

2018

Town of Rumford Ordinances

Rumford, Me.

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Rumford Maine

A REVISED CODE OF ORDINANCES

(Including Amendments and Adoptions up to November 6, 2018)

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A REVISED CODE OF ORDINANCES FOR THE TOWN OF RUMFORD

(Including Amendments, Adoptions and Repeals of June 13, 2017)

INTRODUCTION

There is reproduced herein the Revised Code of Ordinances for the Town of Rumford which was adopted by the voters at annual meeting of the Town held on February 4, 1952, this action being under Article 4 of the warrant, as amended. This is the initial set of Ordinances adopted pursuant to the provisions of the new Chapter for the Town of Rumford, 1951, Private and Special Laws, Chapter 45.

The publication of this Code in book form is in pursuance of authority and direction of the voters at annual meeting above referred to, action being under Article 39 of the warrant. This action was taken under authority of Public Laws of 1951, Chapter 282, which provides inter alia, that such a code "shall be admitted in evidence without further proof and shall be prima facie evidence in all courts of the existence and regularity of the enactments of the particular ordinance and of said code."

EFFECTIVE DATES

By vote of adoption, Chapters 1 to 17, inclusive, Chapter 21 and Chapters 23 to 27 inclusive, became effective on February 5, 1952. Chapters 18, 19, 20 and 22 became effective on February 25, 1952.

FORMALITIES

This code of Ordinances was approved by Honorable Albert Beliveau, Justice, Superior Court on February 4, 1952, as appears from the record in the office of the Town Clerk.

All references to "by-law" or "bylaw" were deleted and were replaced with "ordinances" by amendment June 13, 2006.

All references to "M.R.S.A." or "MRSA" were deleted and were replaced with "M.R.S." added and all references to "Maine Revised Statutes Annotated" were deleted and replaced with "Maine Revised Statutes" by amendment on June 13, 2006.

All references to the "School Committee" were deleted from the ordinances on June 12, 2007.

All specific fees deleted and replaced with "fees established by the Board of Selectpersons in the *Schedule of License, Permit, Application and Other Fees*" by amendment on June 12, 2007.

CHAPTER 1 Board of Selectpersons

CHAPTER 1, Section 2 Closing of Annual Meeting Warrant
AMENDED JUNE 8, 1982

CHAPTER 1, Section 6 Board of Selectpersons-License and Permit Fees
AMENDED JUNE 10, 1986

CHAPTER 1, Section 4 Board of Selectpersons-Annual Report
AMENDED JUNE 13, 1989

CHAPTER 1, Section 1 Board of Selectpersons-Meetings
AMENDED JUNE 9, 1992

CHAPTER 1, Section 4 Board of Selectpersons-Annual Report
AMENDED JUNE 14, 1994

CHAPTER 1, Sections Numbering Changed
AMENDED JUNE 12, 2007

CHAPTER 1, Section 1, Meetings and Section 2, Agenda
AMENDED JUNE 9, 2009

CHAPTER 1, Section 8, Multi-Year Contracts
ADOPTED JUNE 12, 2012

Section 1. Meetings. Regular meetings of the Board of Selectpersons shall be held twice monthly. The day of the month and time of day of such regular meetings for the ensuing year shall be determined at the organizational meeting.

Meetings may be called by the Chairperson, Town Manager, or by three members of the Board of Selectpersons. Notice of such meetings shall be given to the members as they shall have determined by vote at the organizational meeting otherwise by reasonable notice to all members, the Town Manager and local media.

A regular meeting may be changed by vote of the Board of Selectpersons at a prior regular meeting providing that notice of said change be posted and recorded in the minutes at least seven (7) days before the regularly scheduled meeting.

Section 2. Agenda. The regular meeting agenda will be prepared at least three (3) days in advance of this meeting. An item not on the agenda will not be discussed at the meeting unless sixty per cent (60%) of the members of the Board present declare that such an item is of an urgent nature.

Section 3. Closing of Annual Meeting Warrant. The Board shall close and sign the warrant for the next annual meeting at least 21 days prior to the Annual Town Meeting and forthwith deliver the same to a constable and a copy thereof to the Chairperson of the Finance Committee.

Section 4. Final Summary of Operations. On or before the fourteenth day of April, annually, the Board shall prepare a final summary, in detail, including a comparative balance sheet, covering the complete financial operations of the Town for the preceding fiscal year, and shall deliver 20 copies of the same to the Chairperson of the Finance Committee.

Section 5. Annual Report. No later than December 31st of each year, the Board shall cause to be published an Annual Town Report. It shall contain the reports of the Town Manager, Board of Selectpersons, the School Board, the Board of Assessors, the Auditor, the Park Commission, the Library Trustees, the Town Clerk-Treasurer, the Tax Collector, the Health Officer, the Building Inspector and such other reports as may be

prescribed by the general law or by the Board, it shall contain copies of the warrant of the Annual Town Meeting and a record of the action taken at such meetings. It shall also contain copies of the warrants of any Special Town Meetings. It shall contain a completed text of any ordinance revisions that were voted affirmative at the annual election meeting. It shall also contain an annual calendar setting out in detail a chronology of all municipal activity, to be prepared by the Town Manager. It shall be the duty of the Town Manager to see that all the material required for the Annual Town Report, as outlined in the preceding section, is properly prepared and submitted in time for inclusion in the Annual Town Report.

Section 6. Disposal of Tax-Acquired Property. The Board of Selectpersons is hereby authorized to sell and dispose of any property or interest therein acquired by the Town through tax process, on such terms and under such circumstances as they deem advisable, and to execute quit-claim deeds or bills of sale of the Town therefore. Such documents shall be executed for the Town by a majority of the Board of Selectpersons.

Section 7. License and Permit Fees. The Board of Selectpersons is hereby authorized to review and amend from time to time fees assessed for licenses and permits required by the Town Charter, Ordinances, and by the General Laws of the State of Maine, for all licenses and permits where fees are not established by said Charter, Ordinances or General Laws of the State of Maine.

