, boundaries of tract with accurate distances and bearings.
- 4) Zoning District classification, proposed uses, special exceptions and variances required.
- 5) As applicable: building areas, lot areas and lot coverage ratios: net residential density ratios; street frontages; front, side and rear setbacks; buffer strips; and distances between structures.
- 6) Proposed dedications to open space or public use, and proposed restrictive covenants.
- 7) Proposed construction schedule and phasing of improvements.

- 8) Identification, approximate dimensions locating and sizing major features of the development as proposed for approval, including as applicable, street, drives, maneuvering space, parking areas, number of spaces, easements and rights-of-way, both within and adjacent to the development; lots or other divisions of land; heights and shapes of existing and proposed structures; and other improvements and facilities.
- 9) Widths and cross sections, including curbs and sidewalks, longitudinal profiles and radii of curves of all existing and proposed streets as prescribed in Chapter II, Section V: C: 1 of this Code; sight lines and angles of intersection of traveled ways; directions of traffic flow; means of access for general, service and emergency vehicles.
- 10) Existing and proposed topography in contours of two foot intervals with all elevations referred to U.S.G.S. datum, or known bench marks at the discretion of the Board and indicating all grading and filling.
- 11) Location and boundaries of soil areas and their names in accordance with the National Cooperative Soil Survey Classification, and identifying each soil for any separate area of one acre or larger in size. Such study shall be undertaken or approved as to its accuracy by a certified soil scientist, geologist, or soils engineer.
- 12) Location of any tests or studies made, such as sample borings, bearing studies, etc.
- 13) Location of existing and proposed modification of natural features such as water bodies, springs, streams, swamps and wetlands, woodlands, cleared areas, trees over 5 inch diameter, gullies and ravines, ledge and outcroppings.
- 14) Proposed planting, *including* buffer and screening provisions and integration with natural features.
- 15) Existing pattern of surface drainage, modifications proposed to it, flow on and from existing and proposed paved areas.
- 16) Location, size and type of existing and proposed sanitary and storm sewers identifying direction of flow. Description of proposed disposal of storm water and sewage, if connection to public storm and sanitary sewers is not proposed.

- 17) Location, size and type of existing and proposed water supply for both general consumption and fire protection.
- 18) Location of existing and proposed electric and telephone service.
- 19) Proposed means of snow removal, garbage and trash collection, and facilities necessary thereto.
- 20) Proposed storage areas, *including* facilities for maintenance of the proposed development.
- 21) Proposed outdoor recreation facilities.
- 22) Proposed conservation provisions.
- 23) Where application is made for approval of development of only a portion of a larger tract, the developer shall submit a plan indicating their general form of future development over the remainder, and its relationship to the proposed development as submitted for approval.

C. PRELIMINARY PLAN REVIEW

1. The Planning Board shall review the Preliminary Plan of the proposed development as submitted. It shall verify the provision of all information as required under the proceeding Subsection B, and shall accept or deny any waivers requested as listed by the developer to undertake further studies as it deems necessary to ascertain that the public convenience, safety, health and welfare are protected, that the City will not in the future incur extraordinary expense as a result of the development, either on or off the site, and that the environment will not be harmed unduly.
2. The Planning Board shall include in its review the following general and specific requirements that the development as proposed for approval:
 - a. Shall be in conformance with the applicable sections of the Comprehensive Plan of the City, and with all-pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development, which are stipulated in Chapter II.
 - b. Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c. Will not place an unreasonable burden by either direct cause or subsequent effect on the ability of the City to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.
 - d. Has sufficient water supply available for present and future needs as reasonably foreseeable.
 - e. Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.
 - f. Will not result in undue pollution of air, or surficial or ground waters, either on or off the site. The Planning Board shall consider at least: the nature, location and course of all potential contaminants to the air or water; and particularly in respect to pollution of water, the elevation of the proposed development above bodies of water in the vicinity, the extent of flood plains, the nature of soil and subsoil both in their function as aquifers and in their ability to adequately support waste disposal, the topography of the land and its relation to the movement and disposal of effluents, and the availability, adequacy and suitability of streams for the disposal of effluents.
 - g. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that dangerous or unhealthy condition may result.
 - h. Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.
 - i. Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or man-made assets.
3. The Planning Board may require the reservation of open space for recreation or school sites, drainage, or other purposes consistent with the Comprehensive Plan for the development of the City of Presque Isle. The Planning Board may require the developer to landscape such open space and to provide shade trees and ground cover.

4. The Planning Board shall decide on the acceptability of the Preliminary Plan and shall issue its approval, conditional approval, or denial. It shall note all specific aspects which do not meet with its approval either in specifically satisfying the criteria listed in Subsections B and C above, in meeting the Performance Standards stipulated in Chapter II, or in generally providing for the protection and preservation of the public's health, safety and welfare. The Planning Board may grant its conditional approval of any or all aspects of the Preliminary Plan pending any changes required in order to bring it into conformance with its approval, or pending the results of further studies required of the developers as provided for in Subsection C:1 above.

5. The Planning Board shall issue a written notice directed to the applicant, through its minutes or otherwise, of its decision within forty-five days after application for a proposed development has been submitted. By mutual agreement between the Planning Board and the applicant, this period may be extended as necessary to permit the developer to seek an appeal on land use from the Zoning Board of Appeals.

APPLICATION FOR PRELIMINARY PLAN

Planning Board of the City of Presque Isle

This application shall conform in all aspects to the Land Use and Development Code of the City of Presque Isle, and shall be submitted in duplicate. It shall be accompanied by original tracings and ten copies of the Preliminary Plan and ten copies of the location map. If an application has been or will be files with the Maine State Department of Environmental Protection, the questions following may be answered by reference to said application. In this case a copy of said application shall always be attached hereto.

1. Proposed name of development _____

2. Location of Property _____

Tax Map # _____ Lot # _____ Site/ Acreage _____

3. Name and address of record owner _____

If Corporation, give name of agent _____

4. A complete statement of any easements relating to the property is attached hereto if none, so state) _____

5. Date of deeds recorded in County Registry of Deeds

Date _____ Book _____ Page _____

Date _____ Book _____ Page _____

Date _____ Book _____ Page _____

6. Does the applicant have an interest or involvement in abutting contiguous property as stated on the attached sheet (if none, so state)

7. Name, address and license of Engineer, Land Surveyor, Architect or Planner

8. Current Zoning _____

9. Preliminary Plan covers _____

10. Does owner propose to submit Final Subdivision Plan to cover entire Preliminary Plan, or to file same in section ? _____

If so, how many ? _____

11. Does the Preliminary Plan cover the entire contiguous holdings of the applicant ?

12. Does the applicant propose to dedicate to the public all streets, highways and parks shown on Plan? _____

13. Give number of acre(s) which applicant proposes to dedicate to public use for park, playground and/or other _____

14. Does owner intend to request any waivers of the requirements of the Development Code upon the submission of the Final Plan for approval ?

15. If any waivers of the requirements are to be requested, list them and give reasons why such requirements should be waived _____

16. Are any State or Federal Agencies to be involved in site review procedure(s) and, if so, what are they ? _____

17. The elevation of the land above sea level and its relation to flood plains area(s) or soil(s). Attach the appropriate USGA Topographic Map indicating the location of the site. _____

18. A statement in attachment of the nature of the soil and subsoil and their ability to adequately support waste disposal. Also attach a copy of the applicable soils may be prepared by the United States Soil Conservation Service.
19. Describe the topography of the land, especially with reference to the slope and its effect of effluents. _____

20. State names of all pond(s), lake(s), river(s), or tidal waters located within the proposed development or within two hundred fifty (250) feet of the proposed development, and list the water quality classification for each. _____

21. State the method proposed to supply water to the development and attach copies of any preliminary plans, working drawing specifications, sketches, delineating the nature and effect of the water supply sources, supply facilities and utility lines. _____

22. State the proposed methods for disposal of both solid and sewage waste and attach copies of any preliminary plans, working drawing specifications, sketches, etc., pollution abatement equipment. _____

23. State whether the proposed development includes or is located adjacent or near to a historic site or rare and irreplaceable natural areas and state whether the proposed development will have any adverse effect on such sites or on the scenic or natural beauty of the area.
24. State whether the site is subject to any noticeable odors, noises, pollutants or other nuisances and, if so, state the nature and effect of such nuisances. _____

25. State whether the site or any portion thereof is subject to flooding or ponding at any time of the year, and, if so, state the nature and effect of the flooding or ponding. _____

26. State whether on-site soil tests have been made on the proposed site and, if affirmative, state by whom, by what procedures and the location and results of the percolation test. Attach prescribed form as Attachment 2.

27. State below all major in-house and consulting professional and consulting firms connected with or to be connected with the proposed development.

28. State below by item all estimated equitable development and operational costs inherent to the proposed development. _____

29. State below the names and addresses of individuals and agencies with whom arrangements have been or will be made for financing the proposed development.

30. State whether the financial capability is assured beyond a reasonable doubt to effectively carry out the proposed development. _____

31. State the estimated time and hours of the various operations or anticipated uses of the site as proposed. _____

<p style="text-align: center;">SECTION IV FINAL PLAN</p>

A. APPLICATION

A request for Final Approval shall be made by the developer in writing to the Planning Board, and shall be accompanied by the Final Plan, a Performance Guarantee and other materials as described herein, at least TEN (10) business days prior to a regularly scheduled meeting. Application for Final Approval shall be made on forms as prescribed by the Planning Board.

B. REQUIREMENTS

1. The Final Plan shall include the original drawing on permanent transparency material and three darkline prints, all prepared to the same scale as the Preliminary Plan unless otherwise prescribed by the Planning Board as being necessary to show all details clearly. The seal(s) of the registered architect responsible for the Final Plan shall be affixed to all sheets. The plan drawing shall list all others submitted with it to include them by reference as part of the Final Plan. It shall also provide space for the signatures of a legal majority of the Planning Board and the date of approval following the words, "Approved: City of Presque Isle Planning Board". The following information shall be required.
 - a. All information required of the Preliminary Plan
 - b. The identification and location of all monuments, existing and proposed.
 - c. Information sufficient to establish on the ground the exact locations, direction, width and length of every street and way line, easement, property line and boundary line.
 - d. The location, size and type of planting and landscaping for such parks, esplanades or other open spaces as may be proposed or prescribed.
2. The Final Plan shall be accompanied by the following documents as applicable:
 - a. Private restrictions and easements, conditions of sale and trusteeships, and their periods of existence.
 - b. A statement from the Superintendent of the Presque Isle Water District of conditions on which the District will supply water, and approving the size and location of mains, valves and hydrants proposed.
 - c. A statement from the Fire Chief of the City of Presque Isle approving the number, size and location of hydrants and their supply mains proposed.
 - d. A statement from the City Engineer or Highway Department Superintendent if connection to public storm sewers is proposed, approving the location, diameter, slope and invert elevations of the storm sewers proposed.

- e. Statements of approval of the means of sanitary sewerage proposed from the appropriate State Agencies having jurisdiction, together with evidence of suitability of soil and/or water bodies to dispose of the effluent from the proposed treatment of sanitary wastes and from storm water runoff.
- f. Offers of cession in a form certified as satisfactory by the City Solicitor of all land included in streets, highways, parks or other open space ultimately to be dedicated for public use, or not specifically reserved by the developer.
- g. Proof from the Zoning Board of Appeals of the granting of an appeal for a variance or special exception, if required, and any conditions imposed.

C. PERFORMANCE GUARANTEE

The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Conditional Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the City of Presque Isle, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City of Presque Isle and issued by a surety company acceptable to the City Manager. It shall be in an amount of money to be determined by the City Manager with the advice of various City departments and agencies to be sufficient to cover the cost of at least furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Building Inspector for any building on any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signed by the City Manager, the Planning Board and the City Engineer, and the Superintendent of the Presque Isle Water District that all improvements assured by the Performance Guarantee have been constructed in conformance with the Final Plan and all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

D. FINAL PLAN REVIEW

1. The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.
2. The Planning Board shall approve or deny the Final Plan, taking into consideration the general and specific requirements listed under this Chapter.
3. No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.
4. The Planning Board shall issue a written notice directed to the applicant through its minutes or otherwise, of its decision within 30 days after application for Final Approval has been submitted.
5. The approval of a Final Plan by the Planning Board shall not be deemed an acceptance by the City of the dedication of any street, or other public way or grounds.
6. The approval of a Final Plan shall be attested on the original tracing and the three copies by the signatures of a legal majority of the members of the Planning Board.
7. Two signed copies of the Final Plan as approved shall be retained by the Planning Board (1) and the City Clerk (1). If any subdivision of land is proposed in the Final Plan, all material required to be recorded by the Aroostook County Registry of Deeds shall be so submitted by the developer within thirty days of the date of written notice of approval by the Planning Board.

8. Upon presentation to the Code Enforcement Officer of evidence that approved residential subdivision plans have been recorded at the Aroostook County Registry of Deeds, Southern Office, the developer shall be granted permission to erect within the boundaries of the subdivision not more than one (1) double-faced sign or two (2) single-faced signs advertising lots for sale within that subdivision. The signs shall meet the following criteria:
 - a. The sign(s) shall not exceed thirty-two (32) square feet in area, and shall not be illuminated;
 - b. Sign(s) shall be located outside the public right-of-way;
 - c. Sign(s) shall be erected in such location(s) as to avoid interfering in any way with the use and/or enjoyment of adjacent properties, both within and outside the subdivision;
 - d. The top of the sign shall not exceed six (6) feet in elevation above the ground;
 - e. As lots are sold within the subdivision, it will be the responsibility of the developer to move the sign, as necessary, to comply with the provision of this Code;
 - f. If the developer fails to comply for any reason with any or all of the provisions of this section, permitted signage within the subdivision may be limited to individual-lot real estate signage allowed under Chapter II, Section III of this Code.

SECTION V WATERSHED PROTECTION DEVELOPMENT PLAN
--

A. APPLICATION

Written application for approval, together with the Plan, shall be filed with the City's Planning and Development Department at least TEN business days prior to a regularly scheduled meeting. Such written application shall be on forms as prescribed by the Planning Board. To contribute to the costs of administration and inspection, fees in an appropriate amount will be assessed at the time of application. Application fees shall not be refundable.

B. REQUIREMENTS

The Plan submitted by the Developer shall consist of copies of all materials necessary to provide the following information. Where practical, sheet size of drawings shall be 24" X 30". The Developer may request a waiver of requirements not relevant or not of substantial import to the proposal, in which case the requested waivers shall be listed.

The Developer shall present a Plan that addresses the following:

1. The Requirements for a Preliminary Development Plan, as in Chapter III, Section III-B, Numbers 1-23 of the City's Land Use and Development Code.
2. The General Standards of Performance, as found in Chapter II, and in particular:
 - a. The Requirements for a Site Plan, as found in Chapter II, Section VII and C: 1, a-c.
 - b. The Requirements for a Drainage Plan, as found in Chapter II, Section VII, C:2, a-c.
3. Certification by an engineer or other appropriate consultant professional for any uses otherwise permitted in the Suburban Commercial Zone (SCZ) or Industrial Zone (IZ), that relevant specifications of the U.S. EPA's Source Water Protection Practice Bulletins, as amended from time to time and as currently stored at the web address below, or other comparable guidelines acceptable to the Planning Board, have been followed in the preparation of the Plan.

http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm?action=Publicati ons&sort=date_published&review=filter&document_type_id=103

4. Certification by an engineer or other appropriate consultant professional for any uses otherwise permitted in the Agricultural Farming Zone (AFZ), that such uses constitute Best Management Practices as determined by the Maine Department of Agricultural, Food, and Rural Resources pursuant to MRSA Title 38 Section 410-J, as amended from time to time and currently stored here: <http://www.maine.gov/agricultural/narr/documents/BMPManual2007.pdf>

C. PLAN REVIEW

1. The Planning Board shall review the Development Plan, including the Site Plan and the Drainage Plan, of the proposed development, as submitted. It shall verify the provision of all information as required under the preceding subsection B, and shall accept or deny any waivers requested, as listed by the developer; and, undertake further studies as it deems necessary to ascertain that the public convenience, safety, health, and welfare are protected, that the City will not in the future incur extraordinary expense as a result of the development, either on or off the site, and that the environment will not be unduly harmed.
2. The Planning Board shall include in its review the general and specific requirements for the development proposed for approval, as found in Chapter III, Section III: C: 2, a-i, above.
3. The Planning Board may require the reservation of open space for purposes consistent with the Comprehensive Plan for the development of the City of Presque Isle. The Planning Board may require the developer to landscape such open space and to provide shade trees and ground cover.
4. The Planning Board shall approve or deny the application for the Development Plan or grant conditional approval. The Planning Board shall grant its approval of the Development Plan if it meets all of the requirements of the Land Use and Development Code, and if the Planning Board has found that the quality of the public water supply shall be protected, maintained, and where warranted, improved by the proposed development. The Planning Board may grant its conditional approval, or pending any changes required in order to bring it into conformance with its approval pending any changes required in order to bring the Development Plan into conformance. If the Planning Board denies the Development Plan, it shall note all specific aspects which do not meet with its approval, either in specifically satisfying the criteria listed in Subsection B and C above, in meeting the General Standards of Performance and Site Design Standards stipulated in Chapter II, or in providing for the protection and preservation of the public's health, safety, and welfare.
5. The Planning Board shall issue a written notice, directed to the applicant, of its decision within forty-five days after a complete application for a proposed development has been submitted.



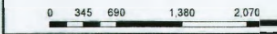
Legend

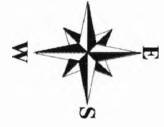
- Zoning Boundaries
- Zoning Descriptions**
- BZ, Business Zone
- AFZ, Agricultural/Farming Zone
- AHZ, Aircraft Hazard Zone
- CZ, Conditional Zone
- LIZ, Light Industrial Zone
- IZ, Industrial Zone
- PMZ, Professional Medical Zone
- RBZ, Retail Business Zone
- RPZ, Resource Protection Zone
- SCZ, Suburban Commercial Zone
- SRZ, Suburban Residential Zone
- URZ-1, Urban Residential Zone-1
- URZ-2, Urban Residential Zone-2
- WPAFZ, Watershed Protection Agricultural
- WPAHZ, Watershed Protection Aircraft Hazard
- WPBZ, Watershed Protection Business Zone
- WRPZ, Watershed Resource Protection Zone
- Township Boundaries

Note:

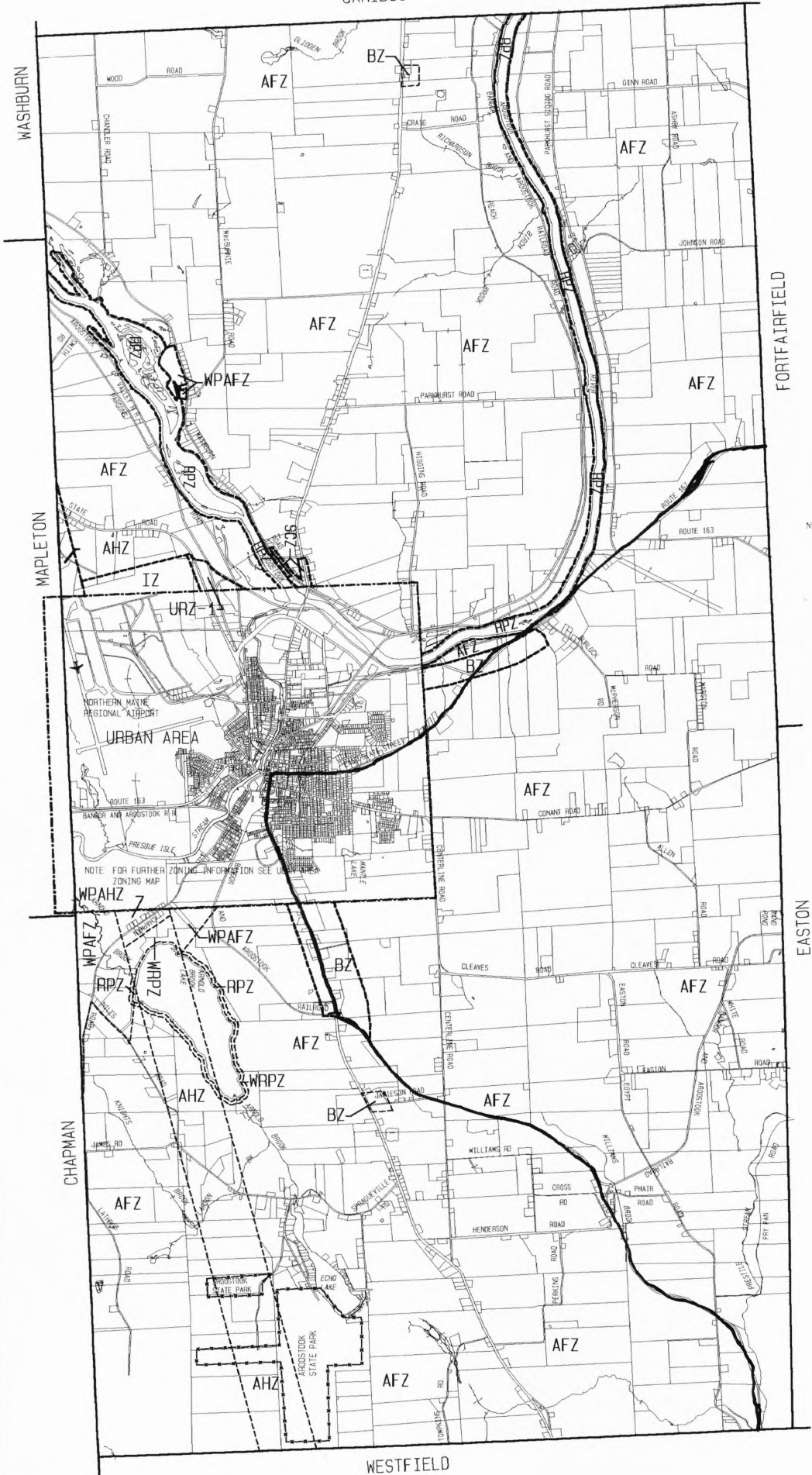
1. This map is intended for planning purposes only and should not be used for conveyances.
2. This map is based on the City of Presque Isle's Official Zoning Map Set prepared by Aerial Survey and Photo Interpretation, dated 1991.
3. For more information see the Official Zoning Map Set.
4. The area bounded by the centerlines of Academy St., and Howard St., and the continuation of the centerline of the 3rd St. between Urban Residential Zone-2 (URZ-2) and Suburban Residential Zone (SRZ) between Academy and Howard Streets is subject to conditions generally not applied to Residential Zones. "Permitted Uses" within this Conditional Zoning District are: 1) 1 & 2 family dwellings, exclusive of mobile homes and professional offices; 2) Municipal and Governmental uses; 3) "Special Exceptions" are allowed within this RBZ.
5. Shoreland Zones are mapped on sheet 3 of 3.

Accepted by City Council: _____
 Certified By: _____
 Nancy Nichols, City Clerk



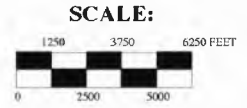


CARIBOU



LEGEND:

- CORPORATE BOUNDARIES
- - - STATE PARK
- ✈ AIRPORT
- - - ZONING BOUNDARIES
- AFZ AGRICULTURE/FARMING ZONE
- AHZ AIRCRAFT HAZARD ZONE
- BZ BUSINESS ZONE
- RPZ RESOURCE PROTECTION ZONE
- WPAHZ WATERSHED PROTECTION AIRCRAFT HAZARD ZONE
- WPAFZ WATERSHED PROTECTION AGRICULTURE/FARMING ZONE
- WRPZ WATERSHED RESOURCE PROTECTION ZONE
- IZ INDUSTRIAL ZONE
- URZ-1 URBAN RESIDENTIAL ZONE-1
- LIZ LIGHT INDUSTRIAL ZONE
- SCZ SUBURBAN COMMERCIAL ZONE



NOTE 1 THIS MAP IS INTENDED FOR PLANNING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCES.
 2 THIS MAP IS BASED ON THE CITY OF PRESQUE ISLE, MAINE PROPERTY MAP SET PREPARED BY AERIAL SURVEY & PHOTO AND REVISED APRIL 1, 1994.