Section 8. Multi-Year Contracts. The Board of Selectpersons shall be authorized to enter into multi-year agreements for contracted services or grant opportunities to the Town, provided that funds for the first fiscal year of the agreement are available and provided that payments and performance for subsequent fiscal years are contingent upon the annual approval of the legislative body to raise and appropriate subsequent annual payments in each year of the contract or grant. The estimated requirements covering the period of the agreement must be reasonably firm and continuing, and such agreement will serve the best interests of the Town by encouraging effective competition or otherwise promoting economies in Town procurement.

CHAPTER 1A Town Manager

CHAPTER 1A, Section 1, Town Manager-Purchasing Agent
ADOPTED JUNE 8, 1982

CHAPTER 1A, Section 2, 3, Town Manager
ADOPTED JUNE 9, 1992

CHAPTER 1A, Section 1 Amount Changed from \$1,000 to \$2,000 and elimination of school department language
AMENDED JUNE 12, 2007

CHAPTER 1A, Section 1
AMENDED JUNE 8, 2010

CHAPTER 1A, Section 1
AMENDED JUNE 14, 2016

Section 1. Town Manager-Purchasing Agent. The Town Manager, as purchasing agent for all departments, boards, commissions and officials, shall purchase single items in accordance with the Town's Municipal Purchasing Policy.

Section 2. Removal, Suspension. The Selectpersons may remove or suspend the Town manager for cause (which include, but are not limited to, the grounds described in Chapter 36) in accordance with the following procedures.

- A. The Selectpersons shall file a written preliminary resolution with the Town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.
- B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.
- C. Upon request for a public hearing, the Selectpersons shall hold one at least 10 days, but not more than 30 days, after the request is filed.
- D. After the public hearing, or at the expiration of the time permitted, the manager to request the public hearing, if no such request is made, the Selectpersons may adopt or reject the resolution of removal.
- E. The Selectpersons may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.
- F. The Town Manager shall have the right to appeal said removal to the Board of Appeals by notifying, in writing, the Board of Appeals and the Board of Selectpersons within five (5) business days after the effective date of the removal.
- G. The Board of Appeals shall meet within ten (10) days of receipt of the written notification of appeal to hear said appeal pursuant to Chapter 37.

Section 3. Absence or Disability of Town Manager. The Town Manager may designate a qualified administration official of the Town to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Selectpersons. If the Town Manager does not make this designation, the Selectpersons may appoint a Town official to perform the Manager's duties during the absence or disability or until the Manager returns or the disability ceases.

CHAPTER 2

Budget Material and Presentation

CHAPTER 2, Budget Material and Presentation
AMENDED JUNE 14, 1994

CHAPTER 2, Section 1(b) and (c) Preparation of Material references to school committee deleted
AMENDED JUNE 12, 2007

CHAPTER 2, deleted Sections 1A, 1C, 5; Amended Section 2
AMENDED JUNE 14, 2016

- Section 1. Preparation of Material.** During the 1st week of February, annually, tentative budget programs for the ensuing fiscal year shall be prepared by department heads requiring funds from general and special appropriations of the Town, and submitted to the Town Manager. The Town Manager shall prepare the budget requests and present them to the Finance Committee and schedule appropriate hearings.
- Section 2. Form of Budget.** The Finance Committee shall have the right to prescribe the form in which the budgets are submitted and shall also have the right, after receiving such budgets, to request additional information concerning the same, which information shall be promptly and accurately provided.
- Section 3. Presence at Hearings.** The Finance Committee shall have the right to request the presence of Town officials, members of the boards, department heads and other persons who assisted in preparing budget material to attend scheduled public hearings or executive sessions of the Committee for the purpose of participating in discussions relative to the same, and such requests shall be complied with.
- Section 4. Town Manager to Coordinate.** It shall be the duty of the Town Manager to coordinate the budget operations established by the provisions of this Chapter, and to see that all budget material, as herein provided, is timely submitted.

CHAPTER 3 Finance Committee

CHAPTER 3, Section 4 -- Finance Committee, Budget Meeting
AMENDED JUNE 14, 1983

CHAPTER 3, Section 4 -- Finance Committee, Budget Meeting language referring to school committee deleted
AMENDED JUNE 12, 2007

Sections 1, 2, 3, 4, 5, and 6
AMENDED JUNE 10, 2014

Sections 2, 3, 4 and 5
AMENDED JUNE 14, 2016

CHAPTER 3, Finance Committee—Section 4, Section 5
AMENDED June 12, 2018

- Section 1. Power and Duties.** It shall be the duty of the Finance Committee to make definite recommendations to the voters at every annual and special meeting relative to all articles in the warrant for such meeting involving the appropriation and expenditure of moneys. The Committee shall also serve in the capacity of a financial planning agency for the Town. All meetings of the Finance Committee shall be open to the public and such public notice shall be given by the Chairperson as the Committee shall determine.
- Section 2. Meetings.** Meetings of the Finance Committee will be called by the Chairperson as needed, in addition to the Organization Meeting (per Town Charter Article XIV, Section 3) and budget meetings outlined in the Chapter 3, Section 4, below.
- Section 3. Special Meetings.** Special Meetings, as required, shall be called in a manner provided by the Town Charter (Article XIV, Section 4).
- Section 4. Budget Meetings.** Upon receipt of the budget for the ensuing fiscal year from the Town Manager, the Committee shall hold as many budget meetings as are required to complete its budgetary work and submit their final recommendations at least 60 days prior to the Secret Ballot Election to the Town Manager to give reasonable time for absentee ballots to be prepared. The Committee shall hold as many public meetings as they may require.
- Section 5. Hearings on Warrant.** The Committee shall hold a public hearing to consider and hear comment on the articles in the warrant for the next Annual Town Meeting.
- Section 6. Public Planning Meetings.** The Committee may hold public planning meetings to discuss and hear comment on municipal planning and board future programs.

CHAPTER 4 Police and Fire Departments

CHAPTER 4, Section 4, Police and Fire Department
AMENDED JUNE 14, 1994

CHAPTER 4, Section 8, Police and Fire Department
AMENDED JUNE 14, 1994

Chapter 4, Section 8, Disciplinary Action
AMENDED JUNE 10, 1997

Chapter 4, Section 9 Removal of Legal Residence
AMENDED JUNE 10, 2008

Chapter 4, Section 2 Organization of Police and Fire Departments
AMENDED JUNE 9, 2009

Chapter 4, Section 3 Appointment of Chiefs
AMENDED JUNE 9, 2009

Chapter 4, Section 4, Appointment of Patrolmen and Firemen
AMENDED JUNE 9, 2009

Chapter 4, Section 10 Political Activity
AMENDED JUNE 9, 2009

Section 9, titled, Removal of Legal Residence, changed to Residency, added contract language
AMENDED JUNE 10, 2014

Section 1. Powers and Duties. The Town Manager, with the approval of the Board of Selectpersons shall be responsible for the operation and administration of the Police and Fire Departments of the Town, including the selection and control of the personnel. In the execution of this assignment, and without limiting the generality of the foregoing, the Town Manager shall exercise and perform specifically, subject to the provisions of the Town Charter and any collective bargaining agreement in effect, the following powers and duties:

- A. To make and administer rules for the appointment, promotion, demotion, discipline, retirement and discharge of the members of said departments, provided, however, that the Town Manager shall not, under such rules, delegate his power to select or appoint personnel.
- B. To make and administer rules governing the duties and conduct of the members of said departments.
- C. To fix the salaries of the chief and the investigator of the police department and the chief of the fire department.
- D. To prepare the annual budget for said departments in accordance with the provisions of these Ordinances.
- E. To approve all disbursements for the accounts of said departments and to certify the same to the Board of Selectpersons.

Section 2. Organization of Police and Fire Departments.

- A. The Police Department shall consist of a Chief and or Public Safety Director and such other officers, patrolmen and special patrolmen as the Board of Selectpersons shall from time to time determine.
- B. The Fire Department shall consist of a Chief and or Public Safety Director and such other officers, regular men and call men as the Board of Selectpersons shall from time to time designate. All references to

employees designate both sexes, and where the male gender is used, it shall be construed to include male and female employees. All references to the Chief of either department shall mean Chief or Public Safety Director as determined by the Board of Selectpersons.

Section 3. Appointment of Chiefs. The Chief of each department, or Public Safety Director overseeing both departments, shall be chosen by the Town Manager with the approval of the Board of Selectpersons. The appointment may be probationary for a period not exceeding one year.

Section 4. Appointment of Patrolmen and Firemen. All citizens shall be eligible for appointment as regular men in either department, except that a special patrolman and a call man, who shall have served at least five (5) years in the police department or fire department, respectively, shall be given preference over applicants not having such experience. The Town Manager, with the approval of the Board of Selectpersons, shall have the right to make probationary appointments for a period not exceeding one year, and said one year period may be extended for a period not to exceed an additional three (3) months if, in the opinion of the Manager, it seems advisable.

Section 5. Appointment of Special Patrolmen and Call Men. All citizens shall be eligible for appointment as special patrolmen in the Police Department, and call men in the Fire Department. Special patrolmen and call men shall be appointed for a term not to exceed one (1) year. The form and manner of filing applications, the matter of qualifications, examinations and similar detail shall be established by Town Manager with the approval of the Board of Selectpersons.

Section 6. Demotions. Neither Chief of said departments shall for any reason whatsoever be demoted. All other officers of either department shall be subject to demotion on complaint of the chiefs of the respective departments, filed with the Town Manager. Hearing on such complaints shall be held in accordance with the collective bargaining agreement then in force.

Section 7. Suspension by Chiefs. The Chief of either department, for any reason which he deems adequate, shall have the right to suspend, without pay, any member of his department including special patrolmen and call men, for a period not to exceed 7 days for any one offense, and for periods aggregating not more than 30 days in a calendar year.

Section 8. Disciplinary Action. Disciplinary action involving any permanent member of either department, including the Chief, shall be governed by Chapter 36-A and Section 6 and 7 of this chapter.

Section 9. Residency. The failure of any member of either department to maintain a legal residence, as negotiated by union contract, shall constitute a cause for discharge, the procedure for which shall be governed by the provisions of Section 8 hereof.

Section 10. Political Activity. No member of either department, regular or special, including the Chief, acting in an official capacity or in association with any official capacity, as an individual or in concert with others, shall participate, direct or indirectly, in any act or program designed to, or tending to influence the election of any Town official or to influence the appointment of any person. Violation of the provisions of this section shall constitute a cause for suspension or dismissal under the provisions of section 8 hereof.

Section 11. Interference with Police and Fire Protection. It shall be unlawful for any person or persons, within or without the Police and Fire departments to conspire with others in any acts or acts, or to take part in concerted action, formally organized or otherwise, which is designed to, or tends to interfere with or deprive the citizens of the Town of Rumford of the protection for which the police and fire departments are maintained. The Chiefs shall take such action as is necessary to bring about the prosecution of any person violating the provisions of this section.

CHAPTER 5 Park Commission

CHAPTER 5, Section 3, Executive Agent
AMENDED JUNE 14, 1994

CHAPTER 5, Section 1(c) and 1(d), Powers and Duties
AMENDED JUNE 14, 2011

Section 1. Powers and Duties.

- (a) The Park Commission shall be and is hereby charged with the duty of developing, maintaining and operating all publicly owned cemeteries, and all public parks, athletic fields, recreational and playground areas and facilities, now existing or hereafter established by vote of the Town excepting playground areas under the control of the School Department, to such extent as funds are provided or made available thereof.
- (b) The Commission, in its discretion, shall have the authority to permit the use of the athletic facilities under its jurisdiction by persons and organizations, other than public school activities, under such terms and conditions as it may determine. In connection with public school activities, it shall have the right to impose such conditions relative to the use of such facilities as it may determine just and proper to the end that special expenses involved shall be absorbed by the user.
- (c) All incidental income resulting from the operation shall be paid to the Town Treasurer on a monthly basis and shall be allocated to the Park and Recreation Commission in addition to the Town appropriation, so that the funds may be drawn upon for the Park and Recreation Commission's expenses.
- (d) Any incidental income, revenues and monies remaining in the Park and Recreation Commission Account at the end of the fiscal year shall be carried forward into the Park and Recreation Capital Account.

Section 2. Meetings. The regular meetings of the Park Commission shall be held monthly. The day of the month and time of day of such regular meetings for the ensuing year shall be determined at the organizational meeting. Special meetings may be held as provided by the Town charter.