ACCEPTED BY CITY COUNCIL: 03/20/2000
 CERTIFIED BY: Nancy Steward DATE: 03/21/2000
 NANCY STEWARD
 CITY CLERK



PRESQUE ISLE
 RURAL AREA
 OFFICIAL ZONING MAP 2 OF 2
 DATE: 4/6/93 REVISED: 3/2/00

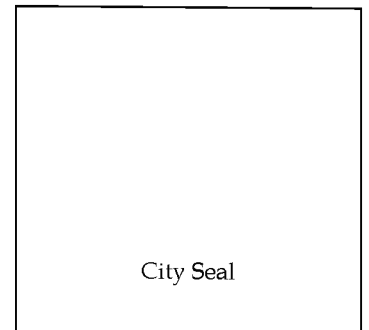
CHAPTER 18
CITY OF PRESQUE ISLE

*Fire Prevention Code
Ordinance*



Adopted: December 15, 1997
Repassed: March 19, 2001
Repassed: February 23, 2005

Attest: _____
Nancy G. Nichols, City Clerk



CHAPTER 23

CITY OF PRESQUE ISLE

Pawnbrokers Ordinance



Adopted: December 15, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

City Seal

Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 23

PAWNBROKERS ORDINANCE

Section 1

No person, firm or corporation shall engage in business as a pawnbroker in the City of Presque Isle except under written license granted by the City Council and issued by the City Clerk, and upon payment to the City Clerk of an annual license fee of twenty-five dollars (\$25.00). Such licenses shall continue in force until the first Monday in May next following unless sooner revoked or suspended by the City Council.

Section 2

Applications for a pawnbroker's license shall be made to the City Clerk on forms provided therefor and shall give the name of the applicant, the name under which the business is to be conducted, and the location where the business will be carried on. Applications shall be investigated by the Chief of Police to determine if the applicant is of good moral character and to secure information regarding the location and conditions under which the business will be conducted. The Chief shall make a report of his findings and recommendations which shall be submitted to the City Council with the application.

Section 3

Licenses must be displayed in a conspicuous location in the licensee's place of business. Licenses are not transferable.

Section 4

No license shall purchase or receive any article (a) from any person under the age of 17 years without the written consent of the parent or guardian, or (b) from any person known or suspected to be thief or receiver of stolen property.

Section 5

All persons shall be subject to the laws of the State of Maine relating to pawnbrokers as set forth in 30-A § 3960 et. seq.

Chapter 23 – Pawnbrokers Ordinance
Page 2:

Section 6

Violation of any of the provisions of this Ordinance or any of the provisions of a pawnbroker's license issued by the City of Presque Isle shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00) for each separate offense, and each day's violation of any provision hereunder shall be deemed a separate offense. Said fine to enure to the benefit of the City.

Section 7

Violation of any of the provisions of this Ordinance or any of the provisions of the State laws relating to pawnbrokers or evidence that the licensee is not a person of good moral character, shall be cause for the revocation or suspension by the City Council of any licensee issued under this Ordinance.

Section 8

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 24

CITY OF PRESQUE ISLE

Sidewalk Snow Removal Ordinance

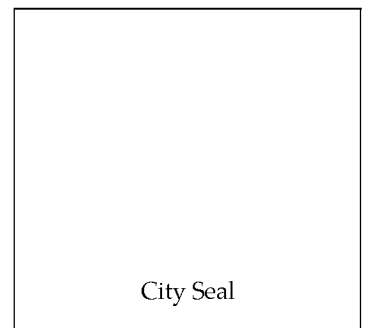


Adopted: December 15, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009



Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 24

SIDEWALK SNOW REMOVAL ORDINANCE

Section 1 Sidewalks/Walkways

In the City of Presque Isle, the abutting owners, or tenants in control in the areas designated on the following named streets, alleyways, or walkways, shall within twelve (12) hours of daylight after the same shall cease to fall or be formed and with reasonable diligence at all other times, keep the sidewalks and/or walkways abutting their respective places cleared of snow and/or ice, so that such sidewalks and/or walkways may be safely used by pedestrian traffic:

Main Street – From north side of Howard Street to south side of Blake Street

State Street – From west side of Second Street to B & A Railroad crossing

West side of Second Street – From north side of State Street to south side of Church Street

South side of Hall Street

South side of Church Street – From Main Street to Second Street

North side of Academy Street – From Main Street to a point which
is 120'
westerly from the westerly side of Second Street

Chapman Street – From Main Street to the first B & A Railroad crossing

The following alleyways, walkways, and/or sidewalks outlined on the attached map, denoted as “Exhibit A” and made a part of this Ordinance.

Section 2 Penalty

Any abutting owner or tenant in control failing to comply with this Ordinance shall be subject to a fine of not less than thirty-five dollars (\$35.00) nor more than one hundred dollars (\$100.00) for each offense. Said fine to enure to the benefit of the City.

Chapter 24 – Sidewalk Snow Removal Ordinance
Page 2:

Section 3 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 25

CITY OF PRESQUE ISLE

Maine Uniform Building and Energy Code Ordinance



Approved by the City Council: September 4, 1996
Repassed by the City Council: February 7, 2000
Amended by the City Council: September 18, 2000
Amended by the City Council: January 6, 2003
Repassed by the City Council: January 21, 2004
Amended by the City Council: November 15, 2004
Repassed by the City Council: January 7, 2008
Amended by the City Council: February 2, 2009
Amended by the City Council: December 7, 2009
Amended by the City Council: December 6, 2010
Repassed by the City Council: January 3, 2012

Attest: _____

Beverly A. Labbe, City Clerk

City Seal

Chapter 25

Maine Uniform Building and Energy Code

An Ordinance of the City of Presque Isle adopting the Commercial Building Code component of the Maine Uniform Building and Energy Code ("MUBEC"), regulating and governing the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and uses; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Presque Isle; providing for the issuance of permits and collections of fees, making of inspections; providing penalties for the violation thereof; known as the building code; repealing the existing 2003 edition of the *International Building Code* of the City of Presque, State of Maine.

PREAMBLE: This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

SECTION 1. ADOPTION OF BUILDING CODE

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *The International Building Code*, 2009 edition, including Chapters 1 - 10, Chapters 12 - 16, Chapters 18 - 26, and Chapters 31 - 35 as published by the International Code Council, be and is hereby, adopted as the Building Code of the City of Presque in the State of Maine; for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and uses; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Code Enforcement Officer are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

SECTION 2. INCONSISTENT ORDINANCE REPEALED

That Chapter 25 of the City of Presque Isle entitled *International Building Code, 2003 Edition* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. ADDITIONS, INSERTIONS AND CHANGES

That the following sections are hereby revised as follows:

1. Section 101.1

Delete "City of Presque Isle; and
Insert "State of Maine" in its place.

2. 101.4.3

Delete "International Plumbing Code"; and
Insert "Maine State Plumbing Code, adopted pursuant to Title 32, § 3404-B" in its place.

Delete "International Private Sewage Disposal Code"; and
Insert "Maine State Plumbing Code, adopted pursuant to Title 32, § 3404-B" in its place.

3. Section 109

Insert Five Dollars (\$5.00) per thousand Dollars of valuation or part thereof for residential construction, and Eight Dollars (\$8.00) per thousand dollars of valuation or part thereof for commercial construction. Thirty Five Dollars (\$35.00) **MINIMUM PERMIT FEE**. Thirty Dollars (\$30.00) demolition fee for residential and One Hundred Dollars (\$100.00) for commercial. Twenty Five Dollars (\$25.00) use fee. Two Dollars and fifty cents (\$2.50) per square foot sign permit fee.

Any person who shall commence any work for which a permit is required by this Ordinance without first having obtained a building permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work.

4. Section 113

Change to read: The Board shall modify or reverse the decisions of the Code Official by a concurring vote of the majority of the members present and voting. A quorum shall consist of three (3) members.

5. Section 114 Violation Penalties:

Change to read: any person who shall violate a provision of this Code shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit of certification issued under the provisions of this Code, shall be found guilty of a civil offense, punishable by a fine of not more than \$2,500. Each day that a violation continues shall be deemed a separate offense.

- Delete** Chapter 11 Accessibility
- Delete** Chapter 17 Structural Testing and Special Inspections
- Delete** Chapter 27 Electrical
- Delete** Chapter 28 Mechanical Systems
- Delete** Chapter 29 Plumbing Systems
- Delete** Chapter 30 Elevators and Conveying Systems
- Delete** Appendix A - K

SECTION 4. VALIDITY CLAUSE

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Presque Isle here by declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. SAVING CLAUSE

That nothing in this Ordinance or in the Building Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. DATE OF EFFECT

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

SECTION 6. SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

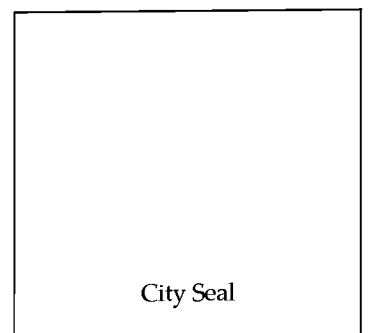
CHAPTER 25A

CITY OF PRESQUE ISLE

One and Two Family Dwelling Code Ordinance



Approved by the City Council:	September 4, 1996
Repassed by the City Council:	February 7, 2000
Amended by the City Council:	September 18, 2000
Amended by the City Council:	January 6, 2003
Repassed by the City Council:	January 21, 2004
Amended by the City Council:	November 15, 2004



Repassed by the City Council: January 7, 2008

Attest: _____
Nancy G. Nichols, City Clerk

CHAPTER 25C

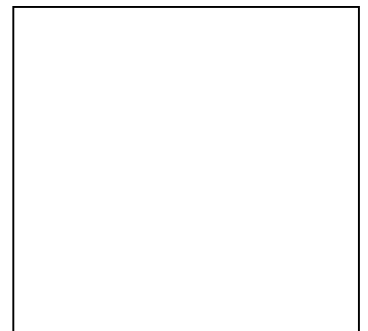
CITY OF PRESQUE ISLE

Energy Conservation Code Ordinance



Adopted by the City Council: December 6, 2010

Attest: _____
Deborah Ouellette, Acting City Clerk



Energy Conservation Code

Chapter 25C

An Ordinance of the City of Presque Isle adopting the Energy Conservation code component of the Maine Uniform Building and Energy Code (“MUBEC”), regulating and governing the design and construction of buildings for the effective use of energy of all property, buildings and structures in the City of Presque Isle; providing for the issuance of permits and collections of fees, making of inspections; and providing penalties for the violation.

PREAMBLE: This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

SECTION 1. ADOPTION OF BUILDING CODE

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *The Energy Conservation Code, 2009 edition, including Chapters 1 - 6* as published by the International Code Council, be and is hereby, adopted as the Energy Conservation Code of the City of Presque in the State of Maine; for regulating and governing the design and construction of buildings for the effective use of energy of all property, buildings and structures; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the Code Enforcement Officer are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. ADDITIONS, INSERTIONS AND CHANGES

That the following sections are hereby revised as follows:

1. Section 101.1

Delete “City of Presque Isle; and
Insert “State of Maine” in its place.

2. Section 107.1

Insert Five Dollars (\$5.00) per thousand Dollars of valuation or part thereof for residential construction and Eight Dollars (\$8.00) per thousand dollars of valuation or part thereof for commercial construction. Thirty Five Dollars (\$35.00) MINIMUM PERMIT FEE. Thirty Dollars (\$30.00) demolition fee for residential and One Hundred Dollars (\$100.00) for commercial. Twenty Five Dollars (\$25.00) use fee. Two Dollars and fifty cents (\$2.50) per square foot sign permit fee.

3. Section 107.3

Insert Any person who shall commence any work for which a permit is required by this Ordinance without first having obtained a building permit therefor, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work.

4. Section 108.4 Violation Penalties:

Change to read: any person who shall violate a provision of this Code shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit of certification issued under the provisions of this Code, shall be found guilty of a civil offense, punishable by a fine of not more than \$2,500. Each day that a violation continues shall be deemed a separate offense.

5. Section 109

Change to read: The Board shall modify or reverse the decisions of the Code Official by a concurring vote of the majority of the members present and voting. A quorum shall consist of three (3) members.

6. Section 503.2.5

Delete “Chapter 4 of the International Mechanical Code”

Insert “ASHRAE 62.1-2007.” in its place for both occurrences.

7. Section 503.4.5 Item 3

Delete "Chapter 4 of the International Mechanical Code"

Insert "ASHRAE 90.1-2007." in its place.

SECTION 3. VALIDITY CLAUSE

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Presque Isle here by declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. SAVING CLAUSE

That nothing in this Ordinance or in the Existing Building Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. DATE OF EFFECT

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

SECTION 6. SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

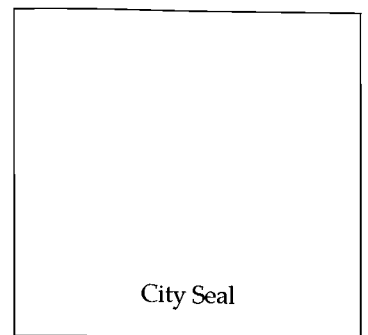
CHAPTER 28

CITY OF PRESQUE ISLE

*Hawkers, Peddlers, Itinerant Vendors
and
Transient Sellers of Consumer Merchandise Ordinance*



Adopted: December 15, 1997
Repassed: March 19, 2001
Repassed: February 23, 2005
Repassed: February 2, 2009



Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 28

HAWKERS, PEDDLERS, ITINERANT VENDORS **AND** **TRANSIENT SELLERS OF CONSUMER MERCHANDISE**

Section 1 License

No person (as defined in Title 32 M.R.S.A. § 4681 [1978 as amended]) shall expose for sale or sell upon the public streets, nor go from place to place in the City, offering or exposing for sale and selling goods, merchandise, wares, or other things until he shall have procured a license to do as hereinafter provided.

Section 2 Application

The City Council may grant a license to offer or expose for sale or sell upon the public streets, or go from place to place in the City, offering or exposing for sale and selling goods, wares, or merchandise.

Section 3

Every person to whom a license is issued under this Ordinance, shall make written application therefor, signed by him, stating the name and address of the applicant, the nature, and the quality of goods, wares and merchandise which he then has in his possession within the City in which he intends to expose for the sale or sell, and the fair market value thereof, and the license herein before provided for, when issued, shall apply only to such goods, wares or merchandise as are listed in said application, and no other property of any nature shall be exposed for sale or sold under this license.

Section 4

The City Clerk shall cause to be inserted in every license issued under this Ordinance, the name and address of the person applying for such license, and the amount paid as a license fee, therefore, and the duration of said license, that duration not to exceed one (1) year from the date of issue thereof.

Chapter 28 – Hawkers, Peddlers, Itinerant Vendors and Transient Sellers of
Consumer Merchandise

Page 2:

Section 5 Fees

Each applicant granted a license hereunder shall pay a fee to the City Clerk as follows:

<u>Retail Selling Price</u>	<u>Fee</u>
\$1.00 - \$10,000.00	5% of retail selling price
\$10,000.00+	\$500.00 + 1% of retail selling price over \$10,000.00
	Minimum Fee: \$50.00

Section 6

Every person to whom a license is issued hereunder whenever demanded by the City Council a Constable or Police Officer of the City shall exhibit such license to the person demanding the same, and, if he neglects or refuses to do so, shall be liable of the same punishment as is provided in Section 7 of this Ordinance and his license, upon conviction, shall be revoked.

Section 7 – Penalty

Whoever shall offer or expose for sale or sell upon the public streets of the City, or go from place to place in the City offering or exposing for sale or selling goods, wares or merchandise in violation of this Ordinance shall be subject to a civil penalty of not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00), which penalty shall not be less than an amount equal to the license fee, if issued, plus one hundred dollars (\$100.00), the imposition and payment of which fine shall not waive or release, in any manner, the obligation to comply with the licensing requirements of this Ordinance. Said fine to enure to the benefit of the City.

Chapter 28 – Hawkers, Peddlers, Itinerant Vendors and Transient Sellers of
Consumer Merchandise

Page 3:

Section 8

The provisions of this Ordinance shall not apply to commercial agents or other persons selling by sample, lists, or catalogues, goods, wares, dairy, orchard and forest products of their own production, and to persons selling newspapers or religious literature.

Section 9 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 29

CITY OF PRESQUE ISLE

Licensing of Juke Boxes Ordinance



Adopted: December 15, 1997

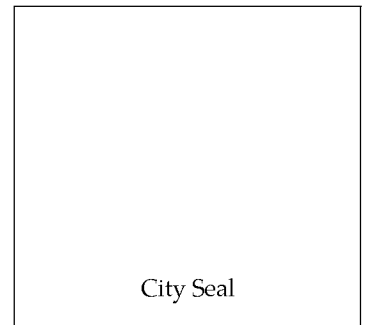
Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

Attest: _____

Deborah Ouellette, Deputy City Clerk



City Seal

CHAPTER 29

LICENSING OF JUKE BOXES ORDINANCE

Section 1 Unlawful Without License

It shall be unlawful for any person, firm, corporation or association to keep for public patronage, or to permit or allow the operation of any juke box, in or on any premises or location under his or its charge, control or custody without having first obtained a license therefor from the City Clerk.

Section 2 Definition

The term "juke box" shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key or by the payment of any price may be operated by the public generally for the emission of songs, music or similar entertainment.

Section 3 – License Requirements

The license required shall be obtained from the City Clerk upon the payment of an annual fee of fifteen dollars (\$15.00) for each machine; shall state the location where the machine is to be operated, and shall expire on June 30th of each year. The application for such license shall be made to the Clerk upon a form supplied by him/her for that purpose and shall contain such information as he may require. No such license shall be granted to any person under the age of 21 nor to any firm, corporation or association any of whose officers are under said age.

Section 4 License Posted

The license required shall be posted securely and conspicuously at the location of the machine in the premises wherein it is to be operated or main-tained to be operated.

Section 5 Non-Transferable

The license required shall not be transferable to any other person, firm, corporation or association, or from location to location and shall be valid only at the location and for the person, firm, corporation or association designated therein.

Such license, however, may be transferred from one machine to another similar machine upon application to the City Clerk, giving the description and serial

Chapter 29 – Licensing of Juke Boxes Ordinance

Page 2:

number of the new machine. However, not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

Section 6 Hours Regulated

No person, firm, corporation or association holding a license under this Ordinance shall permit the playing of any juke box between the hours of 1:00 AM and 7:00 AM of any day.

Section 7 Copy of License to Police

A copy of this license shall be forwarded to the Chief of Police.

Section 8 Revocation; Appeal

Any such license may be revoked by the City Clerk.

- I. When it has been made to appear to the Clerk that there has been a violation of the terms of this Ordinance, or;
- II. when it has been made to appear to the Clerk that the licensee himself or any of the officers of the firm, corporation or association (if the licensee is not an individual) are not proper persons to hold such a license, or;
- III. when it has been made to appear to the Clerk that the premises for which the license was granted is not in a proper location.

Section 9 Violation and Penalty

Any person, or in the case of a firm, corporation or association, any officer thereof, violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not exceeding twenty five dollars (\$25.00) for every offense and each day such violation exists shall constitute a separate offense.

Section 10 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 31

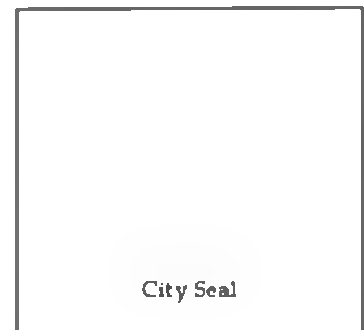
CITY OF PRESQUE ISLE

National Electrical Code Ordinance



Approved by the City Council: September 4, 1996
Repassed by the City Council: February 7, 2000
Amended by the City Council: September 18, 2000
Amended by the City Council: January 6, 2003
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Amended by the City Council: March 3, 2008
Amended by the City Council: February 2, 2009
Amended by the City Council: December 7, 2009
Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk



City Seal

CHAPTER 31 **NATIONAL ELECTRICAL CODE**

An Ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair, and maintenance of electrical wiring in all buildings and structures. Providing for the issuance of permits, collections of fees, making of inspections and providing penalties for the violation thereof; known as the *National Electrical Code*, and repealing the existing *Chapter 31, National Electrical Code 2005 Edition* of the City of Presque, State of Maine.

Preamble. This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

Section 1. Adoption of the National Electrical Code

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *The National Electrical Code 2008 Edition*, as published by the National Fire Protection Association, and *Chapter 120 "Electrical Installation Standards"*; be and is hereby adopted as the Electrical Code of the City of Presque in the State of Maine; for the control of electrical wiring as, hereby, provided; and each and all of the regulations, provisions, penalties, conditions and terms as said in the National Electrical Code and *National Fire Protection Standard #70*, are hereby referred to, adopted and made a part hereof as is fully set out in this Ordinance.

Section 2. Appointment and Salary

The Electrical Inspector shall be appointed by the City Council. The Electrical Inspector shall receive a salary set by the same. It shall be unlawful for the Electrical Inspector to engage in the business of the installation and the maintenance of electrical wiring, electric devices and electrical material either indirectly, or directly, and the Electrical Inspector should have no financial interest in any concern engaged in such business at any time while holding office of Electrical Inspector. Any violations of the provisions of this section by said Electrical Inspector shall be sufficient cause for the Electrical Inspector's removal from office, but the Electrical Inspector may be removed by other just cause by the City Council.

Section 3. Access to Buildings

Said Electrical Inspector shall have the right during reasonable hours to enter any building, in the process of erection or reconstruction or that is being rewired, in the discharge of the Electrical Inspector's official duties, or for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices or electric material contained therein. In the case of new buildings, no power shall be turned on said building until the Electrical Inspector has issued a certificate of inspection. In the case of reconstruction or rewiring, the Electrical Inspector shall have authority to cause the turning off of all electrical currents and cut or disconnect in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

Section 4. Alterations

No alterations or additions shall be made in the existing wiring of any building, nor shall any building be wired for the placing of any electric lights, motor, heating devices, or any apparatus requiring the use of an electrical current, nor shall any alterations be made in the wiring of any building after inspection, without first notifying the Electrical Inspector and securing a permit therefore, except minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords.

Section 5. Inspections

Upon the completion of the wiring of any building, it shall be the duty of the person, firm or corporation installing the same to notify the Electrical Inspector, who shall inspect the installation within one day of the time such notice is given when reasonably possible (excluding weekends and holidays); and if it is found to be fully in compliance with this Ordinance and does not constitute a hazard to life and property, he shall issue such person, firm or corporation for delivery to the owner, a certificate of inspection authorizing connection to the electrical service and the turning on of the current.

Section 6. Construction Requirements

No certificate of inspection shall be issued unless the electrical light, power and heating installation are in strict conformity with the provisions of this Ordinance and the regulation as laid down in the 1999 Edition of the *National Electrical Code*. These certificates shall show the fee charged by the Electrical Inspector, shall be made in duplicate, the original to be issued to the owner and the copy to be filed with the Code Enforcement Officer.

Section 7. Record of Permits and Inspections

The Electrical Inspector shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this Ordinance.

Section 8. Review

When the Electrical Inspector condemns all or parts of any electrical installation, the owner, within five days after receiving written notice from the Electrical Inspector, shall file a petition in writing for review of said action of the Electrical Inspector with the State Electrician's Examining Board, asking them for a decision and their ruling upon the application, which ruling shall be final. In case condemned parts do not constitute a menace of life and property or interfere with the work of the Fire Department; the Inspector may at his discretion, issue a temporary permit until said decision is made by the Office Insurance Commissioner State of Maine.

Section 9. Responsibility

This Ordinance shall not be construed to relieve from, or lessen, the responsibility of any party owning, controlling, or installing any electrical wiring, electrical devices or electrical material for damages to person or property caused by any defect therein, nor shall be held as assuming any liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided.

Section 10. Cost of Permit

Every application for a permit to do work regulated by this Ordinance shall state in writing on the application form provided for that purpose, the character or work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto as may be required.

Such applicant shall pay for each permit issued at the time of issuance, a fee in accordance with the following schedule, and at the rate provided for each classification shown herein.