Section 3. Executive Agent. The Town Manager or his designated representative shall act as executive agent of the Commission, and shall attend meetings of the Commission when requested by the Commission Chairperson.

CHAPTER 6 Board of Library Trustees

CHAPTER 5, Section 2, Meetings
AMENDED JUNE 9, 2015

- Section 1. Powers and Duties.** The Board of Library Trustees shall be and is charged with the duty of maintaining and operating the Rumford Public Library, and shall be and is hereby invested with all powers necessary to that end. The Board shall accomplish the purposes herein stated within the means provided by appropriations of the Town, assistance rendered by the State and private gratuities. All incidental income resulting from the operation shall be paid in to the Town Treasurer monthly, and shall be allocated to the Library Budget in addition to the Town appropriation, so that the funds may be drawn upon for Public Library expenses.
- Section 2. Meetings.** The Board shall hold regular monthly meetings as determined by the Board to conduct library business as needed. The annual organization meeting shall be held as outlined in the Town Charter, Article XV. Special meetings may be held as provided by the Town Charter.

CHAPTER 7 Town Auditor

CHAPTER 7, Section 1 Town Auditor
AMENDED JUNE 14, 1994

CHAPTER 7, Section 1 Town Auditor
AMENDED JUNE 10, 2008

Section 1. Duties. The Town Auditor shall conduct an annual audit of the financial operations of all departments of the Town and of the accounts of all officials who handle funds of the Town. Such audit shall be performed in accordance with generally accepted auditing practices for municipalities and shall at least meet the minimum requirements of the general law. As soon as may be, following the close of the fiscal year, he shall make a final report covering the entire year, which report shall embody the results of his findings and such suggestions, as he may deem advisable concerning the affairs of the Town. He shall render such report to the Board of Selectpersons, and a copy to the Finance Committee and to the State Auditor. He shall do such other things and perform such other duties as may be prescribed by general law of the State.

Section 2. Irregularities. Whenever the Auditor finds evidence of irregularities in the accounts of the Town or its officials, or of practices which do not comply with the general law, the provisions of the Town charter, or these Ordinances, he shall report the same forthwith to the Finance Committee and to the Board of Selectpersons.

**CHAPTER 8
School Committee**

REPEALED JUNE 12, 2007

CHAPTER 9 Town Treasurer

CHAPTER 9, Section 3 Town Treasurer
AMENDED JUNE 14, 1994

- Section 1. Duties.** The Town Treasurer shall perform all duties prescribed by the general law, and all such duties as may be essential to the functions usually associated with such office, and shall be custodian of all funds of the Town, whatever be the source of origin, and shall be responsible for the preservation and disbursement of the same, and shall keep an accurate record of all such receipts and disbursements, and in addition thereto shall keep a complete and accurate record of:
- (a) The Town debt, both temporary and long term.
 - (b) All bequests, gifts and trust funds.
- Section 2. Trust Funds.** All trust funds shall be invested by the Town Treasurer, with the approval of the Board of Selectpersons, in compliance with the direction, if any, of the donors. The proceeds only of such investments, unless otherwise directed by the donors, shall be used for carrying out the purposes of the trusts. In no instance shall the principal of such funds be used, or pledged as security for any purpose. It shall be the duty of the Town Treasurer to keep such funds segregated, to collect the income and disburse the same, with the approval of the Board of Selectpersons.

CHAPTER 10

Town Clerk

Section 1. Ordinances. It shall be the duty of the Town Clerk to keep the Ordinances of the Town currently revised and to prepare a revised copy for printing, from time to time, as the Town may appropriate funds therefore.

CHAPTER 10A The Planning Board

CHAPTER 10A, The Planning Board, Section 2(b)
AMENDED June 13, 2017

CHAPTER 10A, The Planning Board, Section 2(a), Section 2(b)
AMENDED June 12, 2018

Section 1. Powers and Duties.

- (a) The Planning Board shall prepare a Comprehensive Plan and carry on the broad concept of continuing planning as set forth by State Statutes and Municipal Ordinance (30 M.R.S. § 4961).
- (b) The Planning Board shall up-date and revise the Comprehensive Plan as necessary. Each plan must be submitted to the municipal officers for consideration of submission to the legislative body for review and acceptance.
- (c) The Board shall perform such duties and exercise such other powers as are provided by Rumford ordinance and the laws of the State of Maine.
- (d) The Board shall be coordinated with other branches of the municipal government in order to carry out the projects and goals of the Comprehensive Plan and other duties prescribed by State and Municipal Law.
- (e) The Planning Board may, with the approval of the municipal officers, be authorized to contract with Federal, State, and private agencies.

Section 2. Organization and Rules.

- (a) **Membership:** There shall be 5 members appointed by the Board of Selectpersons. Two alternate members shall also be appointed to act in the absence of a regular member.

The officers shall be a Chairperson, Vice-Chairperson, and a Secretary who shall be elected from among the membership for a term of one year, or until their successors are elected.
- (b) **Meetings:** The organizational meeting shall be held in July, after new members have been appointed, sworn in, and a quorum is met. Regular monthly meetings shall be held on a day to be established annually at the organizational meeting of the Planning Board. The Planning Board may change the day and time of the monthly meetings, as circumstances may require, with a minimum of five (5) days' notice to the public. Meetings shall be held in Municipal Building. All meetings are open to the public.
- (c) The Board shall act in accordance with its accepted Ordinances and business will be conducted in accord with Maine Statutes, Town ordinances, and Roberts Rules where pertinent.

CHAPTER 11 Records

CHAPTER 11, Section 1 Records-Meetings
AMENDED JUNE 14, 1983

CHAPTER 11, Section 1 Records
AMENDED JUNE 14, 1994

- Section 1. Meetings.** The Secretary of all boards and commissions shall keep a complete and accurate record of each meeting, regular or special, of his or her board or commission, after the approval of the minutes by the appropriate boards and within 7 days following such meeting shall file copy thereof with the Town Clerk. The Town Clerk shall keep such records in appropriate books and binders which shall be open to public inspection during business hours.
- Section 2. Records and Accounts.** All records and accounts of every official department or agency of the Town shall be open to inspection at reasonable times and under such regulations as the Town Manger may establish, except such records of the Town Clerk as are by general law withdrawn from public inspection.
- Section 3. Form of Certain Records.** The Town Manager, with the approval of the Board of Selectpersons, shall prescribe the method and form of keeping records by the Building Inspector, Health Officer and other appointive officers and agents of whom records are required.
- Section 4. Police and Fire Departments.** The Board of Selectpersons shall prescribe the method and form for keeping the records of the Police and Fire Departments.
- Section 5. Legal Opinion.** The Town Manager shall keep available for reference a record of all opinions obtained by the Town.
- Section 6. Reports on Financial Status.** On or before the 15th day of each month, the Town Manager with the assistance of the Treasurer and Auditor shall make a written report to the Board of Selectpersons showing the status of each account. Said reports, or a copy thereof, shall be filed with the Town Clerk and kept available for public inspection.
- Section 7. Meeting Dates.** On or before the 1st day of July of each year, the Chairperson of all Town Boards, Committees and Commissions, shall notify the Town Manager, in writing, of the time and place of the regular meetings of their respective agencies for the ensuing year. The Town Manager shall assemble and publish at least once in a local newspaper, or by any other means as determined by the Selectpersons, an appropriate schedule of such meetings, post a copy thereof in the Municipal Building and file a copy thereof with the Town Clerk.
- Section 8. Record of Tax Sales, etc.** The Town Treasurer, in connection with all sales of unmatured tax liens, and the Board of Selectpersons in connection with the sales of all tax-acquired property, shall keep complete records of such transactions in appropriate books to be provided therefore.

CHAPTER 12

General Business Provisions

Chapter 12, Section 2 Business Hours
AMENDED JUNE 9, 2009

Chapter 12, Section 2, Business Hours
AMENDED JUNE 9, 2015

- Section 1. Municipal Building, Designation.** The public building erected by the Town of Rumford and by the County of Oxford for the use for municipal and county purposes shall be known and designated as the Rumford Municipal Building.
- Section 2. Business Hours.** The Municipal Building and all Town offices shall be open for business Monday through Friday for at least eight (8) consecutive hours on each day, unless otherwise directed by the Town Manager or Board of Selectpersons. The Town Manager may only issue an order for a temporary closing of the Municipal Building and/or Town offices for emergent circumstances. The Board of Selectpersons has the sole authority for changing the hours or days that the Municipal Building and/or other Town offices are open for business on a permanent basis, provided that a notice of such change is published in a paper of local circulation at least seven (7) days prior to such change. Holidays shall be observed by Town offices, as determined by the Board of Selectpersons.
- Section 3. Rental of Auditorium.** The auditorium of the Municipal Building may be made available for private use for such fee and under such conditions and stipulations as the Board of Selectpersons shall determine.

CHAPTER 13 Financial Procedures

CHAPTER 13, Financial Procedures
AMENDED JUNE 14, 1994

Chapter 13, Section 9 Monies Received from Cable T. V. Franchise Agreement
AMENDED JUNE 9, 2009

Chapter 13, Section 5 Private Use of Equipment
AMENDED JUNE 8, 2010

CHAPTER 13, Section 9, Monies Received from Cable T. V. Franchise Agreement
AMENDED JUNE 14, 2011

- Section 1. Income Receipts.** All money collected by the Town shall be paid by the receiving agency to the Town's Treasurer. The Treasurer shall deposit such funds into the appropriate Town account as designated by the Board of Selectpersons.
- Section 2. Use of Receipts.** Funds received by the Town shall be used as directed by the Town's current budget and/or the Board of Selectpersons in their capacity as agents for the Town's people.
- Section 3. Remittance of Tax Collector.** All money received by the Tax Collector shall be delivered to the Town Treasurer, and identified by title (e.g., Taxes Receivable or Tax Liens) and year of assessment.
- Section 4. Extension of Credit.** No officer or agent of the Town shall extend credit for material furnished or services rendered to individuals, groups, or corporations without the prior consent of the Board of Selectpersons. The Board of Selectpersons are responsible for taking all reasonable precautions to insure that the Town is reimbursed for all goods and/or services.
- Section 5. Private Use of Equipment.** No equipment, materials, or service of the Town shall be made available without the direct approval of the Board of Selectpersons or the Town Manager.
- Section 6. Funds with Designated Uses.** All funds designated for special purposes or projects by a vote of the Town, by agreement, or by law shall be accounted for separately and safeguarded in order to insure that they are used as designated. These funds shall be invested as directed by the Board of Selectpersons, with the advice of the Finance Committee, and in a manner consistent with the laws and regulations of the State of Maine.
- Section 7. Overdrafts and Surpluses.**
- (a) It is the duty of all municipal officers and staff to comply with the laws of the State of Maine and to refrain from exceeding their approved budget without appropriate approval of the Town Manager and the Board of Selectpersons.
 - (b) Any deficit that does occur must be properly accounted in accordance with generally accepted accounting principles.
 - (c) In the event of unavoidable expenditures that will exceed the budgeted amount, the Board of Selectpersons may seek to cover the overdraft from within the department, so long as the department's budget is not exceeded or the Board shall call a special Town Meeting to seek further appropriations.
 - (d) In the event that expenditures for any account do not exceed the amount budgeted for them, the Board of Selectpersons shall either lapse the excess to Undesignated Fund Balance (a/k/a Surplus) or designate the balance to be carried forward.

Section 8. Trust Funds. The Board of Selectpersons acting with the advice of the Finance Committee are authorized to accept funds to be held in trust and used as is customary for such funds or as directed by the Trust documents.

Section 9. Monies Received From Cable T.V. Franchise Agreement. Monies received from the cable television franchise agreement shall be paid to the Town Treasurer to be disbursed as follows: two thirds (2/3) of the total to be allocated for cable access programming use and one third (1/3) of the total by vote of the Board of Selectpersons. In the event of a surplus at the end of the fiscal year, it shall be transferred to the undesignated fund balance.