Any person who shall commence any work for which a permit is required by this Ordinance without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, shall pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work shown it shall be proved to the satisfaction of the Electrical Inspector that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases a permit must be obtained as soon as practical to do so, and if there be a unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

Section 10:

A. 1 and 3 Phase Through 800 Amperes	\$50.00	_____
B. 801 - More	\$75.00	_____
C. Panels Remote from Main Service	\$ 8.00	_____
D. Receptacles, Switches, Fixtures, Electrical Heat Units, Permanent Connected Appliances	<input type="checkbox"/> \$ 0.75	_____
E. Transformers - <u>Not</u> Utility Owned:		
Vaults	\$20.00	_____
1 - 25 KVA	\$10.00	_____
25 - 200 KVA	\$14.00	_____
Over 200 KVA	\$20.00	_____
F. Outside Lighting and Sign	\$ 4.00	_____
G. Motors - Fractional	\$ 2.00	_____
Motors 1 HP and Larger	\$ 4.00	_____
Generators	\$30.00	_____
H. Electrical Alarm Systems	\$27.00	_____
I. Meter Sockets	\$15.00	_____
MINIMUM PERMIT FEE	\$50.00	_____

NO MINIMUM PERMIT FEE FOR A TEMPORARY SERVICE

J. Temporary Service	\$25.00	_____
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Upon written request the Council may waive local fees based on hardship for person(s) who require a permit for construction due to fire loss if they do NOT have insurance to cover the cost.

Section 11. Inconsistent Ordinance Repealed

That Chapter 31 of the City of Presque Isle entitled *National Electrical Code, 2005 Edition* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. Saving Clause

That nothing in this Ordinance or in the *National Electrical Code* hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 11 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. Should any part of this Ordinance or of the Code hereby adopted be declared invalid, the remainder of the Ordinance, or of the Code, shall not be affected thereby.

Section 13. Violations

It shall be unlawful for an owner, tenant, an electrician, or any person to make alterations or additions to existing wiring or install new wiring for the placing of electrical lights, motors, heating devices, or any apparatus requiring the use of electric current at the location of any building or structure in violation of any provisions of this Code or to cause, permit or suffer any such violation to be committed. Any such person shall be deemed guilty of a violation of this Ordinance and upon conviction shall be punished by a fine of not less than One-hundred dollars (\$100.00), or more than Twenty-five hundred dollars (\$2,500.00) for each provision of law thus violated. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day such violation is permitted to continue thereafter shall constitute a separate offense. All fines collected hereunder shall inure to the City of Presque Isle.

Section 14. Date of Effect

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

Section 15. Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 35

CITY OF PRESQUE ISLE

Curb Cut Ordinance

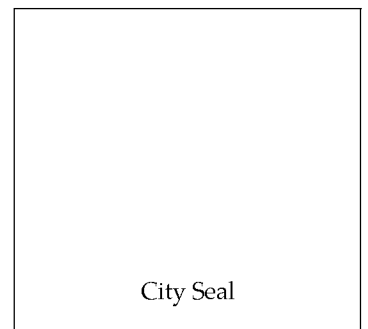


Adopted: October 20, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009



Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 35

CURB CUT ORDINANCE

Section 1

No person shall construct or build a driveway providing access to a street or public way or change the grade or location of an existing driveway or cause any change in grade of any drainage ditch without first obtaining a permit from the Public Works Director or his designated representative. An application for said permit shall be submitted in such form as the Public Works Director may prescribe.

Section 2

All construction within the street right-of-way shall conform to standards of material and workmanship approved by the Public Works Director, and shall provide proper drainage to the gutter or ditches. All driveways shall be constructed so that no water flows from the driveway into the street or roadway, including shoulders. Water shall be directed to the nearest drainage structure.

Section 3

Where driveways require the moving of catch basins, curbing, sidewalks or other drainage facilities, such change shall be made only upon approval of the Public Works Director at the expense of the applicant.

Section 4

Where in the opinion of the Public Works Director, driveways require the placing of culverts, such culverts shall be furnished by the applicant at the applicant's expense, shall be approved by the Public Works Director as to construction, material length, and diameter and shall be installed under his supervision at the expense of the City. Driveway construction and maintenance are the sole responsibility of the applicant.

Section 5

Not more than one driveway will be allowed per one-hundred (100) feet of frontage on any one street. When two or more driveways are provided for the same property on the same street, a safety island of not less than ten (10) feet at the curb or outer edge shall be provided between driveways.

Chapter 35 – Curb Cut Ordinance

Page 2:

Section 6

The width of any driveway shall not exceed forty (40) feet at the curb.

Section 7

No driveway apron shall extend into the street further than the base of the curb or beyond the gutter line, where the pavement shall be cut and prepared to provide a proper butt joint.

Section 8

No driveway shall be built in such a way that it interferes with safe sight distances of any street intersections.

Section 9

Any person violating any of the provisions of this Article shall be punished by a fine of not more than two hundred dollars, and that such violation shall be corrected by the violator. Said fine to inure to the benefit of the City. Such fine may be assessed against the owner and/or the contractor.

Section 10

The City Council may by order allow variations of this Ordinance when necessary to avoid unusual hardship; not brought about by the applicant himself.

Section 11

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

CITY OF PRESQUE ISLE

CURB CUT APPLICATION

Name of applicant: _____ Date: _____

Address: _____ Phone: _____

Street/Road Name: _____ Width of lot: _____

Dig Safe Phone: 800-225-4977 Dig Safe Permit Number: _____

Work to be done by: _____

Starting Date: _____ Completion Date: _____

Width of driveway planned: _____

Relocation or expansion of existing driveway? ___ Yes ___ No

New driveway? ___ Yes ___ No

NOTICE TO APPLICANT: Please see attached for a copy of the City's Curb Cut Ordinance. You or your contractor must obtain a Dig Safe permit prior to breaking ground.

Signature of Applicant: _____

CURB CUT PERMIT

Catch basin to be moved? Yes No

Curbing to be cut? Yes No

Sidewalk to take out? Yes No

Drainage ditch to be moved? Yes No

Ditch that requires a culvert? Yes No

Size pipe needed – diameter: _____ Length: _____

Comments: _____

Approved: _____

By: _____

Not Approved: _____

Title: _____

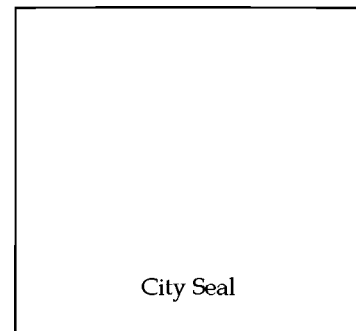
CHAPTER 36

CITY OF PRESQUE ISLE

Domesticated Animal Ordinance



Adopted: December 15, 1997
Repassed: March 19, 2001
Amended: June 3, 2002
Repassed: February 23, 2005
Repassed: February 2, 2009
Amended: October 3, 2011



Attest: _____
Beverly A. Labbe, City Clerk

CHAPTER 36

DOMESTICATED ANIMAL ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to control the unreasonable noise disturbances created by domesticated animals or livestock living as domesticated animals and to control domesticated animals running at large.

Section 2 Owner

The word "owner" when applied to the proprietorship of a domesticated pet shall include every person having a right of property in such animal, and every person who keeps or harbours such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied by him.

"Domesticated animal" shall refer to any animal, to include but not limited to, dogs, cats, swine, birds, livestock, or any other animal living or residing as a pet.

Section 3 Disturbance

On complaint being made to the Animal Control Officer that any domesticated animal within the City has unreasonably disturbed the quiet of any persons whosoever by continued barking or howling, or in any manner, the Animal Control Officer shall issue notice to the owner of such animal ordering that such animal shall be kept under proper control.

Section 4 Not to Create a Nuisance

A domesticated animal shall be considered a nuisance if it soils, defiles or defecates on any public or private property, other than the owner's property; and the owner shall be obligated to remove and properly dispose of such waste promptly from any such public or private property.

Section 5 Running at Large

No person who is an “owner” of a domesticated animal, as defined by Section 2 of this Ordinance, shall cause or permit any animal to run at large within the City, as herein defined. Animals, while on any public way or public place shall be under restraint. The word “restraint” shall mean that an animal shall be controlled by a leash; or, at “heel”, beside the competent person and obedient to that person’s commands; or, on or within a vehicle being driven or parked on any public way. A leash shall not be more than eight (8) feet long. Nothing, within this Ordinance shall be held to require the leashing of any animal while on the property of its “owner”.

Section 6 Violation

Any person found to be in violation of any provision of this Ordinance or any order issued hereunder shall be subject to penalty by fine not to exceed one hundred dollars (\$100.00); and every day during which such violation continues shall constitute a new offense. Said fine to enure to the benefit of the City. Any person previously convicted of violating any section of this chapter, and is found to be in violation again, shall be charged not less than one hundred and one dollars (\$101.00) and not more than two hundred and fifty dollars (\$250.00) per day of each new offense.

Section 7

It shall be the duty of any designated official under the authority of the Presque Isle City manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.

Section 8 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the completion of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

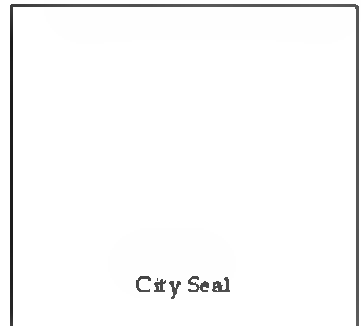
CHAPTER 37
CITY OF PRESQUE ISLE

Personnel Ordinance



Adopted by the City Council: February 15, 1996
Amended by the City Council: May 3, 1999
Repassed by the City Council: February 7, 2000
Amended by the City Council: November 3, 2003
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk



City Seal

CHAPTER 37

PERSONNEL ORDINANCE

An Ordinance of the City of Presque Isle (hereinafter referred to as the City) creating and establishing a personnel system for the City.

SECTION 1 PURPOSE

The purpose of this Ordinance is to establish a personnel system to provide a fair and uniform procedure for dealing with personnel matters free from prejudice; and to outline the administrative responsibilities of the City Manager and Human Resource Director regarding the personnel system.

The general personnel policies of the City of Presque Isle are based upon the following objectives:

- To establish terms and conditions of service including causes and procedures for removal from office.
- To ensure hiring, appointments, promotions, demotions, the application of classifications, compensations and benefits, and all other decisions dealing with City employees, shall be based on merit and performance and free from prejudice.
- To promote efficiency and economy in City employment by just and equitable practices.
- To promote a feeling of goodwill and high morale between the City and its employees for the attainment of the best interest of the public and City.

SECTION 2 SCOPE

Except where noted, the Personnel Ordinance and Personnel Rules and Regulations shall apply to all employees and departments of the City of Presque Isle, with the exception of:

- Elected, and non-salaried members and/or appointed officials of boards and commissions.
- Volunteers, contracted services, and workfare participants.
- Employees represented by a Union, except where their respective Union Contract language is silent or the Personnel Ordinance and Rules and Regulations are not in conflict with any Union Contract Article.
- Departments may establish supplemental personnel rules and procedures for their department upon review and approval by the City Manager, if not in conflict with the Personnel Rules and Regulations as set forth by the City or any Federal or State laws.

SECTION 3 ADMINISTRATION

A. City Manager

The City Manager shall have the responsibility for the personnel system set forth in this Ordinance. He/She specifically shall:

1. Be responsible for effective personnel administration.
2. Hire, appoint, remove, suspend and discipline all officers and employees of the City subject to the policies as set forth in this Ordinance, Personnel Rules and Regulations, Union Contracts, provisions of the Charter, and those in State and Federal law; or he/she may at his/her discretion, authorize the head of the department of office responsible to him/her to hire, appoint, remove and suspend subordinates in such departments and offices.
3. Fix and establish the number of employees in the various City departments and offices and determine the duties and compensation in accordance with policies set forth in this Ordinance and subject to the approval of the City Council and budget limitations.
4. Perform such other duties and exercise such other powers in personnel administration as may be described by law and this Ordinance.

B. Human Resource (Personnel) Director

The City Manager may appoint a Human Resource (Personnel) Director who shall be responsible for the administration and technical direction of the City personnel system.

The Human Resource (Personnel) Director shall:

1. Administer, under the direction of the City Manager, the personnel system as set forth in this Ordinance and Personnel Rules and Regulations.
2. Perform all lawful and necessary duties essential to the effective administration of the personnel system.
3. Recommend to the City Manager rules, revisions and amendments, thereto, for the consideration of the City Council.

4. Recommend to the City Manager a position classification plan for approval by the City Council, and install and maintain such a plan.
5. Prepare and recommend to the City Manager a pay plan for all City employees for the City Council's approval.
6. Be responsible for certification of all payrolls.
7. Develop and coordinate training and educational programs for City employees.
8. Investigate periodically the operation and effect of the personnel provisions of this Ordinance and the Rules and Regulations and at least annual report those findings and recommendations to the City Manager.
9. Perform such other duties as may be assigned by the City Manager not inconsistent with this Ordinance.

C. For the purpose of this Ordinance, the City Manager shall be the Human Resource (Personnel) Director at times when a Human Resource (Personnel) Director has not been appointed.

SECTION 4 RIGHT TO ACCESS PREMISES, FILES AND EMPLOYEES

Department Heads and employees of the City shall, during usual business hours, grant to the Human Resource (Personnel) Director, or his/her designated representative, free access to premises and records under their control and shall furnish such assistance and information as may be deemed necessary by the Human Resource (Personnel) Director to carry out the functions of the Human Resource (Personnel) Department. Failure to comply shall be subject to all penalties and remedies provided by law for the failure of a public officer or employee to do any act required of him/her by law.

SECTION 5 CONSULTATION WITH EMPLOYEE ORGANIZATIONS

The City Manager is authorized to consult with, or receive suggestions from, representatives of organizations of City employees (Union and Non-Union alike) concerning matters of personnel policy. Where appropriate, the City Manager may refer any requests from employees to the City Council, along with his/her recommendation, for its consideration. On matters within the discretion of the City Manager, he/she will give due consideration to the views of employees. However, nothing herein shall be interpreted as depriving the City Manager or City Council of the right to make a final decision on matters for which they have ultimate responsibility.

SECTION 6 ADOPTION OF RULES

The City Manager shall present to the City Council Personnel Rules and Regulations to be adopted and amended from time to time by the City Council. Such adoption and amendment shall be by resolution. The rules shall cover the specific procedures and policies to govern the following phases of the personnel system:

1. The administration of a position classification plan.
2. The administration of a pay plan.
3. The announcement of vacancies and the acceptance of application for employment.
4. Preparation and conduct of examinations.
5. Establishment of promotional procedures.
6. Evaluation of the work of employees, including those serving a probationary period.
7. Transfer, promotion, and reinstatement of employees.
8. Separation from the service of employees by resignation, layoff, suspension, dismissal, and incapacity to perform required duties.
9. Establish of hours of work, attendance and leave policies, and working condition.
10. Development of employee morale and training.
11. Policies governing the outside employment of municipal employees.
12. Policies governing the relationships with employee organizations.
13. Maintenance and use of necessary records and forms.
14. A uniform system of handling grievances.
15. Such other matters as may be necessary and appropriate.

SECTION 7 RESIDENCY REQUIREMENT FOR CERTAIN OFFICES

The City Manager shall be required to reside in the City of Presque Isle.

The Fire Chief shall be required to reside within a fifteen minute response time to the Public Safety Building traveling within the posted speed limit under normal weather conditions.

The Police Chief shall be required to reside within a thirty minute response time to the Public Safety Building traveling within the posted speed limit under normal weather conditions.

Residency for these offices shall be established within twelve months from the date of employment and shall continue while employed with the City.

Failure to comply with the residency requirements shall be cause for dismissal.

SECTION 8 SEPARABILITY OF PROVISIONS

If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance or the Personnel Rules and Regulations is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the Personnel Rules and Regulations.

SECTION 9 SUNSET PROVISIONS

This Ordinance and the Personnel Rules and Regulations shall be in force for the term of four (4) years from its effective date noted below. This Ordinance and the Personnel Rules and Regulations shall become null and void upon the expiration of four (4) years from the said effective date; and unless recommended and required by the City Council to remain effective, prior to such expiration date.

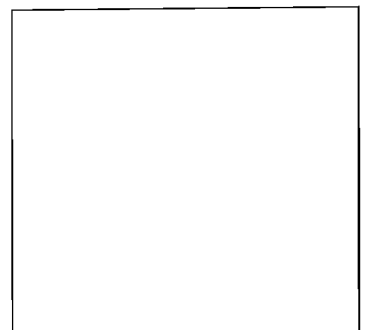
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CITY OF PRESQUE ISLE

Floodplain Management Ordinance



Adopted: December 15, 1997
Repassed: March 19, 2001
Amended: March 4, 2002
Repassed: February 23, 2005



Amended: April 16, 2007
Repassed: February 2, 2009

Attest: _____
Deborah Ouellette, Deputy City Clerk

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ARTICLE I – PURPOSE AND ESTABLISHMENT

Certain areas of the City of Presque Isle, 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 City of Presque Isle, 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 City of Presque Isle, 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 City of Presque Isle has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A., Sections 3001-3007, 4352, 4401-4407, and Title 38 M.R.S.A., Section 440.

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

The areas of special flood hazard, Zones A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – City of Presque Isle, Maine, Aroostook County," dated April 1980 with accompanying "Flood Insurance Rate Map" dated October 15, 1980 and "Flood Boundary and Floodway Map" dated October 15, 1980, which 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), 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 City of Presque Isle, Maine.

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ARTICLE III – APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including, but not limited to, structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

(Items H-K. 2 apply only to new construction and substantial improvements.)

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, from data contained in the "Flood Insurance Study -- City of Presque Isle, Maine," 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

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- 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, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III. H. 4.; Article VI. G.; and other applicable standards in Article VI;
 - 2. A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI. 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,

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- 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 \$50 for all minor development and \$100 for all new construction or substantial improvements shall be paid to the City Clerk or Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert’s fee shall be paid in full by

the applicant within 10 days after the City 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 - City of Presque Isle, 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 IX. D., in order to administer Article VI of the 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

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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. 1334;

- 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 a second 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, and finding that all elevation data is correct, only then shall the Code Enforcement Officer or his deputy 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,

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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 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 designated 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 discharge from the system into flood systems.

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- 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 A1-30 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 A1-30 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 flood-proofing 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.

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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
 - 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. Zone A1-30 shall:
 - a. be elevated such that the lowest (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 as described and illustrated in the Manufactured Housing Board Manufactured Home Installation Standards (a copy of which is located in the Code Enforcement Office). Methods of anchoring may include, but are not limited to:
 - (1) over-the-tip 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 4,800 pounds.

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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. and as described and illustrated in the Manufactured Housing Board Manufactured Home Installation Standards (a copy of which is located in the Code Enforcement Office.)

I. **Recreational Vehicles** – Recreational Vehicles located within:

1. Zones A1-30 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 A1-30 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 of less than \$3,000;
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;

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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 A1-30 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 "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30 and A riverine areas for which no regulatory floodplain 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 developing 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 A1-30 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.

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- L. **Enclosed Areas Below the Lowest Floor** – New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H, and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces 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 A1-30 and A shall be designed such that:

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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 A1-30 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 A1-30 and A, in and over water 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

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

ARTICLE VII – CERTIFICATION 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 or his deputy 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 VII – 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 system are located and constructed to minimize or eliminate flood damages.

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- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special

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

ARTICLE IX – APPEALS AND VARIANCES

The Board of Appeals of the City of Presque Isle 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 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 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,

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4. a determination that failure to grant the variance would result in “undue hardship,” which in this subsection 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 Chair 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. Until such time as the applicant agrees in writing, and the agreement is filed with the City of Presque Isle, no issuance of a permit will be granted.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeals may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X – ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A M.R.S.A. § 4452.
- B. The penalties contained in Title 30-A M.R.S.A. § 4452 shall apply to any violation of this Ordinance. Any and all monetary penalties shall be paid to an inure to the benefit of the City.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

FLOODPLAIN MANAGEMENT ORDINANCE

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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 sub-ordinate 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 stated that a structure is in compliance with all of the provisions of this Ordinance.

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Code Enforcement Officer – A person certified under Title 30-A M.R.S.A., Section 4451 (including exceptions in Section 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 A1-30 or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, 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 A1-30 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.

Elevation Certificate – An official form (FEMA Form 81-31, 01/03, 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

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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.

Flood or Flood-prone Area – means any land area susceptible to being inundated by water from any source (see **Flood or 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 – means 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 purpose 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

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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 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.

Hydraulic Openings – means openings designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water.

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

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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.

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

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

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

Minor Development – means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI. 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.

100-Year Flood – see **Base Flood**.

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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 Boundary and Floodway 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

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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).

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE XV – SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by City Council to remain effective prior to such expiration date.

CHAPTER 38B
CITY OF PRESQUE ISLE

Life Safety Code Ordinance



Adopted by the City Council:	September 4, 1996
Repassed by the City Council:	February 7, 2000
Amended by the City Council:	September 18, 2000
Amended by the City Council:	March 4, 2002
Repassed by the City Council:	January 21, 2004
Amended by the City Council:	November 15, 2004
Amended by the City Council:	July 9, 2007
Repassed by the City Council:	January 7, 2008
Repassed by the City Council:	January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk

City Seal

CHAPTER 38B

LIFE SAFETY CODE

An Ordinance governing the construction, protection, and occupancy features to minimize danger to life from fire, smoke, fumes, or panic before buildings are vacated; providing for the making of inspections, and providing penalties for the violation thereof; known as the *Life Safety Code*; repealing the existing Chapter 38B, *NFPA 101 Life Safety Code, 2003 Edition* of the City of Presque Isle, State of Maine.

PREAMBLE: This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

SECTION 1. ADOPTION OF THE LIFE SAFETY CODE

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *Life Safety Code, 2006 Edition*, as published by The National Fire Protection Association; be and is hereby adopted as the Life Safety Code of the City of Presque Isle in the State of Maine; for the control of buildings and structures as hereby provided; and each and all of the regulations, provisions, penalties, conditions and terms as said in the Life Safety Code, are hereby referred to, adopted and made a part hereof as is fully set out in this Ordinance.

SECTION 2. AUTHORITY HAVING JURISDICTION

The authority having jurisdiction over this Code shall be the Code Enforcement Officer and the Fire Chief.

SECTION 3. ORGANIZATION

The Code Enforcement Officer or Fire Chief shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Code, as authorized by the City Manager.

SECTION 4. RIGHT OF ENTRY

In the discharge of his duties, and reasonable cause, the Code Enforcement Officer, the Fire Chief or his authorized representative shall have the authority to enter at any reasonable hour any building, structure, or premises in the jurisdiction to enforce the provisions of this Code.

SECTION 5. DELECTIONS

Chapter 24, Section 3.5.1 One and Two Family Dwellings

SECTION 6. INCONSISTENT ORDINANCE REPEALED

That Chapter 38B of the City of Presque Isle entitled *NFPA 101 Life Safety Code, 2003 Edition* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any Ordinance of the City of Presque Isle or of any law applicable to this municipality, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 8. SEPARABILITY

That if any section, subsection, sentence, clause, phrase or portion of this Code 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 effect the validity of the remaining portions hereof.

SECTION 9. VIOLATIONS, PENALTIES

Any person who shall violate, or cause, permit, or suffer any such violation to be committed, to a provision of this Code, or any supplements or amendments thereto, or shall fail to comply with any requirements thereof or in violation of any approved plan or directive of the Code Enforcement Officer shall be punished by a fine of not less than one-hundred dollars (\$100.00), or more than twenty-five hundred dollars (\$2,500.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 10. RIGHT OF APPEAL

Appeals of this Code shall be before the Building Board of Appeals as outlined in Chapter 25, Section 121.0 of the *BOCA National Building Code, 1999 Edition* and is adopted by the City of Presque Isle except for Section 121.2.1 and 121.2.2.

Application for Appeal: Any person shall have the right to appeal to the Building Board of Appeals for a decision of the Code Official. An application for appeal shall be based on a claim that the true intent of this Code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better method of construction is used.