CHAPTER 14

Radio Interference

Section 1. Interference Unlawful. It shall be unlawful for any person, firm or corporation to operate any electrical machinery or equipment which interferes with radio reception. Whoever violates the provisions of this section shall be punished by a fine not to exceed \$10.00, provided however, that such operator shall have had written notice of at least 3 days within which to eliminate the source of the interference.

CHAPTER 15 Hawking and Peddling

Section 1
AMENDED JUNE 12, 2007

Sections 1-A and 3
ADOPTED JUNE 12, 2007

Section 1-B
ADOPTED JUNE 9, 2009

Section 1, Single event license added
AMENDED JUNE 12, 2012

Section 1 and 1B
AMENDED JUNE 10, 2014

Section 1. License Required. It shall be unlawful for any person to engage in the business of hawking or peddling goods, wares or merchandise, at retail, without first obtaining a license therefore from the Board of Selectpersons. A person can apply for either an annual license or a single event license. A 501(c)3 qualified non-profit organization may apply for a Festival Event License which will allow said organization holding a fundraising event to have vendors on the street and sidewalks of town for the event without requiring individual vendor licenses for each vendor during the event only. The organization shall be limited to four events in each calendar year.

Licenses shall be issued after the Town receives a complete application and the application fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees*.

Section 1-A. Hours for Hawking and Peddling. The business of hawking and peddling referred to in Section 1 of this ordinance shall be confined to the hours of 6:00 a.m. to 9:00 p.m. unless special permission has been granted by the Board of Selectpersons. In the event that special permission has been granted, the Town Manager shall notify the Chief of Police in writing of said permission by the Board of Selectpersons as soon as practicable.

Section 1-B. Applications. Application shall be submitted by each entity requesting a license. The license is valid for only one entity and may not be transferred nor shared under a group association, with the exception of the Festival Event License.

Section 2. Exemptions. The provisions of this chapter shall not apply to commercial agents or other persons selling by lists, catalogues, or otherwise, goods, wares or merchandise for future delivery; to persons selling fish, to persons selling farm, dairy or orchard products, of their own productions; to persons selling bark, wood or forest products; or to persons selling newspapers, periodicals or religious literature.

Section 3. Penalties. Any person, business or other entity in violation of this ordinance shall be subject to the following penalties: 1) first violation - \$50 fine; 2) any subsequent violation – permit revoked and towing from the site at the expense of the person or business or other entity.

CHAPTER 15-A Sound Trucks

It shall be unlawful for any person to use or operate a sound truck on the streets and highways in the Town of Rumford, without first obtaining a permit to do so from the Town Manager with the approval of the Board of Selectpersons.

CHAPTER 15-B Pawnbrokers

CHAPTER 15-B Pawnbrokers
ADOPTED JUNE 9, 1987

CHAPTER 15-B Pawnbrokers
AMENDED JUNE 14, 1994

- Section 1. License Required.** It shall be unlawful for any person, firm or corporation to carry on any commercial business as a Pawnbroker or dealer in used personal property without first obtaining a license from the Board of Selectpersons. Any such license issued shall require the licensee to comply with all the provisions of this Ordinance. Failure to comply with the provisions may be cause for penalties and/or revocation of the license.
- Section 2. (a) Records Required.** Every Pawnbroker licensed pursuant to the provisions of this Ordinance shall keep in a separate book, open for inspection by any law enforcement officer, a written record showing the time of purchase of each article purchased by him, a brief description of such articles, any identification numbers, and the name, residence and date of birth of the person from whom such articles were purchased or received.
- (b) Form of Records.** All records shall be kept and maintained in order of date of purchase and contained either in a bound volume or ledger or in a binder in which the pages can be affixed.
- Section 3. Daily Report of Licensee.** Every person licensed as a Pawnbroker shall make out, and have available for periodic collection, a legible and current list, upon blanks furnished by the Chief of Police, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license or similar item which confirms the person's identification by date of birth and by physical description.
- Section 4. Receiving articles from minors, thieves regulated.** No one licensed under this Ordinance shall purchase or receive any article from any person under the age of eighteen (18) years without the written consent of parent or guardian, or from a person known to be a receiver of stolen property or known to them as previously selling property they have stolen.
- Section 5. Retention of Articles Purchased.** No pawnbroker shall sell, destroy or alter any property pawned until it has remained in his possession for three (3) months after the expiration of the time for which it was pawned.
- Section 6. (a) Violations.** Anyone licensed pursuant to this Ordinance who violates any of the provisions of this Ordinance is punishable by a fine not to exceed the sum of \$500.00 for each violation and revocation of his license.

CHAPTER 15-C Medical Marijuana License

Chapter 15-C, Medical Marijuana License
ADOPTED June 13, 2017

Section 1. Purpose. The purpose of this ordinance is to implement the Maine Medical Use of Marijuana Act (“Act”) and to protect the public health, safety, and welfare of the residents and patients of the Town of Rumford by prescribing the manner in which the cultivation and distribution of medical marijuana can be conducted in the Town. Further, the purpose of this ordinance is to: Provide for the safe sale and distribution of marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Maine Medical Marijuana Act. Protect public health and safety through reasonable controls on marijuana cultivation and distribution operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the operation and its personnel, and other health and safety concerns. Impose fees to cover the cost to the Town of licensing the cultivation and distribution of medical marijuana in an amount sufficient for the Town to recover its costs of the licensing program. Adopt a mechanism for the monitoring compliance with the provisions of this ordinance.

Section 2. Applicability. This ordinance shall apply to any registered dispensary and any registered primary caregiver located and doing business in the Town of Rumford and who has been deemed to be a “Commercial Use” defined in Section 3 below.

Section 3. Definitions. For purposes of this ordinance, the following definitions shall apply unless the content clearly implies otherwise:

- A. **CARDHOLDER** means a registered patient, a registered primary caregiver or a principal officer, board member, or employee of a registered dispensary who has been issued and possesses a valid registry identification card from the State of Maine.

- B. **COMMERCIAL USE** means either of the following:
 - 1. **Medical Marijuana Cultivation and/or Production Facility:** A facility used for cultivating, processing, and/or storing medical marijuana by one or more registered medical marijuana caregiver(s) at a location which is **not** the registered medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. This shall be considered a “**COMMERCIAL USE**”.