SECTION 11. SAVING CLAUSE

That nothing in this Ordinance or in the *Life Safety Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 12. DATE OF EFFECT

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

SECTION 13. SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 38C

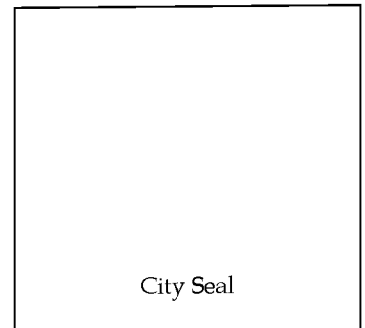
CITY OF PRESQUE ISLE

Property Maintenance Code Ordinance



Adopted by the City Council: September 4, 1996
Repassed by the City Council: February 7, 2000
Updated by the City Council: September 18, 2000
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Amended by the City Council: March 3, 2008
Repassed by the City Council: January 3, 2012
Amended by the City Council: May 7, 2012

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 38C

PROPERTY MAINTENANCE CODE

An Ordinance establishing the minimum regulations governing the conditions and maintenance of all property, building and structures; by providing the standards for supplies, utilities and facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of building and structures unfit for human occupancy and use and the demolition of such structures; known as the *International Property Maintenance Code 2003 Edition* of the City of Presque Isle, State of Maine.

Preamble. This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

Section 1. Adoption of the Life Safety Code

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *The International Property Maintenance Code 2012 Edition*, as published by the International Code Council, Inc. and is hereby adopted as the International Property Maintenance Code of the City of Presque in the State of Maine; for the control of buildings and structures as hereby provided; and each and all of the regulations, provisions, penalties, conditions and terms as said in the International Property Maintenance Code, are hereby referred to, adopted and made a part hereof as is fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

Section 2. Inconsistent Ordinance Repealed

That Chapter 38B of the City of Presque Isle entitled *International Property Maintenance Code 2003 Edition* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Additions, Insertions and Changes

That the following sections are hereby revised as follows:

Section 101.1 (page 1, second line) Insert with the City of Presque Isle

- Section 102.3 (page 1, fourth line) Delete and replace with: the *International Building Code*, the *State of Maine Internal Plumbing Code*, the *State of Maine Subsurface Waste Water Disposal Rules*, the *2008 National Electrical Code*, and the *NFPA 101 Life Safety Code 2009 Edition*.
- Section 102.3 (page 1, ninth line) Delete and replace with: The City of Presque Isle’s Land Use and Development Code.
- Section 103.5 (page 2) Delete
- Section 111.0 (page 6) Right of Appeals. Delete and replace with Appeals of this Code shall be before the Building Board of Appeals
- Section 112.4 (page 7, fifth line) Insert Fifty Dollars (\$50.00) and One Hundred Fifty Dollars (\$150.00)
- Section 302.4 (page 11, third line) Insert ten (10) inches.
- Section 304.14 (page 13, first line) Insert with June 1st to October 1st.
- Section 602.3 (page 21, fifth line) Insert with year round.
- Section 602.3 (page 21, Exception 1 seventh line) Delete and replace with the *Uniform Plumbing Code*.
- Section 602.4 (page 21, third line) Insert with year round.
- Section 604.2 (page 22, third line) Delete and replace with the *2008 National Electrical Code*.
- Section 606.0 (page 22) Delete this section
- Section 702.2 (page 25, line two) Delete and replace with *2006 NFPA 101 Life Safety Code*.
- Section 702.3 (page 25, line five) Delete and replace with *2006 NFPA 101 Life Safety Code*.
- Section 704.2 (page 25, last line) Delete and replace with *2006 NFPA 101 Life Safety Code*.

Section 4. Saving Clause

That nothing in this Ordinance or in *The International Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Date of Effect

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

Section 6. Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.

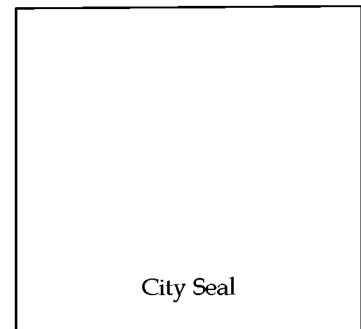
CHAPTER 39
CITY OF PRESQUE ISLE

Public Assemblies Ordinance



First Hearing: January 4, 1999
Second Hearing: January 20, 1999
Repassed: January 20, 1999
Repassed: December 16, 2002
Repassed: December 4, 2006
Repassed: January 4, 2010

Attest: _____
Deborah A. Ouellette, Deputy City Clerk



CHAPTER 39

PUBLIC ASSEMBLIES ORDINANCE

WHEREAS, it appears necessary for the protection, health, and welfare of the Inhabitants of the City of Presque Isle and the general public in regard to certain entertainments, amusements, and assemblies, that certain rules and regulations be established, and

WHEREAS, there is danger to the people attending or taking part in the gatherings if proper sanitary, police and other health and safety measures are not adequately provided for,

NOW THEREFORE BE IT RESOLVED:

SECTION 1 SCOPE

No person, corporation, organization, or other entity, landowner or lessee shall exhibit, sponsor, hold, promote, or operate any pageant, amusement show, live or recorded musical entertainment, theatrical performance, or other public assemblage, where in excess of 400 people are reasonably anticipated to attend and where a substantial portion of the exhibitors, sponsors, promoters, operators, attendees will be out of doors without procuring a license therefore from the Code Enforcement Officer (hereafter CEO). Activities sponsored by the City of Presque Isle, or by MSAD No. 1, or by the Northern Maine Fair Association, if held on land owned by the Northern Maine Fair Association at the "fair-grounds" are expressly excluded from this Section of the Ordinance.

SECTION 2 LICENSES

Written application for amusement, entertainment, or assembly permits shall be made to the City CEO and said application must be submitted thirty (30) or more days prior to the first day upon which such amusement, entertainment, or assembly is to be or may be held. Approval or denial of permits as herein provided for shall be made within twenty-one (21) days after application therefore. Failure to act within said period shall constitute an approval. Permits shall be granted provided the following conditions (A-F) of Section 5 are met by the applicant. Denial of the permit by the CEO shall be in writing stating the reasons for the denial and shall be subject to appeal to the Superior Court in accordance with Rule 80(b) of the Maine Rules of Civil Procedure.

SECTION 3 LICENSE FEES

There shall be paid at the time of processing the application for an assembly license a fee according to the following schedule:

<u>Attendees</u>	<u>License Fee</u>
400 – 1000	\$ 50.00
1001 – 2000	\$ 150.00
more than 2000	\$ 300.00

Provided, however, the City Council, in its sole and uncontrolled discretion, may waive the license fee in isolated instances.

SECTION 4 CONTENTS OF APPLICATION FOR LICENSE

No license shall be granted by the CEO unless the applicant satisfies the CEO that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.

SECTION 5 STANDARDS FOR ISSUANCE

The CEO shall issue a license to the applicant in the event the CEO determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of this proposed event:

A. Sanitary Facilities

No such license for an entertainment, amusement, or assembly shall be granted by the CEO unless the application is accompanied by the written approval of the Health Officer, Chief of Police and Fire Chief of the following minimum facilities: “the sufficiency and number of such minimum facilities shall be at the sole discretion of the CEO, based upon recommendations by the Health Officer, Chief of Police and Fire Chief.”

1. Water Supply
 - a. Every location for which a license must be obtained have an adequate supply of water which is of a sanitary quality approved By the Health Officer.
 - b. Sufficient number of drinking fountains or drinking facilities shall be provided which have been approved by the Health Officer.
2. Toilets and Washing Facilities
 - a. Every location for which a license must be obtained hereunder shall be provided with sufficient number of toilets, urinals, and hand washing facilities conveniently located.

- i. Separate toilet facilities shall be provided for each sex and shall be so marked.
- ii. All toilets must be approved by the Health Officer.

3. Food Preparation and Food Service Facilities

Should the applicant for a license hereunder provide or have to believe that there will be provided any type of public food services for the event for which the license is required, then the applicant shall submit with the application the approval of the Health Officer and the State Department of Health and Welfare for the facilities so provided.

B. Fire Protection

No license shall be granted hereunder unless the applicant has shown that the Chief of the Presque Isle Fire Department has approved fire protection devices and equipment available at, in, or near any building, tent, stadium, or enclosure wherein or whereupon any persons may be expected to congregate at any time during the course of such entertainment, amusement, or assembly for which a license is hereunder required.

C. Police and Traffic Provisions

No license shall be granted hereunder unless it is shown by the applicant that adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant and approved by the Chief of Police. Contracted traffic control and crowd protection service costs shall be paid in advance by the applicant.

D. Parking Provision

Application for a license under Ordinance shall be accompanied by a showing that adequate parking facilities have been made available to the location for which the license is requested, and approved by the Chief of Police.

E. Inspection

No license shall be granted hereunder unless the applicant shall in writing upon the application for such a license, consent to allow the law enforcement and public health and fire control officers of the City of Presque Isle to come upon the premises for which the license has been granted for the purpose of inspection and enforcement of the terms and conditions under which the license is granted.

F. Hours

No entertainment, amusement, or assembly coming within the provisions of Section 1 shall be conducted within the municipality between the hours of 1:30 AM and 7:00 AM. Provided however, the City Council, in its sole and uncontrolled discretion may waive the requirement in isolated instances.

SECTION 6 *LIABILITY INSURANCE*

The sponsors of any said entertainment, amusement, or assembly shall be required to furnish evidence of a liability insurance policy providing for \$300,000 bodily injury coverage per person, \$1,000,000 bodily injury coverage per occurrence, and \$100,000 property damage naming the City of Presque Isle as an additional insured.

SECTION 7 *PRIVATE LANDOWNER AUTHORITY*

In the event that private property is to be used in connection with such event, the applicant shall file with the CEO adequate proof in writing that the applicant has authority from any landowner upon which is to be held to use his property.

SECTION 8 *ADDITIONAL INFORMATION*

The applicant, if called upon to do so by the CEO, shall furnish a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities, food disposing facility(s) and available parking.

SECTION 9 *DUTIES OF LICENSEE*

- A. The Licensee shall comply with all conditions of any license issued hereunder and with all applicable local, state and federal laws and Ordinances.
- B. The Licensee or its designated agent shall make available to any municipal officer, police officer, fire official or CEO any license issued hereunder during the entire course of the event.

SECTION 10 *VIOLATION AND PENALTIES*

Any person or persons found guilty of violating this Ordinance or who fails to comply with any stated permit condition or restriction commits a civil offence. Upon conviction, guilty party or parties shall be punished pursuant to 30A M.R.S.A. § 4452. Monetary penalties may be assessed on a per-day basis.

The CEO shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the license or any noncompliance with the standards for issuance of a license, or this Ordinance.

SECTION 11 SAVING CLAUSE

If any Section or part thereof, sentence, clause or phase of this Ordinance shall be held to be unconstitutional or invalid the remaining provisions thereof shall, never the less remain in full force and effect.

SECTION 12 ENFORCEMENT

The Chief of Police of the City of Presque Isle, or his or her designee shall be responsible for the enforcement of this Ordinance.

SECTION 13 SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date noted below. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; and unless recommended.

CHAPTER 40

CITY OF PRESQUE ISLE

*Conduct in Public Parks,
Recreation Areas and Facilities
Ordinance*



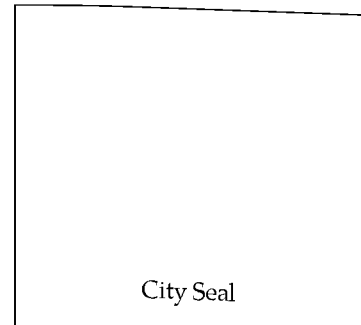
Adopted: December 15, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

Attest: _____



City Seal

CHAPTER 40

ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS, RECREATION AREAS AND FACILITIES

Section 1 Purpose

The purpose of this Ordinance is to regulate the conduct of persons using public parks, recreation areas and facilities in the City of Presque Isle, Maine, in order to preserve these parks, areas and recreational facilities from abuse and destruction and to enhance their use for members of the public who are capable of acting in a reasonable and proper manner.

Section 2 Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When no inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "City" refers to the City of Presque Isle.
2. "Board" refers to the Presque Isle Recreation and Parks Advisory Board.
3. "Director" refers to the Director of Recreation and Parks of the City.
4. "Park" – for the purpose of this Ordinance, the term "Park" shall include the areas within the boundaries, as described in records of the City of Presque Isle Assessor of the following City-owned and leased recreational properties and facilities.

<u>Name</u>	<u>Assessors</u>		<u>Recording</u>	
	<u>Map & Lot#</u>		<u>Aroostook Reg. of Deeds</u>	
Presque Isle Community Center	12	85	Vol. 33,	Page 99
Rev. E. Milton Grant Swimming Pool and Playground	14	11A	Vol. 33,	Page 101
Riverside Skating Facilities	15	30,40,41	Vol. 33,	Page 102
Riverside Bi-Centennial Park	15	41	Vol. 33,	Page 102

Riverside Leisure park	15		Vol.	Page
Mantle Lake Park	F1	40A & 41	Vol. 33,	Page 114
Arnold Brook Recreation Area	F12	65	Vol. 33,	Page 126
Indoor Swimming Pool	2	157	Vol. 33,	Page 89
Veteran's Memorial Park		8		46
Peace Park		4		95

Chapter 40 – Ordinance Regulating Conduct in Public Parks, Recreation Areas and Facilities
Page 2:

5. "Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. The term shall include, but not be limited to, any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, motorcycle, trail bike of any size, kind or description. Exception is made for baby carriages, bicycles, and vehicles used in the maintenance and operation of City Parks.
6. "Person" includes an individual or organization of any type.

Section 3 Park Property

Except as may be necessitated by reason of construction or maintenance activities under the supervision or control of the Director, no person in the park shall:

1. Building and Other Property
 - a. Disfiguration and Removal: Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, bridges, tables, benches, fireplace grills, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, playground equipment, facilities or park property or appurtenances whatever, either real or personal.
 - b. Removal of Natural Resources: Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
2. Trees, Shrubbery and Lawns
 - a. Injury and Removal: Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach a rope, wire, or other contrivance to any tree or plant. A person shall

not dig in or otherwise disturb grass areas, or in any way injure or impair the natural beauty or usefulness of any area.

- b. Climbing Trees: Climb a tree or walk, stand or sit upon monuments, vases, fountains, railings, for or upon any other property not designated or customarily used for such purposes.

Section 4 Sanitation

No person in a park shall:

Chapter 40 – Ordinance Regulating Conduct in Public Parks, Recreation Areas and Facilities
Page 3:

1. Pollution of Waters – Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pool, pond, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
2. Refuse and Trash – Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided, where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

Section 5 Traffic

No person in a park shall:

1. Motor Vehicle Laws Apply – Fail to comply with all applicable provisions of the Revised Maine Statutes Title 29 Vehicle Laws and 17A with regard to equipment and operation of vehicles together with such regulations as are contained in this and other City of Presque Isle Ordinances.
2. Obey Traffic Signs – Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all other posted for proper control and to safeguard life and the property.

3. Speed of Vehicles – Ride or drive a vehicle at a rate of speed exceeding the posted speed for any park area.
4. Operation of Vehicles – Drive any vehicles, excepting bicycles, on or in any area except public ways and paved park roads or parking area, or such other areas as may, on occasion, be specifically designated as temporary parking areas, by the Director. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed and registered for operation on public ways and operated by persons properly licensed under the laws of the State of Maine shall be permitted in any park area.
5. Parking
 - a. Designated Areas – Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

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Page 4:

- b. Night Parking – Except as approved by the Director, a person shall not leave a vehicle standing or parked at night in a park, after closing hours. The vehicle shall be towed away and stored at the expense of the registered owner.
6. Bicycles
 - a. Confined to Roads – Ride a bicycle on other than a paved vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any paved area reserved for pedestrian use.
 - b. Operation – Ride a bicycle other than on the right hand side of the road paving as conditions permit, and bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard as to the safety of others, signal all turns, pass to the left of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.
 - c. Designated Racks – Leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.

- d. Immobile Bicycles – Leave a bicycle lying on the ground or paving, or set against trees, or any place or position where other persons may trip over, or be injured by them.

Section 6 Recreational Activities

No person in a park shall:

1. Bathing and Swimming
 - a. Designated Areas – Swim, bathe, or wade in a body of water in a park or any tributary or storm drain flowing into a park, except in those areas which are specifically designated for swimming or bathing purposes, and in compliance with regulations adopted by the Director.
 - b. Certain Hours – Frequent any waters or places designated for the purposes of swimming or bathing, or congregate thereat, except between such hours of the day and on such conditions as shall be designated by the Director for such purposes for each individual park area.
2. Hunting and Firearms – Hunt, trap or pursue wildlife at any time. No person shall use, carry, possess firearms of any description, or air rifles, spring guns, bows and arrows,

Chapter 40 – Ordinance Regulating Conduct in Public Parks, Recreation Areas and Facilities

Page 5:

slings, or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any kind of trapping device. Shooting in park areas as defined herein is strictly forbidden.

3. Camping – No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours, any moveable structures or special vehicle that could be used for such purposes such as a house trailer, camp trailer, tent or the like. No person shall use the public launching ramp for any use other than the launching of small boats, hauled on boat trailers, with a maximum weight of boats, trailer and towing vehicle not in excess of ten thousand (10,000) pounds.
4. Alcoholic Beverages and Controlled Substances Prohibited.
 - a. No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public park and recreational facilities.

- b. No person shall consume, possess or be under the influence of any controlled substance, as defined by the Statutes of the State of Maine, while in public park and recreational facilities.

Section 7 Behavior

No person in a park shall:

1. Fires – Build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
2. Closed Areas – Enter an area posted as “Closed to the Public” nor shall any person use, or let the use of any area in violation of posted notices.

Section 8 Merchandising, Advertising and Signs

Except in conjunction with supervised activities under the general control and supervision of the Director, no person in a park shall:

1. Vending and Peddling – Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display by written permission by the Director.

Chapter 40 – Ordinance Regulating Conduct in Public Parks, Recreation Areas and Facilities
Page 6:

2. Advertising – Pronounce, advertise, call to the public attention in any way to any article or service for sale or hire.
3. Signs – Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any City owned lands or highways or roads adjacent to a park. Exception from the prohibitions of this subsection is made for the posting of such notices as may be required by this Ordinance.

Section 9 Park Operating Policy

The Board shall establish the hours of attendance at all Parks.

1. Hours – With the exception of the Rev. E. Milton Grant Pool and Playground and Arnold Brook Lake Recreation Area and except as defined herein, shall be open to the public from 6 o'clock AM to ½ hour after sunset, Eastern Standard Time or Eastern Daylight Time, as may be in effect unless posted otherwise for designated activities.

The Director shall cause notices of the opening and closing hours to be posted in each individual park.

2. Closed Areas – Any section or part of any park may be declared closed to the public by the Director at any time, either temporarily or at regular stated intervals.
3. Entry Prohibited – Except with the written permission of the Director, no person shall enter, pass through or remain in any park after closing time.

Section 9A Use of Public Park and Recreational Facilities by Children Under the Age of Six

No parent or guardian shall permit a child under the age of six (6) years to make use of public park and recreational facilities without providing for direct supervision of the child.

Section 10 Enforcement

1. Separability – If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions hereof.
2. Conflicting Provisions – If there is a conflict between this Ordinance and any other Ordinance which might apply to a public park, the provisions of this Ordinance apply.
3. Enforcement – The Police Department shall enforce this Ordinance. The Director and his staff may eject any person acting in violation of this Ordinance from any park.

Chapter 40 – Ordinance Regulating Conduct in Public Parks, Recreation Areas and Facilities

Page 7:

Section 11 Penalties

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereon shall be fined in an amount not exceeding two hundred dollars (\$200.00), said fine to inure to the benefit of the City. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

In addition, to which, any person found guilty of any violation hereunder, may be held liable for any damage resulting from said violation in a separate civil action brought by the City for that purpose.

Section 12 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

CHAPTER 41

CITY OF PRESQUE ISLE

Bike/Walker's Path Ordinance



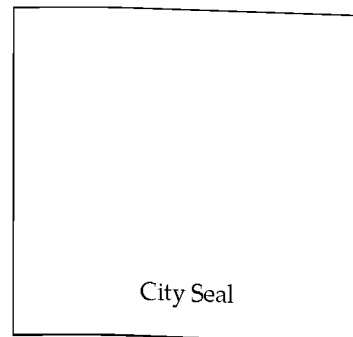
Adopted: December 15, 1997

Repassed: March 19, 2001

Repassed: February 23, 2005

Repassed: February 2, 2009

Attest: _____
Deborah Ouellette, Deputy City Clerk



CHAPTER 41

BIKE/WALKER'S PATH ORDINANCE

Section 1 Definitions

When used in this Ordinance:

1. The term "Bike" or "Bicycle" shall mean any device that is propelled manually by its rider, without the aid or assistance of any motorized devices; provided, however, nothing herein shall prevent those persons requiring the use of a wheelchair, whether motorized or not from utilizing the Bike Path. The term "Rider" shall mean a person who is propelling the bike or bicycle.
2. The term "Motor Vehicle" shall mean any mode of transportation that is self-propelled by mechanical means, other than by the rider, including without limiting the generality of the foregoing, automobiles, motor bikes, motor scooters, snowsleds, and go-carts.
3. Where hours of time for use of the Path are posted, it shall mean Eastern Standard Time or Daylight Saving Time, whichever is in effect, either by Ordinance or custom in the City of Presque Isle, or by State or Federal Law.
4. The term "Pedestrian" shall mean all persons on foot or roller skates who are using the facility designated as the Bike/Walker's Path, in accordance with this Ordinance, and who are not otherwise violating any State Law or City Ordinance.
5. The term "Path" shall mean the entire Bike/Walker's Path including paved and grass areas as laid out and established by the City, which is so designated by signs or otherwise.

Section 2 Police Authority

1. All regulations of this Ordinance are subject to the provisions that all persons using the Path shall at all times comply with any direction, by voice or hand, given

by any law enforcement officer, including the operation of any mechanical device on the Path, whether permitted or not.

2. The City Manager and the Chief of Police shall determine and designate the character of all official warning or directional signs or signals on or about the Path. No other signs shall be permitted thereon.
3. No person shall violate the instructions of any sign or signal, marks upon the traveled way, barriers or device authorized or approved by the City Manager and the Chief of Police, nor willfully deface, injure, move or interfere with the same.

Chapter 41 – Bike/Walker’s Path Ordinance
Page 2:

Section 3 Permitted Use

1. It is declared intention of the Municipal Officers, that the Bike/Walker’s Path, as created, established and maintained, shall be dedicated to the use and accommodation of pedestrian and bicycle rider traffic as defined herein only.
2. The Path and the rest areas shall be used only during posted hours.
3. Speed of any bicycle while travelling on the Path shall be controlled by posted signs.
4. The following motor vehicles are permitted to be operated on the Path: police vehicles while on duty and maintenance vehicles operated by employees of the City; all other motor vehicles, including automobiles, pickup trucks, motor cars, motor bikes, snowmobiles, go-carts and motor scooters are prohibited from any portion or part of the Path. Ownership of any motor vehicle found upon the Bike/Walker’s Path, in violation of this Ordinance, shall be prima facie evidence that it was left there or operated or used in violation hereof by the owner thereof.
5. All users of the Path shall stop at all intersections where the Path crosses or intersects a public street. Vehicles travelling on the public street shall have the right of way over users of the Path at all times.

Users of the Path shall not cross a public street without first ascertaining that it is safe to cross or enter said public street. For the purpose of this section the Bike/Walker’s Path shall be construed as a “Private Road” in accordance with Title 29, M.R.S.A. § 944, 1964, as amended.

6. Bike riders, and those persons using roller skates and/or skate boards shall keep, as closely as possible, to the right hand boundary of the traveled path.
7. Any other use of the Path by any person or persons shall be prohibited unless prior written consent and approval is obtained from the City Manager.

Section 4 Penalties

1. Whoever violates any provisions of this Ordinance shall be punished by a fine not exceeding \$100.00 for each offense, said fine to inure to the benefit of the City.
2. If any provision of this Ordinance is held to be invalid, the remainder of the Ordinance shall not be affected thereby.

Chapter 41 – Bike/Walker’s Path Ordinance
Page 3:

Section 5 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

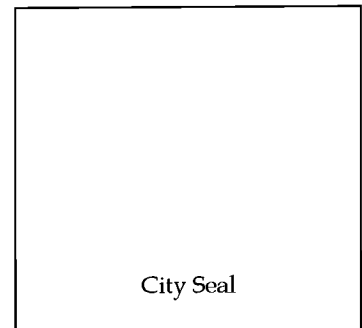
CHAPTER 41-A
CITY OF PRESQUE ISLE

Special Amusement Ordinance



Adopted: December 15, 1997
Repassed: March 19, 2001
Repassed: February 23, 2005
Repassed: February 2, 1009

Attest: _____
Deborah Ouellette, Deputy City Clerk



CHAPTER 41-A

SPECIAL AMUSEMENT ORDINANCE

Article 1 Title, Purpose and Definitions

Section 101 - Title

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the City of Presque Isle, Maine.

Section 102 - Purpose

The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 M.R.S.A. #702.

Section 103 - Definitions

103.1 - Entertainment. For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 - Licensee. For purposes of this section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other entity, or any agent, or employee of any such licensee.

Article 2 General

Section 201 - Permit Required

No licensee, for the sale of liquor to be consumed on his licensed premises, shall permit on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have the first obtained from the municipality in which the licensed premises are situated, a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and if so, the applicant shall describe those circumstances specifically whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including, but not limited to, a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all Ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be forty dollars (\$40.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal Ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 202 - Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by Ordinance or State law, or are reasonably necessary to secure compliance with any Ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make the inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of this duty, provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 203 – Suspension or Revocation of a Permit

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal Ordinances, articles, bylaws, or rules and regulations.

Section 204 – Rules and Regulations

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205 – Permit and Appeal Procedures

205.1 Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

205.2 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision by the Maine Rule Civil Procedures as amended under Rule 80B.

Section 206 - Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

Article 3 Penalty, Separability and Sunset Provision

Section 301 - Penalty

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for the first offense, and up to one hundred dollars (\$100.00) for the subsequent offenses, to be recovered, on complaint, to the use of the City of Presque Isle.

Section 302 - Separability

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303 - Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 42

CITY OF PRESQUE ISLE

Solid Waste Ordinance



Adopted by the City Council: June 3, 1996
Repassed by the City Council: February 7, 2000
Amended by the City Council: September 4, 2002
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Amended by the City Council: February 7, 2011
Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk

City Seal

CHAPTER 42

SOLID WASTE ORDINANCE

PREAMBLE: The purpose of this Solid Waste Ordinance is to protect the health, safety, and welfare of the citizens of the City of Presque Isle, enhance and maintain the quality of the environment, conserve natural resources, and prevent water and air pollution by providing for a comprehensive, rational, and effective means of regulating the handling of solid waste in the City of Presque Isle.

Section 1 Definitions

For the purpose of this Ordinance, the following terms shall have the same definition and meaning ascribed to them in this section, to wit:

BIOMEDICAL WASTE: "Biomedical waste" shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

CARRION: "Carrion" shall mean dead animals.

CITE: "City" shall mean City of Presque Isle.

COMMERCIAL PESTICIDES: "Commercial Pesticides" shall mean those insecticides, herbicides, and fungicides, that are: (a) used for agricultural, commercial, and industrial use; or (b) labeled as being for commercial use; or (c) sold by facilities classified as major pesticide storage facilities as determined by the Pesticides Control Board. Commercial pesticides do not include pesticides that are commonly available to the general public for household and garden use.

COMMERCIAL PROPERTY: "Commercial property" shall mean any property upon which is situated a structure used for commercial or business purposes including but not limited to apartment buildings containing more than four (4) dwelling units, business offices, condominiums, hotels, motels, restaurants, warehouses, manufacturing, industrial, markets, bakeries, and grocery stores.

COMPOSTABLE WASTE: "Compostable waste" shall mean organic waste that is suitable for composting, to include vegetative wastes and yard waste.

CONSTRUCTION/DEMOLITION DEBRIS: "Construction/Demolition debris" shall mean solid waste resulting from construction, remodeling, repair, or demolition of structures. It includes, but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: glues, tars, solvents, resins, paints, caulking, or their containers; asbestos; and other special wastes.

CONTRACTOR: "Contractor" shall mean any person, corporation, partnership, association or other legal entity under contract with the City to provide curbside solid waste collection services.

DEPARTMENT: "Department" shall mean the Solid Waste Department.

DIRECTOR: "Director" shall mean the person appointed by the City Manager to supervise and manage the Solid Waste Department of the City.

HANDLE/HANDLING: "Handle" or "Handling" shall mean to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of, treat, utilize, or beneficially use.

HAZARDOUS WASTE: "Hazardous waste" shall mean a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. Section 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

HOT LOADS: "Hot loads" shall mean solid waste delivered to a waste facility that is on fire, smoldering, or releasing heat upon hydration.

INERT FILL: shall mean clean soil material, rocks, bricks, crushed clean glass or porcelain, and cured concrete, that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

LAND CLEARING DEBRIS: "Land clearing debris" shall mean solid waste resulting from the clearing of land and consisting solely of brush, stumps, soil material, and rocks.

LANDFILL: "Landfill" shall mean an engineered area for the disposal of solid waste on or in land.

MIXED SOLID WASTE: "Mixed solid waste" shall mean solid waste that contains no white goods, tires, hot loads, special waste, or unacceptable wastes, and/or insignificant quantities of wood waste, construction/demolition debris, inert fill, land clearing debris, or recyclable materials.

MUNICIPAL SOLID WASTE: "Municipal solid waste" shall mean solid waste emanating from domestic and normal commercial sources. Municipal solid waste does not include wastes removed from or not introduced to these waste streams that are regulated as a residential under Chapter 567 of the Department of Environmental Protection Rules.

PAY AS YOU THROW (PAYT): "Pay As You Throw" shall mean a program for the collection of solid waste at residential properties by a contractor. Commercial properties may be included in the PAYT program on a case by case basis with the approval of the City Manager.

PERSON: "Person" shall mean any individual; partnership; corporation; or Federal, state or local government entity, association or public or private organization of any character, other than the City.

RECYCLEABLE CARDBOARD: "Recyclable Cardboard" shall mean corrugated cardboard made from kraft paper, and brown kraft paper bags that do not contain the following contaminants: glass; plastic; metal; wood; wax coating; wet strength paper such as potato bags; liquid saturation. Staples, tape, and labels are acceptable parts of recyclable cardboard.

RECYCLABLE MATERIALS: "Recyclable materials" shall mean those paper, metal, glass, and plastic materials designated by the department as suitable for recycling.

RECYCLING: "Recycling" shall mean the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste, or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

RECYCLING CENTER: "Recycling Center" shall mean the facility at which recycling processes occur.

RESIDENTIAL PROPERTY: "Residential property" shall mean any property upon which is situated a residential structure containing at least one dwelling unit but not more than four (4) dwelling units, to include single family homes, mobile homes, and apartment buildings.

SALVAGE: "Salvage" is the removal of solid waste or parts or portions thereof, for reuse, recycling, composting, or incineration.

SCRAP METAL: "Scrap metal" shall mean metal objects, to include white goods, that are suitable for salvage or recycling.

SEPTAGE: "Septage" shall mean waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools, or any similar facility.

SLUDGE: "Sludge" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 401 of the Federal Water Pollution Control Act, as amended.

SOLID WASTE: "Solid Waste" shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste, or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from this definition.

SOLID WASTE DEPARTMENT: "Solid Waste Department" shall be a department of the City that shall manage programs and operations for the City, in connection with the Solid Waste Facilities owned and/or operated by the City.

SOLID WASTE FACILITY: "Solid waste facility" shall mean a waste facility used for the handling of solid waste, to include the transfer station, landfill, and recycling center.

SPECIAL WASTE: "Special waste" shall mean any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety of the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- A. Oil, coal, wood and multi-fuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media residue;
- J. Shredder residue; and
- K. Other waste designated by the Board of Environmental Protection, by rule.

THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: "Threat to the public health, safety, or welfare" shall mean any violation of the provisions of this Solid Waste Ordinance.

TIRES: "Tires" shall mean all tires, tubes and rubber protective flaps. Tire rims are not included under this definition.

TRANSFER STATION: "Transfer Station" shall mean any solid waste facility constructed and managed for storage, compaction and/or placement of solid waste for movement to another solid waste facility.

USER: "User" shall mean any person using the solid waste facilities provided for disposal/handling of solid waste.

VEGETATIVE WASTES: "Vegetative wastes" shall mean wastes consisting of plant matter from farms, homes, plant nurseries, and greenhouses. These shall include plant stalks and hulls.

WHITE GOODS: "White goods" shall mean large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

WOOD WASTE: "Wood waste" shall mean brush, tree branches, tree limbs, lumber, bark, wood chips, shavings, slabs, edgings, slash, and sawdust, which are not mixed with other solid or liquid waste. For the purposes of this definition, "lumber" is entirely made of untreated wood free from metal, plastic, and coatings.

YARD WASTE: "Yard waste" shall mean grass clippings, leaves, prunings and tree branches and tree limbs of not more than one-half inch (1/2") in diameter; and other similar debris generated from lawn care and gardening.

Section 2 General

2.1 Conformity: This Chapter shall conform to all applicable Federal and State laws.

2.2 Conflicts: In the event of a conflict with the provisions of this Chapter and Ordinances of the City of Presque Isle, the more stringent provisions shall apply.

2.3 Severability: In the event any portion of this Chapter or Article herein is held to be invalid, that balance of this Chapter or said Article shall remain unaffected hereby.

2.4 Violations and Penalties: A violation of this Chapter shall be enforced in accordance with the provisions of 30-A M.R.S.A. § 4452, or the same that may be amended from time to time, as a land use violation. The penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Chapter, except where expressly provided herein. The City of Presque Isle shall be entitled to its costs for successfully prosecuting any violation of this Chapter, including but not limited to: attorney fees, costs associated with prosecuting the cases, including staff time, clean up costs associated with any remedial action taken by the city or on behalf of the city, even if such costs were incurred by an independent third party, and/or revenue otherwise not received by the community because of the action of the violator.

2.5 Enforcement: It shall be the duty of any designated official under the authority of the Presque Isle City Manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.

2.6 Penalty: Any person who violates any of the provisions of this Ordinance shall be assessed a fine of not less than five hundred (\$500.00) for the first offense and not less than one thousand (\$1,000.00) for each successive violation. Each day's continuance or failure to comply shall be punishable as such. The City shall be the recipient of all fines.

Section 3 Solid Waste Handling

- 3.1 Responsibility: The City, acting through the Director, assumes overall supervision and responsibility for the recycling center, landfill, and any other facilities used in the operation of the Department.
- 3.2 No person shall handle solid waste, including recyclable materials, in a manner that would pose a threat to the public health, safety, or welfare. Any person who handles solid waste in a manner that poses a threat to the public health, safety, or welfare, and such handling occurs at solid waste facilities, or on property on which solid waste facilities are sited, shall be in violation of this Chapter. Handling of solid waste on any other property within the City of Presque Isle that poses a threat to the public health, safety, or welfare shall be a violation of Chapter 13: Litter and Illegal Dumping Ordinance.
- 3.3 All solid waste must be handled at the designated solid waste facility, or at such other place as determined by the Director.
- 3.4 Solid waste shall be handled at the designated solid waste facility only during the times designated by the City and shall handle same during such times, only in areas designated for such purposes.
- 3.5 No person(s) shall separate, collect, convey off or otherwise salvage any part or portion of the solid waste at any solid waste facility unless authorized, in writing, by the Director to do so.
- 3.6 Solid waste shall be separated by users into the following categories for handling at the landfill:
1. scrap metal;
 2. tires;
 3. wood waste;
 4. hot loads;
 5. special waste;
 6. compostable waste;
 7. other waste designated for separation by the Director.

Notwithstanding any provisions of Section 3.6 to the contrary, the following solid waste shall only be accepted at the following facilities, namely:

- a. Recyclable cardboard will only be accepted and deposited in designated areas at the landfill and/or recycling center.
- b. Wood waste will only be accepted and deposited in designated areas at the landfill.
- c. Yard waste will only be accepted and deposited in designated areas at the landfill.

The Director reserves the right to change the location of the "designated areas" from time to time.

3.7 Only recyclable materials, as determined by the Department, may be deposited at the recycling center. No user shall deposit contaminated waste, or other materials not determined to be recyclable, at the recycling center.

The Department has the right to refuse materials, which in the opinion of the Department, are contaminated or not suitable for the recycling center.

3.8 The City reserves the right to require any user to bundle or otherwise contain any material sought to be deposited, when in its sole discretion, such material would, if discarded loose, create a problem in the management of the solid waste facility.

3.9 Users found depositing unseparated materials at the solid waste facilities, when permitted to use that facility, shall be in violation of this Chapter.

3.10 The City, through its designated agent, is authorized to inspect all solid waste and/or recyclable material before it is deposited, to insure proper separation and whether or not it is acceptable. Any material or substance that is believed to possess contaminants or be in violation of environmental law or regulations, or this Section 2, may be refused at the solid waste facilities, until approved for acceptance by the Department or governing authority. The City reserves the right to request any person desiring to so deposit of such waste to have such waste inspected and tested by a recognized and acceptable testing service before such waste is permitted to be deposited at the solid waste facility. All costs incurred thereby shall be borne by the person seeking to deposit such waste.

Users who refuse an inspection or testing of their solid waste or material sought to be deposited shall be denied the use of the facility.

3.11 The solid waste facilities operated and maintained by the City, shall be for the handling of solid waste produced and originating within the municipality of Presque Isle, and any other community that has entered into a contractual relationship with the City for use of the City's landfill and/or other facilities operated by the Department.

3.12 The following solid waste shall be considered unacceptable wastes for handling at the Department's solid waste facilities namely:

- A. All hazardous wastes and substances including, but not limited to, poison, commercial pesticides, industrial waste, acids, caustics, infected materials, explosives, ammunition, flammable liquids and gas, biomedical waste, and waste of unknown origins and/or substances, or contents; and any containers or packages which were used in connection with any such hazardous waste or substances.

For the purpose of this Ordinance, the burden of proof shall be the responsibility of the person attempting to deposit such at the solid waste facility.

- B. Any material of any kind or nature that contains any hot, live coals or fire; unless placed in a designated "hot load area" and in accordance with requisites established by the City, or its designated agent.
- C. Unusual quantities of material, as determined by the Director, resulting from (a) the construction or demolition of buildings and structures, or (b) manufacturing, industrial or agricultural processes, or (c) any other process or activity.
- D. All large and bulky materials such as auto car bodies that may require special preparation or processing for handling. Exceptions may be granted if special preparation and processing are accomplished prior to depositing at the solid waste facility.
- E. All carrion over ten (10) pounds as a whole, dismembered carrion, slaughter house wastes, and entrails without special written permission from the Director.
- F. All sludge material and septage material.
- G. All potatoes, potato waste, or potato by products.
- H. Inert debris unless approved by the Director.
- I. Land clearing debris unless approved by the Director.
- J. Solid Waste generated outside the boundaries of the City that is delivered to the City's landfill unless the solid waste is generated within a contracted community, or unless approved by the Director.

3.13 Users of the solid waste facilities maintained by the City, in carrying out their responsibilities, shall abide by all rules adopted by the City covering the operation of the solid waste facilities, including without limitation, restricted areas, hours of operation, prohibiting the use of firearms, etc.

3.14 Any person refusing to comply with this Chapter or any part thereof, may be refused use of the solid waste facility by the City Council upon recommendation of the Director.

Section 4 Permitting of Users

4.1 The City reserves the right to assess and collect a fee for user permits. The amount of such permit fees and the application thereof shall be determined by the City Council.

4.2 The City reserves the right to assess and collect tip fees, in addition to user permit fees, from users of the City's solid waste facilities for all solid waste, or specific types or categories thereof, when the City deems it to be in the City's best interest to do so. Such tip fees shall be based on weight, volume, per item charge, or any other method that the City chooses. The amount of such tip fees and the application thereof shall be determined by the City Council.

Section 5 Licensing of Solid Waste Collectors

5.1 It shall be unlawful for any person to engage in the business of collection or handling of solid waste within the City of Presque Isle without a valid Solid Waste Collector License issued by the City Council. Each applicant for a Solid Waste Collector License shall make application to the City Council. The number of licenses issued shall solely determined by the City Council.

5.2 Any licensed Solid Waste Collector shall agree as part of it's Solid Waste Collector License, to keep all recyclable materials separated, which have been previously separated for recycling by the use of blue bags, dedicated containers, or by any other means, and shall not mix said separated recyclable materials with other solid waste for handling at the City's Solid Waste facilities.

5.3 Suspension and License Revocation:

Any Solid Waste Collector who violates any provisions of this Chapter 42 may receive temporary suspension of his or its Solid Waste Collector License revocation thereof, provided, that if in the opinion of the Director, the violation(s) is considered to be a serious breach of the provisions of this Chapter.

Written notice of hearing shall be given to such Solid Waste Collector of the alleged violation(s), to be held at least seven (7) days prior to such hearing date, before the City Manager. At such time the Solid Waste Collector may appear with or without legal counsel. Said notice of hearing shall state, in brief terms the alleged violation(s). At such hearing the Director shall present documentation or testimony of the alleged violation, and may produce witnesses. The Solid Waste Collector may produce witnesses on his or its behalf.

If the City Manager, upon hearing, upholds the Director's opinion, then the City Manager may temporarily suspend or permanently revoke the Solid Waste Collector License, or remove the handling of the alleged violator directly to the City Council for disposition thereof.

The Solid Waste Collector shall have the right to appeal the findings of the City Manager to the City Council, and it shall be heard by the City Council at its next regularly scheduled meeting that is held more than eight (8) days from the date of the City Manager's findings. Such appeal must be entered within twenty-four (24) hours after the date of the City Manager's findings.

Upon hearing before the City Council, which hearing shall be posted in the public notices of scheduled City Council meetings, and shall be held de nova and in public.

The City Council may affirm the City Manager's findings, and penalty, or issue new findings with or without penalty, which may include temporary suspension or permanent revocation of the license.

The City Council shall have the right to refuse to grant a Solid Waste Collector License to the said Solid Waste Collector in the future.

Section 6 Pay As You Throw Collection

- 6.1 Right to enact Pay As You Throw: This Ordinance gives the Presque Isle City Council the authority to enact a Pay As You Throw Program that includes rules, regulations, policies, and procedures.
- 6.2 Services: The City's contractor shall provide weekly curbside trash collection and recycling services for all residential properties in the City. On the effective date of the implementation of the Pay As You Throw program, all residential waste must be placed in the City-approved plastic bags acquired from an approved vendor. The price of the bags shall be established by the City Council.
- 6.3 Prohibited Materials: The following solid waste, by way of example and not limitation, shall be considered unacceptable for curbside collection. These materials will not be picked up at curbside:
1. Materials not in a City-approved plastic bag,
 2. White goods such as stoves, refrigerators, washers and other large appliances,
 3. Material from the major repair of, excavation for, construction or destruction of buildings or structures, such as piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees, or tree stumps, and any other similar materials commonly called demolition debris,
 4. Grass clippings, weeds, plants, shrubs, leaves, brush or branches unless they are in a City-approved plastic bag,
 5. Mattresses and box springs,
 6. Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies,
 7. Hospital Waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste,
 8. Infectious waste: Wastes which are hazardous by reason of their contamination with infection materials i.e., "red bag" waste body parts, pathology lab waste, etc.,
 9. Human fecal waste,
 10. Animal fecal waste which is not contained in a plastic bag,
 11. Flammable liquids,
 12. Powder and liquid pesticides, herbicides, and fungicides,
 13. Liquid paint waste and pigments,
 14. Electrical capacitors: Contain oils that may contain P.C.B.'s.
 15. Special wastes as defined by state law and this Chapter,
 16. Laboratory chemicals, and
 17. Hot ashes.
- 6.4 Non-Contracted Collection Services: Owners of commercial properties that are not included in the Pay As You Throw collection services contract must make arrangements for the collection of solid waste from their properties.

Section 7 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted below. This ordinance shall become null and void upon the expiration of four (4) years from the said effective date; and unless recommended and required by the City Council to remain effective, prior to such expiration date.

CHAPTER 43

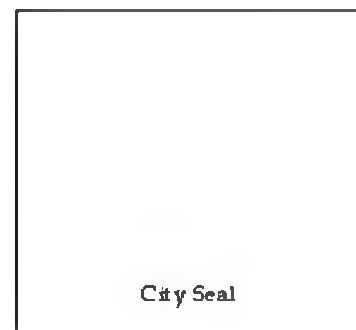
CITY OF PRESQUE ISLE

Planning Board Ordinance



Adopted by the City Council: March 2, 1998
Repassed by the City Council: February 7, 2000
Repassed by the City Council: January 21, 2004
Repassed by the City Council: January 7, 2008
Repassed by the City Council: March 3, 2008
Repassed by the City Council: January 3, 2012

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 43 PLANNING BOARD ORDINANCE

Article I: Establishment

Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the City of Presque Isle hereby established the Municipal Planning Board.

Article II: Appointment

1. Board members shall be appointed by the City Council and sworn by the Clerk, or other person authorized to administer oaths.
2. The Board shall consist of seven (7) members.
3. The term of each member shall be four (4) years except the initial appointment, which shall be for the term of each member serving of the Board, as constituted prior to the enactment hereof.
4. *Vacancy:* When there is a *Vacancy*, the City Council shall appoint a person to serve for the unexpired term. A vacancy shall be deemed to have occurred upon the happening of any of the following events: resignation, death, or when a member shall fail to attend four (4) consecutive meetings or fails to attend at least 76% of the regular meetings (unexcused by the Chairperson) during the preceding twelve (12) month period. When a vacancy occurs, the Chairperson shall immediately notify the City Council in writing. The City Council may remove any member or members of the board by unanimous vote, after due notice and hearing.
5. A member of the City Council, while serving in that capacity, may not be a member of the Planning Board.

Article III: Officers

An annual meeting shall be held the third Thursday in February and the following officers shall be elected from members of the Board, and shall serve until replaced.

A. Chairperson

1. The chairperson shall preside at all regular, special and executive session meetings of the Board; and shall conduct the meeting.
2. The Chairperson shall appoint members to the committees of the Board, if any, and shall be ex-officio member of any committee.
3. The Chairperson shall determine agenda items and order of business.
4. The Chairperson shall vote at all regular and special meetings of the Board.

B. Vice-Chairperson

The Vice-Chair shall assume the duties of the Chairperson when the Chairperson is absent.

The Board also shall appoint annually a secretary to prepare an agenda, provide proper public notice of each meeting, and keep the minutes of the proceedings of the Planning Board; eligible appointments to the position of secretary shall not be limited to members of the Planning Board. In the event the secretary is absent from any meeting of the Board, the Chairperson shall appoint a secretary *pro tempore* for that meeting.

Article IV: Quorum

No meeting of the Board shall be held without a quorum of four (4) members in actual attendance of such meeting. A member must be present to vote. All decisions shall be by majority vote of those present and voting.

Article V: Meetings

- A. Regular Meetings:** The Planning Board shall hold its regular scheduled meeting at 7:00 PM on the third Thursday of the month at City Hall, unless there is no business to be brought before the Board.
- B. Special Meetings:** Shall be called by the Chairperson, whenever it is deemed necessary, provided notice thereof is given by publishing in the Star Herald written notice of such meeting, which notices sets forth the subject matter(s) to be addressed at the meeting, the date, and the place of the meeting, at least ten (10) days prior to said meeting; such notice shall also be posted on the Municipal Bulletin Board, City Office, at least ten (10) days prior to said meeting date.

Article VI: Appeals

Appeals of any findings, actions, or determination of the Board shall be to the Superior Court, in accordance with Rule 80-B of the Maine Rules of Civil Procedure. The hearing before Superior Court shall be a trial *de novo* without jury.