 - 2. **Medical Marijuana Registered Dispensary:** A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a “**COMMERCIAL USE**”.

- C. **DEPARTMENT** means the State Department of Health and Human Services or any successor agency.

- D. **TOWN DEPARTMENT** means any or all of the following Town officials: chief of police, the fire chief, the code enforcement officer and their designees who administer the provisions of this ordinance.

- E. **DISQUALIFYING DRUG OFFENSE** means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include an offense for which the sentence, including any term of probation, incarceration or

supervised release, was completed ten (10) or more years earlier or an offense that consisted of conduct that would have been permitted under this ordinance.

- F. **ENCLOSED, LOCKED FACILITY** means a closet, room, or other enclosed area within a building, or an enclosed locked facility within a greenhouse, that is equipped with locks or other security devices that permit access only by a cardholder.
- G. **MARIJUANA** means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.
- H. **MARIJUANA PLANT** means a harvestable female marijuana plant that is flowering and is greater than twelve inches in height and twelve inches in diameter.
- I. **MEDICAL USE** means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the registered patient's debilitating medical condition.
- J. **MULTIFAMILY DWELLING** means a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units, and which is not a single-family attached dwelling.
- K. **PATIENT** means a person whose physician has provided a written certification to the Department for the patient's medical use of marijuana. Physician means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to 32 M.R.S. Chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant 32 M.R.S. Chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.
- L. **PHYSICIAN'S WRITTEN CERTIFICATION** means a document signed by a physician stating that in the physician's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- M. **PREPARED MARIJUANA** means the dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks and roots of the marijuana plant or other ingredients in goods prepared for human consumption or use.
- N. **REGISTERED DISPENSARY** or **DISPENSARY** means a not-for-profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.
- O. **REGISTERED PATIENT** means a patient who has a registry identification card issued by the State of Maine. Registered primary caregiver or primary caregiver means a person, a hospice provider licensed under 22 M.R.S. Chapter 1681 or a nursing facility licensed under 22 M.R.S. Chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a

primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

- P. **REGISTERED PRIMARY CAREGIVER OPERATION** means a registered primary caregiver that cultivates marijuana for 2 or more registered patients pursuant to State law.
- Q. **REGISTRY IDENTIFICATION CARD** means a document issued by the department that identifies a person as a registered patient, registered primary caregiver, or a principal officer, board member, or employee of a registered dispensary.
- R. **SCHOOL** means a building together with its contiguous accessory buildings and uses for the education and learning of children. Uses within the meaning of this definition shall include private and public preschool, elementary, middle and high school.
- S. **STATE LAW** means the Maine Medical Use of Marijuana Act (the "Act") and any rules and regulations issued by the Department under the Act.

Section 4. Medical Marijuana License Required. No person, business or entity shall engage, operate or conduct business as COMMERCIAL USE medical marijuana operation in the Town unless such person business or entity has first acquired a license in accordance with this Ordinance.

Section 5. Application Requirements for Registered Dispensary. This section governs the license application requirements for a registered dispensary. All applications for licenses under this ordinance shall be filed with, and in a form satisfactory, to the Town Clerk. Such application shall include, but is not limited to the following:

- (1) Name, address, date of birth and contact information, including a phone number of the applicant and all other persons having a legal interest in the registered dispensary and the individual(s) hired by the applicant to manage these operations, if any.
- (2) A photograph and a copy of a valid registry identification card issued by the State of Maine are required for each principal officer, board member, agent and employee of a registered dispensary.
- (3) The location of the premises for which a license is sought identified by Town tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered dispensary.
- (4) The dimensions and acreage of the property.
- (5) A copy of a site plan, drawn to a 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 to be maintained for required screening.
 - e. The location and characteristics of all existing and proposed fencing to be maintained for required screening.
 - f. The location and characteristics of all vehicular entrances and exits serving the property.
- (6) A site location map at a scale of not greater than 1" to 100' showing any public or private school, church, child-care provider, youth center, park or playground located within 750 feet of the proposed registered dispensary.
- (7) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, registered patient services, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak hour traffic, identification of other required licenses, floor plans, etc.
- (8) Identification of any other approvals required by the Town of Rumford, any state agency or department, or any federal agencies.

- (9) A nonrefundable application fee in accordance with the Town's policy manual as prescribed by the Town Select Board and an original and 15 copies of the license application and all supporting documentation.
- (10) Evidence of registered dispensary incorporation under Title 13B and evidence that the corporation is in good standing with the Secretary of State.

Section 6. Limitation on Number of Dispensaries. Not more than one registered dispensary shall be licensed to operate within the Town of Rumford. The registered dispensary must cultivate and distribute medical marijuana from one location.

Section 7. Requirements for Registered Dispensary. A registered dispensary shall conform to the following provisions:

- (1) It shall comply at all time and in all circumstances with State Law.
- (2) It shall not be located within 750 feet of the property line of a preexisting any public or private school, church, child-care provider, youth center, park or playground.
- (3) It shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered dispensary.
- (4) Access to the enclosed, locked facility shall be limited to a cardholder who is a principal officer, board member, or employee of a registered dispensary when acting in his or her official capacity.
- (5) It shall implement appropriate security and safety measures provisions in accordance with Section 10 of this Ordinance and any Town Department rules regarding security and safety to the satisfaction of the Town Department to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered dispensary.
- (6) It shall obtain all necessary building, electrical, plumbing and mechanical permits for any portion of the structure that contains electrical wiring, lighting and/or watering devices that support the cultivation of marijuana.

Section 8. Application Requirements for Commercial Use Registered Primary Caregiver Operation. This section governs the license application requirements for a registered primary caregiver operation. All applications for licenses under this ordinance shall be filed with, and, in a form satisfactory, to the Town Clerk. Such application shall include, but is not limited to the following:

- (1) Name, address, date of birth and contact information, including a phone number of the registered primary caregiver.
- (2) A photograph and a copy of a valid registry primary caregiver identification card issued by the State of Maine are required.
- (3) The location of the premises for which a permit is sought identified by Town tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered primary caregiver operation.
- (4) The dimensions and acreage of the property.
- (5) A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:
 - a. The boundary lines of the property for which a permit 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 vehicular entrances and exits serving the property.
- (6) A site location map at a scale of not greater than 1" to 100' showing any public or private school, church, child-care provider, youth center, park or playground located within 750 feet of the proposed registered caregiver operation.
- (7) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, security provisions, hours of operation, identification of other required licenses, floor plans, etc.
- (8) Identification of any other approvals required by the Town of Rumford, any state agency or department, or any federal agencies.