CHAPTER 46

CITY OF PRESQUE ISLE

Addressing Ordinance



Adopted: December 15, 1997

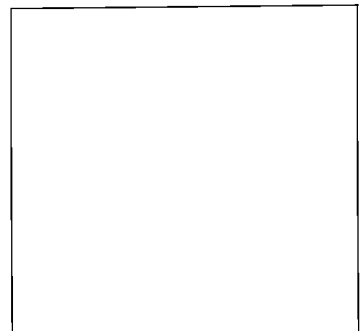
Repassed: March 19, 2001

Amended: November 4, 2002

Repassed: February 23, 2005

Repassed: February 2, 2009

Attest: _____
Deborah Ouellette, Deputy City Clerk



CHAPTER 46

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 as well as by other governmental agencies located in the City of Presque Isle, Maine.

Section 2 Administration

This Ordinance shall be administered by the City Council, which is authorized to and shall assign street and road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Section 3 and 4. The Economic and Community Development Office shall also be responsible for maintaining the following official records of this Ordinance:

- a. A city map for official use showing all 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.

Dwelling houses and other buildings within the City of Presque Isle shall display a street number as presently assigned by the City. Where street numbers presently being used by property owners do not run in regular series, the Code Enforcement Officer or the Tax Assessor shall have the authority to assign new street numbers which run in regular series with other numbers on the road.

Section 3 Naming System

All streets and roads that serve two (2) or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, land,

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 City of Presque Isle shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two (2) roads shall be given the same name (e.g., Parkhurst Road and Parkhurst Siding Road).

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- b. No two (2) roads should have similar-sounding names (e.g., Blake Street and Lake Street).
- c. Each road shall have the same name throughout its entire length.

Section 4 Numbering System

Numbers shall be assigned every fifty (50) feet along both sides of the road in the rural area and every twenty-five (25) feet in the urban compact area. The lots surrounding Echo Lake and the village at Parkhurst Siding shall be assigned numbers every twenty-five (25) feet along both sides of the road.

The following criteria shall govern the numbering system:

- a. Within the urban portion of the City, as depicted on the *Official Zoning Map for the City of Presque Isle*, number origins shall be at the end of the street/road nearest the intersection of State and Main Streets, ascending with the odd numbers on the left and the even numbers on the right.
 1. **EXCEPTION:** For Main Street, the number origins shall be at the southerly end of Main Street. Even numbers shall ascend from the northerly property line of Fairmont Cemetery to the Aroostook River Bridge; odd numbers shall ascend from the northerly property line of the Presque Isle Area Chamber of Commerce to the Aroostook River Bridge.
 2. **EXCEPTION:** For State Street, the number origins shall be at the westerly end of State Street. Even numbers shall ascend eastward from the Northern Maine Fairgrounds. Odd numbers shall ascend eastward from Loop Road.

- b. Within the rural portion of the City, as depicted on the *Official Zoning Map of the City of Presque Isle*, number origins shall be at the end of the street/road nearest the urban area of the City, as identified above. Numbers shall ascend outward from the urban area, with odd numbers on the right and even numbers on the left.
 - 1. **EXCEPTION:** For Chapman Road, the number origins shall be at the intersection with Main Street. Odd numbers shall ascend on the left and even numbers shall ascend on the right.
- c. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

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- d. 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.
- e. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two (2) separate numbers.
- f. Apartments will have one property number followed by an apartment number. Letters for apartments will not be authorized (e.g., 235 Maple Street, Apt. 2, but **NOT** Apt. B).
- g. Mini-malls, malls or plazas will have one property number followed by a suite number, such as 830 Main Street, Suite 10.
- h. Mobile Home Parks will have one property number followed by a lot number (e.g., 249 Skyway Street, Lot 8).

APPENDIX A:

Lists street and roads that are exceptions to a-f above. Within the first four (4) year following adoption of this amendment, all listed exceptions will be made consistent with the requirements of this Ordinance and Appendix A will be deleted.

Section 5 Compliance

All owners of a structure shall, by the date stipulated in Section 7, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure. Where the structure is within fifty (50) feet of the edge of the road's right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry, if the door does not face the road, the numbers should be placed towards the road.
- b. Number at the Street Line. Where the structure is over fifty (50) feet from the edge of the road's right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
- c. Size and Color of Number. Numbers shall be a minimum of four (4) inches high with the number having a minimum stroke of $\frac{1}{2}$ inches, made of reflective material and be of a contrasting color to its background.

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- d. Location and Height of Numbers. The number shall be located on the front of the building, post, fence, wall, mail box or on some structure at least four (4) feet above the ground and no more than eight (8) feet above the ground.
- e. 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.
- f. Interior Location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 6 New Development 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 Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.

- b. New Subdivision. Any prospective sub-divider shall show a proposed road name and lot numbering system on the preapplication submission to the Planning Board. Approval by the Planning Board after consultation with the Code Enforcement Officer, shall constitute the assignment of road names and numbers to the lots in the sub-division. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

Section 7 Effective Date

Section 4 of this Ordinance shall become effective on February 1, 2003. It shall be the duty of the Economic and Community Development Office to notify by mail each property owner and the Post Office of their new address at least sixty (60) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this Ordinance on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

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Section 8 Enforcement

The Code Enforcement Officer shall enforce this Ordinance. If the Code Enforcement Officer shall find any provision of this Ordinance to be violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the necessary action to correct it. A copy of such violation shall be maintained as a permanent record.

Legal Action: When the above action does not result in the correction or abatement of the violation, the City Council, upon notice from the Code Enforcement Officer, is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including actions seeking injunctions of violations and imposing of fines, that may be available or necessary to enforce the provisions of the Ordinance in the name of the City.

Penalty: Any person who violates any provision of this Ordinance shall be penalized in accordance with 30-A M.R.S.A. Section 4452 as now existing or sub-sequently amended.

In addition, the City of Presque Isle shall be entitled to all of the relief, including its cost and legal fees as allowed by said Section 4452. Notwithstanding any provision to the contrary, including the provisions of 30-A M.R.S.A. Section 4452, as now existing or amended in the future, the City of Presque Isle shall be entitled to judgment against any violator for its costs, expert witness fees, and attorney's fees incurred in enforcing this Ordinance.

Each and every day of violation shall constitute a new and separate offense for which a minimum penalty of fifty dollars (\$50.00) shall be assessed.

Section 9 Saving Clause

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding in any court, or any liability incurred, or any cause or causes of action acquired or existing under an act or Ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any legal remedy of any character be lost, impaired or affected by this Ordinance. Should any part of this Ordinance or of the code hereby adopted be declared invalid, the remainder of the Ordinance, or of the code, shall not be affected thereby.

Section 10 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted below. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

APPENDIX A: EXCEPTIONS (Ascension, odd/even)

Urban:

Strawberry Banks
Manchester Court
Longview Drive
Central Drive
Airport Drive
Cross Street
Skyway Street
Missile Street
Industrial Street

Rural:

Centerline Road
Parsons Road
Fry Pan Road
Perkins Road
Allen Road
White Road
Brewer Road
Henderson Road
Jamieson Road

Mapleton Road

CHAPTER 47

CITY OF PRESQUE ISLE

Restricting Vehicle Weight on Posted Ways Ordinance



Adopted: December 15, 1997
Repassed: March 19, 2001
Repassed: February 23, 2005
Repassed: February 2, 2009

City Seal

Attest: _____
Deborah Ouellette, Deputy City Clerk

CHAPTER 47

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1 Purpose and Authority

The purpose of this Ordinance is to prevent damage to town ways and bridges in the City of Presque Isle 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 § 611.

Section 2 Definitions

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

Section 3 Restrictions

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

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein. (NO RESTRICTION IF ROAD IS SOLIDLY FROZEN, SEE NOTE 1 BELOW)

NOTE 1: "Solidly frozen" means that the air temperature is below 32° F. and no water is showing in the cracks of the road.

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

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the 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.

Chapter 47 – Restricting Vehicle Weight on Posted Ways

Page 2:

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 City;
- C. any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- D. any school transportation vehicle while transporting students;
- E. any public utility vehicle while providing emergency service or repairs; and
- F. any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

Section 5 Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the 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 City in an amount sufficient, in their judgement, 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 judgement, be necessary to preserve and protect the highways.

Chapter 47 – Restricting Vehicle Weight on Posted Ways

Page 3:

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. such other circumstances as may, in their judgement, 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.

Section 7 Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the City may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Said fine to enure to the benefit of the City.

Prosecution shall be in the name of the City 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 even 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 ten (10) days after the enactment by the municipal officers at any properly noticed meeting.

Chapter 47 – Restricting Vehicle Weight on Posted Ways

Page 4:

Section 10 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

GENERAL ASSISTANCE ORDINANCE

APPENDICES A

2012-2013

The Municipality of Presque Isle adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2012—June 30, 2013, as revised April 2012. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

GA MAXIMUMS SUMMARY SHEET

(July 1, 2012-June 30, 2013)

APPENDIX A OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
	\$428	\$527	\$631	\$824	\$912	\$980

NOTE: For each additional person add \$68 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

NOTE: For each additional person add \$150 per month.

APPENDIX C HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	\$66	\$285	\$84	\$362
1	\$80	\$343	\$103	\$445
2	\$90	\$385	\$122	\$526
3	\$120	\$517	\$161	\$693
4	\$120	\$517	\$173	\$745

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

UTILITIES (Appendix D)

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is *not automatically* entitled to the "maximums" established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$82.50
5	\$21.00	\$90.00
6	\$22.70	\$97.50

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$16.30	\$70.00
2	\$18.60	\$80.00
3	\$21.00	\$90.00
4	\$23.30	\$100.00
5	\$25.60	\$110.00
6	\$27.90	\$120.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

HEATING FUEL (Appendix E)

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

PERSONAL CARE & HOUSEHOLD SUPPLIES
(Appendix F)

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	550	641	818	1040	1174
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	561	563	676	845	1036
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	471	590	720	912	1010
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	731	868	1124	1416	1517
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	912	918	1100	1603	1746
Cumberland County HMFA: Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	607	715	922	1101	1410
Brunswick	608	727	939	1190	1427

Appendix A

Effective: 07/01/12-06/30/13

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	723	724	869	1095	1504
York County HMFA: Acton, Alfred, Arundel, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Shapleigh, Waterboro, Wells Biddeford, Saco, Sanford	661	688	873	1045	1141
	668	744	938	1190	1407

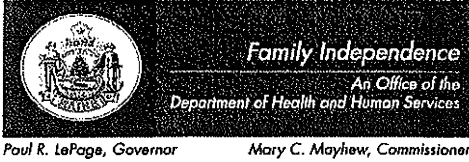
*Note: Add \$68 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	428	527	631	824	912
Franklin County	530	572	696	832	1079
Hancock County	579	668	822	1094	1125
Kennebec County	459	550	684	933	996
Knox County	524	693	791	1071	1236
Lincoln County	633	680	821	991	1118
Oxford County	442	588	678	902	1130
Piscataquis County	550	627	775	984	1053
Somerset County	440	547	632	914	970
Waldo County	617	662	798	979	1041
Washington County	530	572	683	846	923

* Please Note: Add \$68 for each additional person.



Office for Family Independence
19 Union Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 624-4168
Toll Free: 1-800-442-6003
Fax (207) 287-3455

TO: Municipal Officials/Welfare Directors/General Assistance Administrators
FROM: Dave MacLean, General Assistance Program Manager
RE: 2012 – 2013 General Assistance Ordinance Maximums
DATE: May 25, 2012

Enclosed please find the following items:

- MMA's new (July 1, 2012–June 30, 2013) “**General Assistance Ordinance Appendix**” (A).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA maximums adoption form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS in the self-addressed envelope provided with this packet (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Appendix A

The enclosed Appendix A has been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendix A dated October 1, 2011–September 30, 2012. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly**. The various maximum levels of General Assistance set forth in Appendices A are established as a matter of state law based on action taken during the

past legislative session establishing maximums at 90% of the maximum level of assistance in effect on April 1, 2012.

The Adoption Process

The **municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices ***after notice and hearing***. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site www.memun.org).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

We will forward to you, copies of the revised Statute and Policy that cover the changes once they have been published.

CHAPTER 49

CITY OF PRESQUE ISLE

Administration of Government Ordinance



Approved by the City Council: December 15, 1997

Repassed by the City Council: March 19, 2001

Repassed by the City Council: February 23, 2005

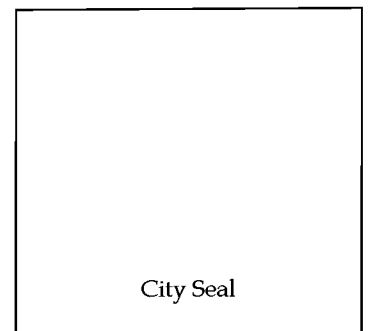
Amended by the City Council: September 6, 2006

Repassed by the City Council: February 6, 2009

Amended by the City Council: September 7, 2011

Amended by the City Council: March 5, 2012

Attest: _____
Beverly A. Labbe, City Clerk



City Seal

CHAPTER 49

ADMINISTRATION OF GOVERNMENT ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to establish the administrative municipal departments for the City of Presque Isle as required by the City Charter. For the purpose of this Ordinance the term “department” shall mean a department, agency or office of the City, unless the context plainly requires otherwise.

Section 2 Department Heads

Each department shall be managed by a department head. The head of each department shall:

- A. Perform all duties of his/her office required by laws, Ordinances, City Charter and such duties as may be assigned by the City Manager.
- B. Be directly responsible to the City Manager for effective administration of his/her department.

Section 3 Enumeration of Departments

The administrative services of the City shall be divided, under the City Manager, into the following departments:

Airport
Finance
Fire
Library
Planning and Development - Reporting to the Deputy City Manager
Police
Public Services
Recreation and Parks
Human Resources – Reporting to the Deputy City Manager

The City, through its City Manager, may establish policies and procedures governing the functions of the departments and department heads so long as they are not inconsistent with this Ordinance.

Section 4 Sunset Provision

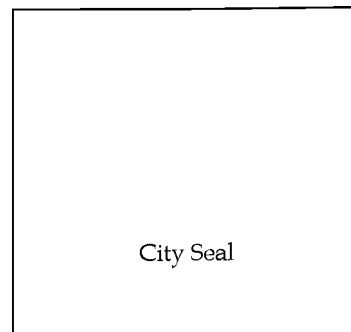
This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon its expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 50
CITY OF PRESQUE ISLE

Advisory Board Ordinance



Initial Adoption: December 15, 1997
Amended: December 7, 1998
Amended: January 3, 2000
Repassed: December 17, 2001
Amended: February 4, 2002
Repassed: February 23, 2005
Amended: April 7, 2008
Repassed: February 2, 2009
Amended/Corrected: June 1, 2009
Amended by the City Council: January 3, 2012



Attest: _____
Beverly A. Labbe, City Clerk

CHAPTER 50

ADVISORY BOARD ORDINANCE

SECTION 1 *PURPOSE*

The purpose of this Ordinance is to create advisory committees for the City of Presque Isle.

SECTION 2 *GENERAL PROVISIONS*

This ordinance shall authorize the creation of Boards, Commissions and Committees that are designed to provide public input into the policy making role of the City Council. Each group may also be used as a sounding board for administrative officers of the City in regards to administrative matters. Each group created under the authority of this ordinance does not have any further authority or responsibility beyond those provided within the ordinance.

In the event that the ordinance is amended at any time in the future that changes the number of members of any group created under the authority of this ordinance, the City Council, at the time of the initial appointment after such change, has the authority to appoint members to terms less than specified within the ordinance in order to provide for a balance rotation of the Board members in future years.

SECTION 3 *LIBRARY BOARD OF TRUSTEES*

There is hereby created a Library Board of Trustees.

This Board shall be responsible for recommending and ensuring that general policies of the Library are instituted and followed. This Board shall be responsible for recommending general policies concerning the operations of the Library to the department head, City Manager and City Council. It shall consist of seven (7) persons who shall be residents of the City of Presque Isle and who shall be appointed on a staggered basis to provide continuity of service. Terms shall be for three (3) year periods. The Finance Director shall serve as an ex-officio non-voting member in addition to the seven member board. Vacancies for any reason shall be filled by the City Council for the unexpired term in each case.

This Board shall also exercise prudent financial administration of private funds donated to the City or Library that are intended for exclusive use by the Library. The administration of all funds entrusted to the Board shall be administered, at the choice of the Board, either by the finance director or a qualified trust administrator. Said funds

shall be expended only by majority vote of the entire seven member board at a duly called meeting. The Board shall have exclusive control and insure that such donated funds received by the Library shall be expended for the purpose of which they were intended. The Board shall have conducted an annual audit of all funds within its control. Said audit shall be performed by a certified public accountant.

Written by-laws governing the Board, as approved by the City Council, shall be maintained by the Board. The by-laws shall be reviewed with the City Council as deemed necessary.

SECTION 4 RECREATION AND PARKS ADVISORY BOARD

There is hereby created a Recreation and Parks Advisory Board.

This Board shall be responsible for recommending general policies concerning the operations of the Recreation and Parks Department to the department head, City Manager and City Council. It shall consist of seven (7) persons who shall be residents of the City of Presque Isle and who shall be appointed on a staggered basis to provide continuity of service. Terms shall be for four (4) year periods. One board position shall be from names submitted by the Northern Maine Fair Association. Vacancies for any reason shall be filled by the City Council for the unexpired term in each case.

Written by-laws governing the Board, as approved by the City Council, shall be maintained by the Board. The by-laws shall be reviewed with the City Council as deemed necessary.

SECTION 5 AIRPORT ADVISORY BOARD

There is hereby created an Airport Advisory Board.

This Board shall be responsible for recommending general policies concerning the operations of the Airport Department to the department head, City Manager and City Council. The Board shall consist of six (6) members appointed by the City Council who shall be residents of the City of Presque Isle and one (1) resident of Aroostook County nominated by the Aroostook County Commissioners and appointed by the City Council. All members shall be appointed on a staggered basis to provide continuity of service. Terms shall be for four (4) year periods. Vacancies for any reason shall be filled by the City Council for the unexpired term in each case.

Within two months from the effective date of this Ordinance, the Board shall develop and present to the City Council for approval, written by-laws governing the Board.

Written by-laws governing the Board, as approved by the City Council, shall be maintained by the Board. The by-laws shall be reviewed with the City Council as deemed necessary.

SECTION 6 DOWNTOWN REVITALIZATION COMMITTEE

There is hereby created a Downtown Revitalization Committee.

The Committee shall be responsible for recommending general policies to the Planner, City Manager and City Council that encourage the community to preserve and reinvest in the economic, aesthetic and cultural future of Presque Isle by promoting the viability and vitality of the downtown area. The Committee shall consist of a nine (9) member Board of Directors who shall be appointed on a staggered basis to provide continuity of service. Terms shall be for four (4) year periods. Vacancies for any reason shall be filed by the City Council for the unexpired term in each case.

Written by-laws governing the Board, as approved by the City Council, shall be maintained by the Board. The by-laws shall be reviewed with the City Council as deemed necessary.

SECTION 7 MANAGER AS EX-OFFICIO BOARD MEMBER

The City Manager shall serve as an ex-officio non-voting member of the Airport Advisory Board, Forum Advisory Board, Library Board of Trustees, Recreation and Parks Advisory Board, and Downtown Revitalization Committee as previously outlined. The attendance of the Manager at board meetings shall be discretionary rather than compulsory. The Manager shall be excused from attendance requirements.

SECTION 8 SEVERABILITY

This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 9 SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 51

CITY OF PRESQUE ISLE

City Council Compensation Ordinance



Approved by the City Council: February 1, 1999

Repassed: December 16, 2002

Repassed: December 4, 2006

Amended: August 4, 2008

Attest: _____

City Seal

CHAPTER 51

CITY COUNCIL COMPENSATION ORDINANCE

Section 1 Purpose

The purpose of this Ordinance is to establish the yearly monetary amount each City Councilor shall receive as compensation for service as a duly sworn City Councilor.

Section 2 Compensation

Each City Councilor shall receive a monetary compensation of \$1,500 per year, except the Chair of the City Council, who will receive \$2,000 per year, payable quarterly.

For the purpose of this Ordinance, attendance shall be attained by a Councilor attending at least a majority of the length of time of the meeting as determined by when the meeting is called to order and when it adjourns.

Councilors may be paid their actual and necessary expenses incurred in performing their duties of office.

Section 3 Effective Date of Compensation

Each City Councilor shall continue to receive the same amount of yearly compensation currently in effect upon the adoption of this Amendment to Chapter 51 until January 5, 2009.

The compensation authorized by the Amended shall take effect for all Councilors on January 5, 2009.

Section 4 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4)

years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

CHAPTER 52

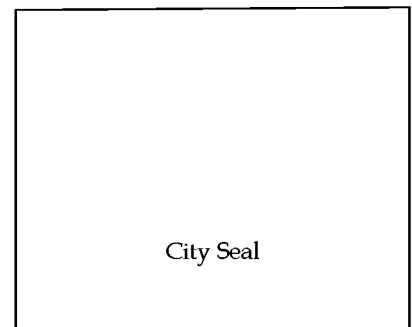
CITY OF PRESQUE ISLE

Ordinance Regulating Commercial Displays of Nudity



Adopted: March 4, 2002
Repassed: February 22, 2006
Repassed: January 4, 2010

Attest: _____
Deborah A. Ouellette, Deputy City Clerk



CHAPTER 52

ORDINANCE REGULATING COMMERCIAL DISPLAYS OF NUILITY

SECTION 1 *PURPOSE AND LEGISLATIVE FINDINGS*

This purpose of this Ordinance is to prohibit certain acts of commercial exploitation of human sexuality in commercial or business establishments within the City of Presque Isle, in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places. The City recognizes that some activities which occur in connection with sexually oriented businesses are protected as expressions under the First Amendment to the United States Constitution; and the City further recognizes that First Amendment Rights are among our most precious and highly protected rights and wishes to act consistently with full protection of those rights. The City is aware, however, that sexually oriented businesses may and do generate secondary effects, which are detrimental to the public health, safety and welfare. Among these secondary effects are (a) prostitution and other sex related offenses; (b) drug use and dealing; (c) health risks through the spread of AIDS and other sexually transmitted diseases and (d) infiltration by organized crime for the purpose of drug and sex related business activities, laundering of money and other illicit conduct. This Ordinance is not intended to interfere with legitimate expression but to avoid and mitigate the secondary effects enumerated above.

The City finds:

- a) That licensing of persons who operate and manage sexually oriented businesses and persons who provide adult services will further the goals of the Ordinance by enabling the City to ascertain if an applicant is underage or has engaged in criminal or other behavior of the sort the Ordinance is designed to limit.
- b) That limiting proximity and contact between adult service providers and patrons promotes the goal of reducing prostitution and other casual sexual conduct and the attendant risk of sexually transmitted diseases.
- c) The types of nude entertainment offered by establishments regulated by this Ordinance are a purely commercial activity.

- d) The types of nude entertainment regulated by this Ordinance consists of lewd exhibitions that are patently offensive to a large majority of the residents of the City of Presque Isle;
- e) Unlimited commercial exploitation of nudity can induce individuals to engage in prostitution, sexual assaults, breaches of the peace and other criminal activity;
- f) Displays of nudity in commercial establishments can create a tawdry atmosphere which adversely affects the quality of life of Presque Isle's residents;
- g) Persons under the age of 18, by reason of their age and inexperience, are especially susceptible to prostitution and other criminal activity if employed by or allowed entrance as patrons of commercial establishments offering nude entertainment;
- h) Commercial establishments offering nude entertainment should be situated in locations that minimize the negative effects, public health, safety and morals; and
- i) The harmful secondary effects of sexually oriented businesses are more pronounced when conducted continuously or during late night hours.

In view of the foregoing legislative findings, for the purpose of public health, safety and morals, the City of Presque Isle hereby adopts the following regulations of commercial displays of nudity within the City of Presque Isle.

This Ordinance shall not apply to massage therapist or massage practitioners, or massage therapy, authorized and licensed under the provisions of Chapter 127 of Title 32, M.R.S.A., as amended.

SECTION 2 DEFINITIONS

For purposes of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings given herein. Terms not defined herein shall have their customary dictionary meanings; unless the context clearly indicates that a different meaning is intended.

ABUSE - See "Sadomasochistic Act"

CLOSED AREA - An area of a building separated by a door, screen, curtain, partition or in any other manner that prevents persons in the same portion of the building from having visual access to the area concerned.

COMMERCIAL ESTABLISHMENT - Any retail establishment offering food, beverages, merchandise, products or services for sale to members of the general public, operated as a for-profit business and treated as such for federal or state tax purposes.

DEPICTING - Containing graphic, photographic, engraved or printed representations, with or without accompanying printed or recorded text. Live performances or the display of live persons shall also constitute depictions within the meaning of this Ordinance.

DISPLAY - To make available for on-premises viewing or perusal by patrons, customers or members of the general public.

GENITALS - Relating to or being a sexual organ.

LICENSED MOVIE THEATER - A commercial establishment regularly operated for the on-premises screening of general release films, movies or videotapes, having a legal seating capacity within its general viewing area of at least 50 persons and currently processing all licenses and permits required under the City's Ordinances or state law.

MINOR - Any person under the age of 18 years.

NUDE and/or NUDITY - The showing of the human male or female genitals, pubic area or buttocks or the female breast at or below the areola or the depiction of covered male genitals in a discernibly turgid state.

NUDE ENTERTAINMENT - The showing, exhibiting or displaying of the male or female genitals, or the female breast at or below the areola, buttocks, pubic area, perineum or anus of any person with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

OPERATE - To own, lease, manage or supervise operations of a commercial establishment.

PERSON - Any individual, partnership, firm, association, corporation, trustee, lessee, agent, assignee or other legal entity.

PREMISES - The entire building or structure concerned, including all floors, attics, basement areas, and outbuildings, whether or not partitioned into separate rooms or areas.

PUBLIC INDECENCY - The knowing or intentional commission of an act of sexual intercourse, a sexual act, sexual contact or nudity in a public place.

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

SADOMASOCHISTIC ACT - Flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL ACT - Any act of sexual gratification between two persons involving direct physical contact between the sex organs of one and the mouth or anus of the other or direct physical contact between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegation or proof of penetration.

SEXUAL CONDUCT - Acts of sodomy, masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or breast.

SEXUAL CONTACT - Any touching of the genitals or anus directly or through clothing or other covering for the purpose of arousing or gratifying sexual desire.

SEXUAL EXCITEMENT - The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 3

A. Certificate of Occupancy and License Required:

No person operating a commercial establishment in the City of Presque Isle shall present or allow presentation of any form of nude entertainment on the premises of the establishment concerned without first obtaining a certificate of occupancy from the Code Enforcement Officer and a license from the City Council for that purpose. The procedure and criteria for issuance of a certificate of occupancy shall be as provided in Chapter 16, Land Use and Development Code. The procedure and criteria for issuing a license shall be in accordance with Section B of this Section.

Application forms may be obtained from the City Clerk's Office, and all applications for license hereto must be filed with the City Clerk's Office.

- a) The application shall state that the proposed use includes nude entertainment. The application shall describe the nude entertainment to be offered, including the intended frequency and times, and shall indicate the area of the premises where the nude entertainment shall take place.
- b) The application shall disclose the name and current residence address of all principals of the business concerned and shall disclose the name and current residence address of all persons holding a financial interest of 5%, or more, in the business concerned.
- c) Upon receipt of any such application, by the City Clerk, copies thereof shall be forwarded to the Code Enforcement Officer and the Chief of Police for their action thereon.
- d) Location and Standards:
 - 1) No certificate of occupancy shall be issued by the Code Enforcement Officer prior to the issuance of a license as set forth in subsection B of Section Three.
 - 2) No certificate of occupancy shall be granted for a commercial establishment offering nude entertainment, unless the premises concerned are located in a commercial zoning district and the premises concerned meet with all district provisions and development standards contained in Chapter 16, Land Use and Development Code plus the following additional requirements:
 - i. No certificate of occupancy shall be granted for a commercial establishment offering nude entertainment if the premises concerned are located within 250 feet of any other such establishment for which a certificate of occupancy, previously issued, remains in force; any establishment licensed to sell alcohol for on-premises or off-premises consumption under M.R.S.A. 28-A § 601 et seq.; a church, chapel, parish house or other place of worship; or a public library, juvenile shelter or orphanage in existence as of the application date, as measured from the main entrance of the premises to the main entrance of a building by the ordinary course of travel.
 - ii. The premises concerned must not be located within 200 feet of any residential zoning established under the provisions of Chapter 16, Land Use and Development Code, of the City of Presque Isle, as measured in a straight line from the premises to the boundary of the residential zone.

- iii. The premises concerned must not be located within 250 feet of the nearest property line of any public or private school, school dormitory, or school ground, day school facility, public playground or Presque Isle public park, as measured in a straight line from the premises to the property line.
- e) No certificate of occupancy shall be issued for a commercial establishment offering nude entertainment unless the premises concerned include changing rooms and toilet facilities for performers that are separated from any area of the premises to which the public will have access.
- f) No certificate of occupancy shall be issued for a commercial establishment offering nude entertainment if any portion of the premises concerned consists of residential apartments or units, whether or not occupied.
- g) The premises concerned, in addition, shall meet all applicable requirements of Chapter 25, Building Code, Chapter 38B, Life Safety Code, and Chapter 16, Land Use and Development Code.
- h) The subsequent establishment of an establishment licensed to sell alcohol, a public or private school or school dormitory, a church, chapel, parish house or other place of worship, a public library, a juvenile shelter or orphanage, a playground or public park or the rezoning of any nonresidential district within 200 feet of a residential zone (with the exception of the zone in which the adult business is situated) shall not affect the validity a certificate of occupancy of a legally existing commercial establishment offering nude entertainment. In the event of the subsequent establishment of any of the foregoing uses, the commercial establishment offering nude entertainment shall be treated as any other use permitted in the zoning district.

SECTION 3

B. License:

No person shall permit nude entertainment on the premises of any business whether such business is subject to a license under the Presque Isle City Ordinances, without a nude entertainment license from the City, whether provided by professional entertainer(s), employees or any other person; and without regard as to whether any compensation is paid by the management of the establishment in which the activity is performed or conducted.

Once the Code Enforcement Officer has completed his review of the application, and is satisfied that it complies with the Land Use and Development Code, and the Police Chief has found the persons involved have cleared the background check, the application will be presented by the City Clerk to the City Council for its review and determination.

- a) The application must be accompanied by a report from the Code Enforcement Officer that his applicant has complied with the requirement of Section 3 A, above, and that the Code Enforcement Officer is prepared to issue a Certificate of Occupancy, if the City Council approves the issuance of a license, after a public hearing is held.
- b) The application will be denied if the applicant, any principal of the business concerned, or any holder of a five percent (5%) or greater financial interest in the business concerned has a record of conviction of prostitution, promoting prostitution or of a Class A, B, or C felony under Maine law, or equivalent offences in other jurisdictions during a ten (10) year period ending prior to the application date.
- c) Hearings: A public hearing shall be held by the City Council prior to the issuance of any license under this Ordinance.
- d) Duration: A license, once granted, shall expire one (1) year after the date of issuance thereof, unless terminated, suspended, or revoked prior thereto by the City Council for violation of any part of this Ordinance, after hearing by the City Council, with reasonable written notice to the applicant, given at least 10 days prior to the hearing date. Such license is not transferable.

Any renewal of license is contingent upon applicant being in full compliance with the Ordinance and the City's Land Use and Development Code, and Section 3: A (g) above.

- e) Minors Prohibited: No person under the age of eighteen (18) years shall be permitted visual or physical access to activities licensed pursuant to this Ordinance.
- f) Issuance of any License hereunder is contingent upon the issuance of a Certificate of Occupancy as set forth in (A) above.
- g) Fees: The license fee issued under this Ordinance shall be \$500.00, for a one (1) year license.

SECTION 4 CONDUCT

1. No person under the age of 18 years shall be employed in any capacity upon the premises of a commercial establishment that offers nude entertainment. The operator of each such establishment shall be responsible for verifying the age of each employee through photographic identification, including hourly employees, salaried employees and all persons working on the premises for tips, commissions or as independent contractors, contract dancers or contract performers.

- a) Each employer shall maintain records showing the name and date of birth for each employee, including a copy of the photographic identification used to verify age. Prior to any employee's beginning employment, the operator shall bring the records to the Presque Isle Police Department to verify the age of the prospective employee. These records must be maintained by the employer until six months after the employee ceases to work for the employer. These records are also subject to review by the Presque Isle Police on the business premises during normal operating hours.
 - b) In the event that the Presque Isle Police reasonably suspect that any employee listed in the records is under the age of 18 years, the Presque Isle Police may copy the record for investigatory purposes. Any record or information so obtained, and any subsequent information developed therefrom, is declared to be "intelligence and investigate information" under 16 M.R.S.A. § 611, Subsection 8, the Criminal History Record Information Statute, which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Record information may be disclosed to the person named therein, notwithstanding this declaration.
2. No person under the age of 18 years shall be admitted to any commercial establishment offering nude entertainment, as a customer or patron. The operator of each such establishment shall be responsible for verifying the age of each person entering the premises, through photographic identification.
 3. There shall be no physical contact between patrons and performers on the premises. For the purposes of this subsection, physical contact does not include incidental touching between a dancer and patron of a business or social nature, i.e., a handshake or the brief contact that occurs while a patron is giving a tip to a dancer. In no case shall incidental contact be deemed to include contact barred by the state statutes regarding unlawful sexual contact.
 4. Dancers or performers who remove any garments during the nude entertainment shall not toss or throw those garments to any customer or patron.
 5. Dancers or performers providing the nude entertainment shall not engage in any sadomasochistic abuse or sexual conduct, as defined in Section 2 of this Ordinance.
 6. Nude entertainment presented in a commercial establishment shall not include any showing of the male or female genitals, or the female breast at or below the areola, buttocks, pubic area, perineum or anus of any person with less than a fully opaque covering.

7. No nude entertainment shall be presented after the hour of 1:00 AM. All premises offering nude entertainment shall be closed and cleared of customers and patrons between the hours of 1:15 AM and 12:00 Noon Mondays through Saturdays and 3:00 PM Sundays.

SECTION 5 GENERAL PROVISIONS TO APPLY

Except to the extent that this Ordinance contains a contrary provision, all provisions of the Ordinance of the City of Presque Isle shall be in addition to the provisions of this Ordinance.

SECTION 6 EXCEPTIONS

1. This Ordinance shall not apply to a theater or similar establishment that is primarily devoted to theatrical performances or the presentation of movies, except as set forth in Section 9 below.
2. This Ordinance shall not apply to any unauthorized or prohibited by any statutes of the State of Maine, as amended from time to time.

SECTION 7 VIOLATION AND PENALTIES

1. Any violation of this Ordinance by the owner, lessee, licensee, permittee or operator of a premises shall be punished by a fine of \$1,000.00 for each offence upon conviction by the District Court. In addition, the City Council, may upon conviction, suspend or revoke the license issued for any establishment offering nude entertainment in violation of this Ordinance.

If the licensee shall violate any condition contained in the Certificate of Occupancy, the Code Enforcement Officer may request a hearing before the City Council, with notice thereof to the licensee, setting forth the alleged violation(s); and after hearing, the City Council may suspend or revoke the Certificate of Occupancy of the licensee.

2. Any violation of this Ordinance by a person other than the owner, lessee, licensee, permittee or operator of a premises shall be punished by a fine of not less than \$1,000.00 for the first offense, and not less than \$1,500.00 for the second and subsequent offenses.

All such fines shall belong to the City of Presque Isle.

SECTION 8 SEVERABILITY

If any section, phrases, sentence or portion of this Ordinance 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.

SECTION 9 THEATRICAL PRODUCTIONS

This Ordinance shall not apply to theaters, dinner theaters, licensed movie theaters, or similar establishments, which are primarily devoted to theatrical performances, or the presentation of movies, provided that any displays of live nudity within such theater, dinner theater, licensed movie theater or similar establishments, shall be limited to occasional nudity by bona fide stage actors during the course of theatrical performances, provided also the provisions of Section 4 (a) through (e) and (g) shall apply to nude theatrical performances under this Section.

SECTION 10 SUNSET PROVISION

Sunset Provision: This Ordinance shall be in force for a term of four (4) years from its effective date noted below. This Ordinance shall become null and void upon the expiration of four (4) years from the effective date, unless recommended and requested by the City Council to remain effective, prior to the expiration date.

CHAPTER 53

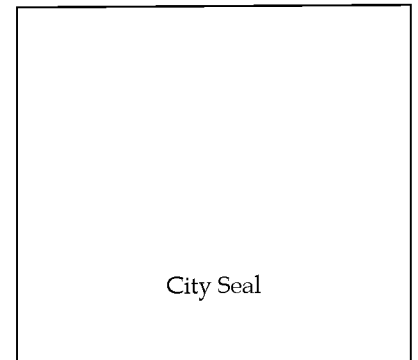
CITY OF PRESQUE ISLE

Disbursement Warrant Ordinance



Approved by the City Council: May 5, 2003
Repassed: April 16, 2007
Amended by City Council, March 7, 2011

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 53

DISBURSEMENT WARRANT ORDINANCE

Section 1 Purpose

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

Section 2 Authority

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

Section 3 Procedure for Approval

The Treasurer may disburse money only on the authority of a warrant drawn for the purpose, either: (a) affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting; (b) seen and signed by at least two (2) members of the City Council acting individually and separately; or (c) signed as otherwise provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs.

Section 4 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

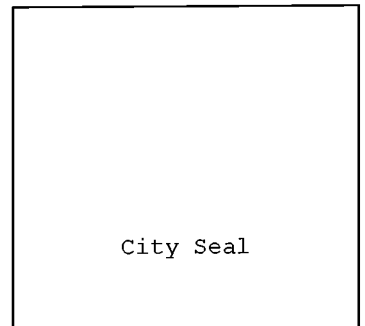
CHAPTER 54
CITY OF PRESQUE ISLE

All Terrain Vehicle Ordinance



Adopted: August 2, 2004 as an Emergency Ordinance
Repassed: November 19, 2007 retroactive to August 2, 2007
Repassed by the City Council on February 2, 2011

Attest: _____
Beverly A. Labbe, City Clerk



CHAPTER 54

ALL TERRAIN VEHICLE ORDINANCE

SECTION 1 PURPOSE

The purpose of this Ordinance is to regulate certain conduct of operators of all terrain vehicles on municipal property and on municipal rights of way.

SECTION 2 DEFINITION

For the purpose of the Ordinance an ATV trail shall be defined as an area of land owned by the City of Presque Isle and designated by the City Council in an ATV Use Permit allowing ATV use by the general public.

SECTION 3 OPERATION

Operation of All Terrain Vehicles (ATVs) shall be as determined by the State of Maine, according to MRSA Title 12, Title 29A and this Ordinance.

All ATV operators must obey and comply with all properly posted signs.

All ATV operators will proceed with caution when approaching/passing all non-motorized trail users including, but not limited to, bicyclists, hikers and horses.

ATV operators shall not exceed the posted 10 MPH speed limit when traveling the section of ATV trail that runs parallel to Parsons Street from Harris Street to the Connector Road intersection.

ATV operators shall obey any posted speed limit on the trail system on property owned by the City of Presque Isle. The Chief of Police, in consultation with the City Manager, shall be responsible for determining speed limits on ATV trails located on municipal property.

The Chief of Police shall cause such areas to be designated by appropriate signs.

SECTION 2 PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a fine to inure to the benefit of the City of Presque Isle; as follows:

1 st offense:	\$ 50.00
2 nd offense:	\$ 100.00
3 rd offense:	\$ 150.00
Subsequent offenses:	\$ 200.00

Registered owners of ATVs, as well as the operator of the ATV are subject to the above fines for violations of any provision of this Ordinance.

The Maine District Court in Presque Isle shall have exclusive jurisdiction for enforcement of this Ordinance.

SECTION 3 SEVERABILTY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 4 SUNSET PROVISION

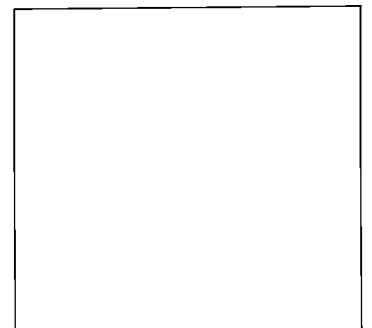
This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the completion of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 55
CITY OF PRESQUE ISLE

Pet Welfare Ordinance



Adopted: January 19, 2005
Date Effective: January 29, 2005
Repassed: January 5, 2009



Attest: _____
Nancy G. Nichols, City Clerk

PET WELFARE ORDINANCE

The purpose of this Ordinance is to enhance and protect the safety of pets.

Section 1 DEFINITIONS

Words and phrases when used in this Ordinance shall have the following meanings:

- A. Pet: A dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.
- B. Tethering or Restraint: A rope or chain attached to an animal and attached to something at the other end, thus restricting the animal's movement.

Section 2 PROPER SHELTER

- A. The owner of a pet that is outside unattended is required to provide an adequate outdoor shelter of suitable size with a floor above ground and waterproof roof for that animal if:
 - 1. the temperature is below 32 degrees Fahrenheit;
 - 2. or if weather conditions are inclement, i.e. extremely rainy, snowy or windy;
 - 3. or if the pet is shivering.
- B. The shelter shall be placed away from standing water in an area which is dry with suitable drainage, that is free of debris and feces so as not to become a health hazard to other animals or humans or to cause an objectionable odor.
- C. Any person keeping a dog who shelters the dog out of doors shall have outside housing facilities consisting of a four (4) sided structure and roof made of waterproof and windproof material with an "R" factor of .9 (example .9 = ¾" thickness [wood]). There shall be a portal of entry of sufficient size to allow

he dog unimpeded passage, which may include a baffled or appropriate sheltered entrance.

- D. This opening shall face south or the direction away from which most wind driven precipitation comes. This shelter shall have a solid floor raised at least three (3) inches above the ground level, with clean and sufficient bedding material to retain the animal's normal body heat.

Pet Welfare Ordinance

Page 2:

- E. The shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

Section 3 OWNER MUST CONSIDER TEMPERATURES/WEATHER CONDITIONS

- A. Owners must consider weather conditions in managing their pets. When outdoor temperatures reach 80 degrees Fahrenheit or higher, no pet shall be left unattended outside without free access to shade and clean fresh water to prevent heat exhaustion or heat stroke.

Section 4 TETHERING OR RESTRAINT ON PROPERTY

- A. When animals are confined by a chain, tether, or similar device, the tether shall be attached to both the animal and the anchor by a swivel or similar device so the tether will not become entangled or twisted. The chain, tether, or similar device shall be attached to a well-fitting collar or harness that in no way cuts into the animal's flesh, impinges the circulation, ability to ingest food, water or vocalization.
- B. The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs, the length of the chain shall be not less than one and one-half (1½) times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot and three (3) times the length of the dog from the tip of its nose to the base of its tail to a stationary point.

- C. Multiple animals kept in such fashion shall be kept far enough apart to prevent the restraining devices from becoming entangled.
- D. Dogs that are tethered at a pivot point permitting a three-hundred sixty (360) degree area of movement will have a minimum chain, tether or similar device two and one-half (2½) times the length of the dog from the tip of its nose to the base of its tail.

Section 5 WATER, FOOD AND HEALTH PROVISIONS

- A. The pet shall be provided daily with water that is: clean, free of debris, algae or mold, fresh and suitable for drinking that is adequate for the pet's size, age, and physical condition. Snow or ice is not an adequate water source.

Pet Welfare Ordinance
Page 3:

- B. The pet shall be provided daily with wholesome foodstuff suitable for the physical condition and age, and, in sufficient quantities to maintain the health of the pet. The food shall be free of mold and foreign matter.
- C. The dog shall have current vaccinations, in compliance with state law, and be registered in the City of Presque Isle.
- D. The pet shall be adequately groomed so that it is free of mats and pests which can affect their health.
- E. Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excrement and other waste materials, dirt and trash to minimize health hazards. The area shall be suitably clean so that it produces minimal offending odor and reduces health risk.

Section 6 ENFORCEMENT

A Police Officer and/or an Animal Control Officer shall determine if each animal is living in conditions that do not meet standards as outlined above.

Section 7 PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a minimum fine imposed of \$100.00 for each offense, with a maximum fine imposed of \$500.00 for each offense, said fine to inure to the benefit of the City.

Section 8 SUNSET

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 56

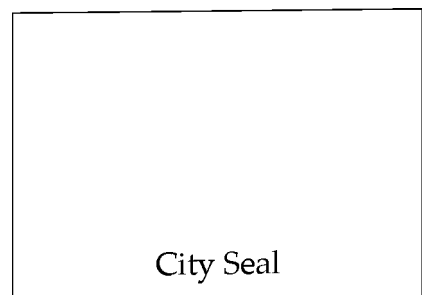
CITY OF PRESQUE ISLE

Changeable Sign Ordinance



Adopted: November 21, 2005
Amended: September 6, 2006
Amended: November 5, 2007
Repassed: February 2, 2009

Attest: _____
Deborah Ouellette, Deputy City Clerk



CHAPTER 56

CHANGEABLE SIGN ORDINANCE

Section 1 Authority

The City of Presque Isle hereby enacts this "Changeable Signs Ordinance" (hereinafter the "Ordinance") pursuant to Title 23 M.R.S.A. Section 1914, Sub-Section 11-A, as amended and Title 30-A M.R.S.A. Section 3001-3011, as amended.

Section 2 Purpose

The purpose of this Ordinance is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner contrary to that provided by State law, and to do so in a manner that promotes highway safety.

Section 3 Definitions

- a. Changeable Sign: "Changeable sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
- b. Display: "Display" means that portion of the surface area of a changeable sign that is, or is designed to be, or is capable of being, periodically altered for the purpose of conveying a message.
- c. Message: "Message" means a communication conveyed by means of a visual display of text.

Section 4 Regulations

- a. The display on each side of the changeable sign may be changed no more frequently than once every thirty (30) seconds.
- b. The display on each side of the changeable sign must change as rapidly as technologically practicable, but the display may change through phasing, rolling,

scrolling or blending provided, however, that the display on each side of a changeable sign shall not flash.

Section 5 Administration

Pursuant to Title 23 M.R.S.A. Section 1914, Sub-Section 11-A, the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The City shall notify the Maine Department of

Changeable Signs Ordinance

Page 2:

Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The City's Code Enforcement Officer shall administer the provisions of this Ordinance.

Section 6 Penalty

Any person who shall violate a provision of the Ordinance, or shall fail to comply with any of the requirements thereof, shall be found guilty of a civil offense, punishable by a fine of not less than \$100.00, or more than \$2,500.00. Each day that a violation continues shall be deemed a separate offense.

Section 7 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.

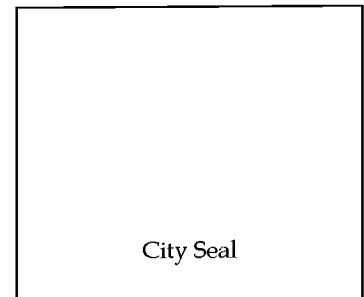
CHAPTER 57
CITY OF PRESQUE ISLE

Emergency Management Ordinance



Approved by the City Council: September 6, 2006
Repassed by the City Council: January 4, 2010

Attest: _____
Deborah A. Ouellette, Deputy City Clerk



CHAPTER 57

CITY OF PRESQUE ISLE EMERGENCY MANAGEMENT ORDINANCE

SECTION 1 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, M.R.S.A., Section 781 et seq., to ensure the complete and efficient utilization of the City's facilities and resources to combat disaster as defined herein.

SECTION 2 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 City 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 City of Presque Isle 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.

SECTION 3 ORGANIZATIONS

The City Manager shall be responsible for the agency's organization, administration and operation. The City Manager may employ such permanent or temporary employees as authorized by the City Council and prescribe their duties.

The City Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the City's Emergency Operations Plan.

SECTION 4 APPOINTMENT OF DIRECTOR; DUTIES AND RESPONSIBILITIES

The City Council shall appoint an Emergency Management Director, who shall coordinate the activities of all City departments, organizations and agencies for civil emergency preparedness within the City and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the City Manager.

SECTION 5 RULES AND REGULATIONS

The Emergency Management Director shall prepare, under the direction of the City Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the City Council prior to becoming effective.

SECTION 6 EMERGENCY PROCLAMATION

The City Manager shall have the power and authority, after consultation with the Chair of the City Council, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the City. If the City Manager is temporarily absent from the City or otherwise unavailable, the person designated by the City Manager as under Section 4.30 of the City Charter may issue the proclamation that an emergency exists. If neither the City Manager nor the person designated to act in the City Manager's absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the 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 City Clerk.

Notwithstanding the above, when consultation with the Chairperson of the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the City.

The City Manager and the Emergency Management Director shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

SECTION 7 TERMINATION OF EMERGENCY

When the City Manager or his successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another proclamation affecting the sections of the City covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the City Clerk.

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

SECTION 8 CITY MANAGER'S DUTIES AND EMERGENCY POWERS

During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations as he deems necessary to protect life and property and to preserve critical resources within the purposes of this Ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;
2. Regulations facilitating or restricting the movement of persons within the City;
3. Regulations pertaining to the movement of persons from hazardous areas within the City;
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, City Ordinance or the Charter of the City of Presque Isle.

The City Manager or his designee may order the evacuation of persons from hazardous areas within the City.

The City Manager or his designee shall be authorized to request aid or assistance from the State or any political subdivision of the State and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A.

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

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

SECTION 9 EMERGENCY OPERATIONS PLAN

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the City, which shall be submitted to the City Council for approval. The EOP shall incorporate the principals of the National Emergency Management System (NIMS) and the Incident Command System (ICS).

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness.

The City plan shall be reviewed periodically by the City Manager in conjunction with all the City department heads and the Emergency Management Director.

SECTION 10 IMMUNITY FROM LIABILITY

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

SECTION 11 COMPENSATION FOR INJURIES

All Emergency Management Agency Forces shall be deemed to be employees of the State when engaged in training or on duty and shall have all of the rights of State employees under the Workers' Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

SECTION 12 VIOLATIONS OF REGULATIONS

It shall be unlawful for any person to violate any provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

SECTION 13 PENALTY

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

SECTION 14 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.

SECTION 15 CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing Ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

SECTION 16 SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the completion of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

CHAPTER 59

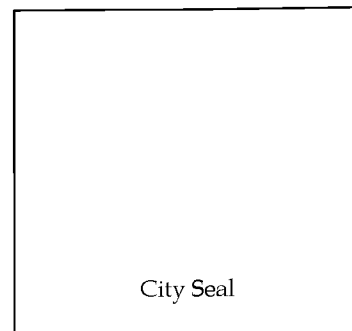
CITY OF PRESQUE ISLE

Ordinance Regulating the Establishment and Operation of Medical Marijuana Facilities



Adopted by City Council: March 7, 2011

Attest: _____
Beverly A. Labbe City Clerk



CHAPTER 59

ORDINANCE REGULATING MEDICAL MARIJUANA FACILITIES

Section 1: Purpose and Legislative Findings

This Purpose of this Ordinance is medical marijuana facilities or business establishments within the City of Presque Isle, in order to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community which may occur when such commercial enterprise is permitted in such places. The City is aware, however, that medical marijuana businesses and/or facilities may and do generate secondary effects, which are detrimental to the public health, safety and welfare. This Ordinance is not intended to interfere with legitimate medical marijuana cultivation and distribution, but to avoid and mitigate the secondary effects enumerated above.

The City finds:

- (a) That licensing of persons who operate medical marijuana businesses and persons who provide medical marijuana dispensary services will further the goals of the Ordinance by enabling the City to ascertain if an applicant is, or has been, engaged in criminal or other behavior of the sort the Ordinance is designed to limit.
- (b) Commercial establishments offering medical marijuana should be situated in locations that minimize the negative effects, public health, safety and morals; and

In view of the foregoing findings, for the purpose of public health, safety and morals, the City of Presque Isle hereby adopts the following regulations of medical marijuana within the City of Presque Isle.

Section 2: Definitions

For purposes of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings given herein. Terms not defined herein shall have their customary dictionary meanings; unless the context clearly indicates that a different meaning is intended.

MEDICAL MARIJUANA ESTABLISHMENT - Any state licensed medical marijuana establishment offering medical marijuana products or services for sale to legally eligible clients and operated as a non-profit business and treated as such for federal or state tax purposes.

OPERATE - To own, lease, manage or supervise operations of a commercial establishment.

PERSON - Any individual, partnership, firm, association, corporation, trustee, lessee, agent, assignee or other legal entity.

PREMISES - The entire building or structure concerned, including all floors, attics, basement areas, and outbuildings, whether or not partitioned into separate rooms or areas.

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

Section 3

A. Certificate of Occupancy and License Required:

No person operating a medical marijuana establishment in the City of Presque Isle shall present or allow presentation of any form of medical marijuana cultivation or distribution on the premises of the establishment concerned without first obtaining a certificate of occupancy from the Code Enforcement Officer and a license from the City Council for that purpose. The procedure and criteria for issuance of a certificate of occupancy shall be as provided in Chapter 16, Land Use and Development Code. The procedure and criteria for issuing a license shall be in accordance with Section B of this Section.

B. Application requirements:

All applications for licenses under this article shall be filed with, and in a form satisfactory to, the city clerk. Such application shall include, but is not limited to the following:

1. Name, address and contact information including a phone number of the applicant and all other persons having a legal interest in the clinic and property and the individual(s) hired by the applicant to manage operation of the facility, if any.

2. The location of the premises for which a license is sought by identification of city tax map number and street address.
3. The dimensions and acreage of the property.
4. A copy of a site plan, drawn to scale of 50 feet or less to the inch, which contains the following information:
 - a. The boundary lines of the property for which a license is sought.
 - b. The location of all existing and proposed buildings and structures.
 - c. The location of all existing and proposed parking areas and walkways and any other site improvements.
 - d. The location and characteristics of all existing and proposed vegetation which is proposed to be maintained for required screening.
 - e. The location and characteristics of all existing and proposed fencing proposed to be maintained for required screening.
5. A site location map at a scale of not greater on 1" to 100' showing all adjoining residential uses and any schools, churches, family day care homes, small day care facilities, day care centers and public parks and play grounds.
6. The location and characteristics of all vehicular entrances and exits serving the property.
7. A detailed description of the proposed medical marijuana facility to include the following: population to be served, client services, methods of treatment, identification of controlled substances to be kept on site, staffing requirements, security provision, hours of operation, anticipated parking demand, peak hour traffic, identification of other required licenses, etc.
8. Identification of any other approvals required by the City of Presque Isle, by any state agency or department or of any federal agencies.
9. A nonrefundable application fee, in accordance with the City's policy manual, as approved by the City Council, an original and 15 copies of the license application and all supporting documentation.

C. Administration:

1. City Council review. License applications for medical marijuana facilities shall be filed with the City Clerk and the clerk will order a background check from the police department for the applicant, individuals with a legal interest in the facility and any individual(s) hired to manage operation of the facility. The license application with the background check will then be reviewed by the City Clerk to determine if the application is complete. If the application is not deemed complete, the license shall be denied. If the application is deemed to be complete, the application will be forwarded to the planning board for a recommendation regarding the location requirements contained in this article. In the event that development review approval is required pursuant to Section 3.A of this Code, the

planning board shall not provide a recommendation to the City Council until it conducts a site plan review hearing on the proposed facility.

2. **Planning board recommendation.** Once the City Clerk receives the recommendation from the planning board, the clerk shall schedule public hearings for the City Council to consider the request to establish the proposed outpatient addiction treatment clinic. The City Council shall conduct two public hearings on the application for a license to allow adequate time for public comment and review.
3. **Conditions of license approval.** The City Council may impose conditions on the approval of any license application under this article to ensure compliance with the provisions of this article or any other provision of law. Such conditions may include, but are not limited to, the following:
 - a. That the applicant provide documentation to the City Clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law prior to clinic operations.
 - b. That the applicant provide documentation to the City Clerk of the receipt of any approvals required by any city board pursuant to this Code prior to the issuance of any license under this article.
 - c. That any screening and or other requirements imposed by the City Council pursuant to the provisions of this article or by the planning board upon development review, shall be installed, completed and approved by staff prior to the issuance of any license under this article.

D. Location and Standards:

1. No certificate of occupancy shall be issued by the Code Enforcement Officer prior to the issuance of a license as set forth in subsection B of Section 3.
2. No certificate of occupancy shall be granted for an establishment offering medical marijuana, unless the premises concerned are located in a commercial zoning district and the premises concerned meet with all district provisions and development standards contained in Chapter 16, Land Use and Development Code, amendments as adopted at the time, plus the following additional requirements:
 - a. No certificate of occupancy shall be granted for a commercial establishment offering medical marijuana, if the premises concerned are located within 250 feet of any other such establishment for which a certificate of occupancy, previously issued, remains in force; any establishment licensed to sell alcohol for on-premises or off-premises consumption under M.R.S.A. 28-A § 601 et seq.; a church, chapel, parish house or other place of worship; or a public library, juvenile shelter or orphanage in existence as of the application date, as measured from the main entrance of the premises to the main entrance of a building by the ordinary course of travel.

- b. The premises concerned must not be located within 200 feet of any residential zoning established under the provisions of Chapter 16, Land Use and Development Code, of the City of Presque Isle, as measured in a straight line from the premises to the boundary of the residential zone.
- c. The premises concerned must not be located within 250 feet of the nearest property line of any public or private school, school dormitory, or school ground, day school facility, public playground or Presque Isle public park, as measured in a straight line from the premises to the property line.
- d. No certificate of occupancy shall be issued for a commercial establishment offering medical marijuana, if any portion of the premises concerned consists of residential apartments or units, whether or not occupied.
- e. The premises concerned, in addition, shall meet all applicable requirements of Chapter 25, Building Code, as amended and adopted, Chapter 38B, as amended and adopted, Life Safety Code, as amended and adopted and Chapter 16, Land Use and Development Code or those adopted and in effect at the time of Application.
- f. The subsequent establishment of an establishment licensed to sell alcohol, a public or private school or school dormitory, a church, chapel, parish house or other place of worship, a public library, a juvenile shelter or orphanage, a playground or public park or the rezoning of any non-residential district within 200 feet of a residential zone (with the exception of the zone in which the medical marijuana business is situated) shall not affect the validity of a certificate of occupancy of a legally existing commercial establishment offering medical marijuana. In the event of the subsequent establishment of any of the foregoing uses, the establishment offering medical marijuana shall be treated as any other use permitted in the zoning district.

Section 4

A. License:

No person shall permit medical marijuana on the premises of any business whether such business is subject to a license under the Presque Isle City Ordinances, without a medical marijuana license from the City.

Once the Code Enforcement Officer has completed his review of the application, and is satisfied that it complies with the Land Use and Development Code, and the Police Chief has found the persons involved have cleared the background check, the application will be presented by the City Clerk to the City Council for its review and determination.

- a. The application must be accompanied by a report from the Code Enforcement Officer that the applicant has complied with the requirement of Section 3.A, above, and that the Code Enforcement Officer is prepared to

issue a Certificate of Occupancy, if the City Council approves the issuance of a license, after a public hearing is held.

- b. The application will be denied if the applicant, any principal of the business concerned, has a record of conviction of illegal drug or alcohol usage or of a Class A, B, or C felony under Maine law, or equivalent offences in other jurisdictions during a ten (10) year period ending prior to the application date.
- c. Hearings: Two public hearings shall be held by the City Council prior to the issuance of any license under this Ordinance.
- d. Duration: A license, once granted, shall expire one (1) year after the date of issuance thereof, unless terminated, suspended, or revoked prior thereto by the City Council for violation of any part of this Ordinance, after hearing by the City Council, with reasonable written notice to the applicant, given at least ten (10) days prior to the hearing date. Such license is not transferable.

Any renewal of license is contingent upon applicant being in full compliance with the Ordinance and the City's Land Use and Development Code, and Section 3.A above or as adopted at that time.

- e. Issuance of any License hereunder is contingent upon the issuance of a Certificate of Occupancy as set forth in Section 4.A.a above.
- f. Fees: The license fee issued under this Ordinance shall be \$500.00, for one (1) year license or as allowed by applicable State law or governing regulations.

Section 5: Conduct

- A. Each employer shall maintain records showing the name and date of birth for each employee, including a copy of the photographic identification used to verify age. Prior to any employee's beginning employment, the operator shall bring the records to the Presque Isle Police Department to verify the age of the prospective employee.

These records must be maintained by the employer until six (6) months after the employee ceases to work for the employer. These records are also subject to review by the Presque Isle Police of the business premises during normal operating hours.

- B. In the event that the Presque Isle Police reasonably suspect that any employee listed in the records is under the age of eighteen (18) years, the Presque Isle Police may copy the record for investigatory purposes. Any record or information so obtained, and any subsequent information developed therefrom, is declared to be “intelligence and investigate information” under 16 M.R.S.A. § 611, Subsection 8, the Criminal History Record Information Statute, which, if publicly disclosed, would endanger the life or safety of the individuals named therein. Record information may be disclosed to the person named therein, notwithstanding this declaration.

Section 6: General Provisions to Apply

Except to the extent that this Ordinance contains a contrary provision, all provisions of the Ordinance of the City of Presque Isle shall be in addition to the provisions of this Ordinance.

Section 7: Exceptions

This Ordinance shall not apply to any unauthorized or prohibited by any statutes of the State of Maine, as amended from time to time.

Section 8: Violations and Penalties

- A. Any violation of this Ordinance by the owner, lessee, licensee, permittee or operator of premises shall be punished by a fine of \$5,000.00 for each offence upon conviction by the District Court. In addition, the City Council, may upon conviction, suspend or revoke the license issued for any establishment offering medical marijuana in violation of this Ordinance.

If the licensee violates any condition contained in the Certificate of Occupancy, the Code Enforcement Officer may request a hearing before the City Council, with notice thereof to the licensee, setting forth the alleged violation(s); and after hearing, the City Council may suspend or revoke the Certificate of Occupancy of the licensee.

- B. Any violation of this Ordinance by a person other than the owner, lessee, licensee, permittee or operator of a premise shall be punished by a fine of not less than \$5,000.00 for the first offense, and not less than \$10,500.00 for the second and subsequent offenses.

All such fines shall belong to the City of Presque Isle.

Section 9: Severability

If any section, phrases, sentence or portion of this Ordinance 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.

Section 10: Sunset Provision

Sunset Provision: This Ordinance shall be in force for the term of four (4) years from its effective date noted below: This Ordinance shall become null and void upon the expiration of four (4) years from said effective date; unless recommended and required by the City Council to remain effective prior to such expiration date.

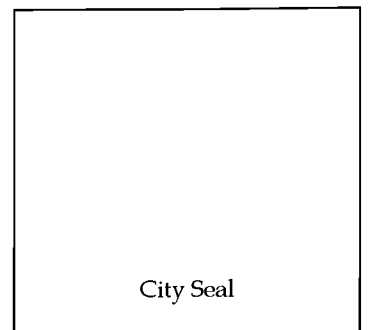
CITY OF PRESQUE ISLE

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE



Approved by the City Council: March 7, 2011

Attest: _____
Beverly A. Labbe City Clerk



PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Version 2 - Administration by the Efficiency Maine Trust

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

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

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

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the City of/Town of PRESQUE ISLE, MAINE declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town. The City/Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

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

ARTICLE II - TITLE AND DEFINITIONS

§ XX -3 Title

This Chapter/Ordinance shall be known and may be cited as “the City/Town of Presque Isle, Maine Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

§ XX-4 Definitions

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

Energy Saving Improvement: “Energy Saving Improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

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

Municipality: “Municipality” shall mean the City/Town of Presque Isle, Maine.

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

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

PACE district: “PACE district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

PACE loan: “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

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

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

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

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

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

ARTICLE III - PACE PROGRAM

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

Amendment to PACE program. In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV - CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

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

ARTICLE V - PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

- A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. § 10154 (2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
 - i. The Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
 - ii. The Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
 - iii. The Trust, or its agent, will disburse the PACE loan to the property owner;
 - iv. The Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
 - v. The Trust, or its agent, will be responsible for collection of the PACE assessments;
 - vi. The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
 - vii. The Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.
- B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvement with a PACE loan.
- C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
- D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

- A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
- B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Presque Isle, ME. City Council Question:

Shall the Presque Isle, Maine City Council enter into a "Property Assessed Clean Energy (PACE) Program Agreement" with the Efficiency Maine Trust and authorize the City Manager to sign the same?

PROPERTY ASSESSED CLEAN ENERGY (PACE) ADMINISTRATION CONTRACT

THIS Property Assessed Clean Energy (PACE) Administration Contract (the "Contract") is entered into this ____ day of _____, 20 ____, by and between The City of Presque Isle, Maine, 04769, a municipal corporation duly organized and existing under the laws of the State of Maine whose mailing address is 12 Second Street, Presque Isle, Maine 04769 (the "**Municipality**") and the **Efficiency Maine Trust**, a legal entity and instrumentality of and a body corporate and politic under the laws of the State of Maine (the "**Trust**"). The foregoing also are referred to herein collectively as the "**Parties**" or singly as "**Party**".

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

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

WHEREAS, the Municipality has adopted a PACE Ordinance; and

WHEREAS, the Parties wish to establish their respective responsibilities in the administration of the PACE Program.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the covenants and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

(1) DEFINITIONS. Capitalized terms used in this Contract shall have the meanings given them in 35-A M.R.S.A. § 10153 unless otherwise specified herein. In addition, these terms are defined as follows:

1.1 PACE Agreement: "PACE Agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE Mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

1.2 PACE District: "PACE District" means the area within which the Municipality establishes a PACE Program under this Contract, which is all of that area within the Municipality's boundaries.

1.3 PACE Loan: "PACE Loan" means a loan made to the owner(s) of a Qualifying Property for an Energy Saving Improvement.

(2) TRUST'S RESPONSIBILITIES. The Trust shall, itself or through its authorized agents:

2.1 Administration. Administer the functions of a PACE Program which administration shall include, without limitation:

- A. The trust will enter into PACE agreements with owners of Qualifying Property in the Municipality's PACE District;
- B. The trust, or its agent, will create and record a Notice of the PACE Agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- C. The Trust, or its agent, will disburse the PACE Loan to the property owner;
- D. The Trust, or its agent, will send PACE Assessment statements with payment deadlines to the property owner;
- E. The Trust, or its agent, will be responsible for collection of the PACE Assessments;
- F. The Trust, or its agent, will record any lien, if needed, due to nonpayment of the PACE Assessment;
- G. The Trust or its agent, promptly shall record the discharge of a PACE mortgage upon full payment of the PACE loan;
- H. The Trust, or its agent, will be responsible for management of federal grant funds; and
- I. The Trust, or its agent, will ensure the collection of data required to quantify carbon savings and to facilitate access to and edibility for voluntary carbon markets, for federal grants for energy efficiency and for other incentive programs that support Energy Saving Improvements.

2.2 Terms and Conditions. Pursuant to 35-A M.R.S.A. § 10154, the Trust may establish terms and conditions under which municipalities and property owners may participate in a PACE Program established thereunder, and the Parties agree that they, the PACE Program hereunder and this Contract are subject to those terms and conditions as amended from time-to-time.

(3) MUNICIPALITY'S RESPONSIBILITIES.

3.1 Education and Outreach Programs. The Municipality agrees to adopt and to implement an education and outreach program so that owners of property in the Municipality are made aware of home energy saving opportunities, including the opportunity to finance Energy Saving Improvements with a PACE Loan.

3.2 Conformity with Home Energy Savings Program. The Municipality agrees to conform its PACE Program to the requirements contained in the Home Energy Savings Program.

3.3 Acceptance and Disbursement of Funds. The Municipality agrees to accept PACE funds from the Trust and to disburse PACE funds back to the Trust as needed to satisfy the conditions of the federal grants and to allow the Trust to fund and administer a uniform system of municipal PACE Programs throughout the State.

3.4 Assistance and Cooperation. The Municipality agrees to cooperate with the Trust in the administration of the Municipality's PACE Program, including but not limited to, providing information about applicant properties including property tax payment and lien status, taxable value of residential properties in town, and providing reasonable and necessary aid to the Trust for require data collection, recordkeeping and reporting functions relative to the PACE Program in the PACE District, and providing reasonable and necessary support to the Trust's PACE loan, PACE Assessment, and billing and collection functions.

3.5 Conformity. If standards or rules and regulations are adopted by any State or federal agency subsequent to the Municipality's adoption of a PACE Ordinance or participation in a PACE Program and those standards or rules and regulations substantially conflict with the Municipality's manner of participation in the PACE Program, the Municipality, should it desire to continue its participation in the PACE Program, will be required to take necessary steps to conform its participation to those standards or rules and regulations.

(4) TERM

4.1 This Contract is for a period of three (3) years and shall automatically be renewed for additional periods of three (3) years unless either Party provides the other with ninety (90) days' advance written notice of intent not to renew this Contract.

(5) TERMINATION

5.1 Either Party may terminate this Contract for convenience by providing the other with ninety (90) days' advance written notice of termination. On and after the date of termination, the Municipality no longer will have a PACE Program administered by the Trust except for those PACE Loans already secured by PACE Mortgages as of the date of termination.

(6) LIABILITY

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

6.2 Other than the fulfillment of its obligations specified in a PACE Agreement, the Municipality has no liability to a property owner for or related to Energy Saving Improvements financed under a PACE Program.

(7) MISCELLANEOUS PROVISIONS

7.1 Notices. All notices, demands or other communications made pursuant to this Contract shall be in writing and shall be sent by (i) registered or certified United States mail, postage prepaid, (ii) by overnight courier, or (iii) by facsimile. Such notice shall be deemed effective upon delivery addressed as follows:

To the Municipality:

City of Presque Isle, Maine
12 Second Street
Presque Isle, ME 04769
ATTN: City Manager

To the Trust:

Efficiency Maine Trust
101 Second Street
Hallowell, ME 04347
ATTN: _____

7.2 Entire Agreement, Modifications. This Contract constitutes the entire agreement of the Parties, and neither Party shall be bound by any statement or representation not contained herein. Except as provided herein, this Contract cannot be changed, amended or modified, except by another agreement in writing signed by all Parties hereto or by their respective successors in interest.

7.3 Headings. The section headings contained herein are for convenience of reference only and are not intended to define, limit, or describe the scope or interest of any provisions of this Contract.

7.4 Severability. If any section, term, covenant, or condition of this Contract or the application thereto to any person or circumstances shall, to any extent be illegal, invalid or unenforceable because of judicial construction, the remaining sections, terms, covenants, and conditions of this Contract, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each section, term, covenant, or condition of this Contract shall be valid and be enforced to the fullest extent permitted by Law.

7.5 Governing Law, Remedies. This Contract shall be governed by and construed in accordance with the laws of the State of Maine. Except as otherwise agreed by the Parties in writing, all disputes, claims, counterclaims and other matters in question between the municipality and the Trust arising out of or relating to this Contract shall be decided by a Maine court of competent jurisdiction.

7.6 Assignment: successors and Assigns. This contract may not be assigned by either party without the prior written consent of the other Party, which consent shall not be unreasonably conditioned, delayed or withheld. This contract shall benefit and be binding upon the Parties hereto and their respective permitted successors and assigns.

7.7 Non-Waiver. Except as expressly provided in this Contract, the failure or waiver, or successive failures or waivers on the part of either party hereto, in the enforcement of any paragraph or provision of this Agreement shall not render the same invalid nor impair the right of either Party hereto, its successors or Contract permitted assigns, to enforce the same in the event of any subsequent breach thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Property Assessed Clean Energy (PACE) Administration Contract, to be executed by their duly authorized representatives as of the date first set forth above.

MUNICIPALITY

EFFICIENCY MAINE TRUST

By: _____

By: _____

Signature

Signature

James Bennett

Its: City Manager (Title)

Print Name

Its: _____ (Title)

Section 4 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date noted below: This Ordinance shall become null and void upon the expiration of four (4) years from said effective date; unless recommended and required by the City Council to remain effective prior to such expiration date.