- (9) A nonrefundable application fee in accordance with the Town's Schedule of License, Permit and Application Fees established by the Select Board and an original and 3 copies of the license application and all supporting documentation.

Section 9. Requirements for Commercial Use Registered Primary Caregiver Operations. Registered primary caregiver operations shall conform to the following provisions:

- (1) They shall comply at all times and in all circumstances with the provisions of State Law.
- (2) They shall not cultivate marijuana within or on the property of a multifamily dwelling.
- (3) They shall not cultivate marijuana within 750 feet of the property line of a preexisting public or private school, church, child-care provider, youth center, park or playground.
- (4) They shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered primary caregiver operation, unless the plants are being transported because the primary caregiver is moving.
- (5) They shall comply with security and safety related provisions contained in Section 10 of this Ordinance and any Town Department rules regarding security and safety.
- (6) They shall obtain all necessary building, electrical, plumbing and mechanical permits for any portion of the structure that contains electrical wiring, lighting and/or watering devices that support the cultivation of marijuana.

Section. 10. Commercial Use Dispensary and Primary Caregiver Operation Security and Safety - Protections of Premises and Persons. A registered dispensary and registered primary caregiver operation shall implement appropriate security and safety measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana. Security measures to protect the premises, registered patients, registered primary caregivers, and principal officers, board members and employees of the registered dispensary shall include but are not limited to the following:

- (1) On-site parking in accordance with any requirements of the Ordinances of the Town of Rumford shall be provided.
- (2) Exterior lighting shall be provided to deter nuisance activity and facilitate surveillance.
- (3) Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device shall be installed to detect an unauthorized intrusion.
- (4) The interior shall be equipped with electronic monitoring, video cameras, and panic buttons.
- (5) Satisfaction of all applicable State of Maine and Town Code requirements such as, but not limited to electrical, plumbing, building, ventilation, energy conservation, life safety, mechanical and the environmental performance standards with respect to odors and other environmental considerations.

Section 11. Food Establishment License. A commercial use registered dispensary and a registered primary caregiver must obtain a food establishment license, pursuant to 22 M.R.S. § 2167, prior to preparing goods containing marijuana for medical use for a registered patient.

Section 12. Background Checks. The Town Clerk shall order background checks of each principal officer, board member and employee of a commercial use registered dispensary and a commercial use registered primary caregiver engaged in the cultivation of marijuana for two or more registered patients. Updated background checks shall be conducted annually at the time of license renewal. Background checks shall be conducted in each state where such individuals have resided since the age of 18.

Section 13. Inspection of Registered Dispensary. A registered dispensary is subject to inspection as follows:

- (1) A registered dispensary shall allow the Town Department entry without notice to carry out an inspection in accordance with this ordinance.
- (2) Submission of a license application for a registered dispensary shall constitute permission for entry and inspection.
- (3) During an inspection, the Town Department may identify violations of this Ordinance, provisions of other Ordinances of the Town and of the State Law. The registered dispensary may receive written

notice of the nature of the violations. The registered dispensary shall notify in writing the representative of the Town Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.

- (4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the Town Clerk or the Town Department to temporarily suspend the license of the registered dispensary subject to revocation by the Town Select Board.

Section 14. Inspection of Commercial Use Registered Primary Caregiver Operations. A registered primary caregiver operation deemed a “commercial use” is subject to inspection as follows:

- (1) A registered primary caregiver operation shall allow the Town Department entry upon 24 hours notice to carry out an inspection in accordance with this ordinance.
- (2) Submission of a license application for a registered primary caregiver operation shall constitute permission for entry and inspection.
- (3) During an inspection the Town Department may identify violations of this Ordinance, provisions of other Ordinances of the Town and of the State Law. The registered primary caregiver operation may receive written notice of the nature of the violations. The registered primary caregiver operation shall notify in writing representative of the Town Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.
- (4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the Town Clerk or the Town Department to temporarily suspend the license of the registered primary caregiver operation subject to revocation by the Town Manager.

Section 15. Denial of Application. The Town Clerk may deny an application for a license based on the following:

- (1) The applicant’s failure to comply with the application requirements set out in these rules, including the applicant’s failure to provide the required information.
- (2) The determination that the information provided was materially inaccurate or incomplete.

Section 16. Disqualifying Drug Conviction. The Town shall not approve a license to a registered dispensary or to a registered primary caregiver operation if any principal officer, board member, agent or employee of a dispensary, or the registered primary caregiver, has been convicted of a disqualifying drug offense in Maine or another jurisdiction.

Section 17. Revocation of License. The Town Clerk or the Town Department shall temporarily suspend the license for a registered dispensary or a registered primary caregiver operation that sells, furnishes or gives marijuana to a person who is not allowed to possess marijuana for medical purposes under State Law and for any violations of the provisions contained within this Ordinance. Grounds for revocation of a license by the Town Select Board of a registered dispensary or revocation of a license by the Town Manager of a registered primary caregiver operation include the following:

- (1) The dispensary or caregiver is convicted of selling, furnishing, or giving marijuana to a person who is not allowed to possess marijuana for medical purposes in accordance with these rules.
- (2) A registered caregiver or a registered dispensary cardholder is convicted of a disqualifying drug offense.
- (3) A registered dispensary or registered primary caregiver cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a registered patient who has designated the dispensary or registered primary caregiver to cultivate marijuana; or a registered dispensary cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a patient’s registered primary caregiver.
- (4) Failure to cooperate with required inspections.
- (5) Violations of any laws, rules or ordinances that govern the operation of a registered dispensary or registered primary caregiver operation.
- (6) Committing, permitting, aiding or abetting any illegal practices in the operation of a dispensary or primary caregiver operation.

- (7) Conduct or practices that are detrimental to the safety and welfare of registered patients or registered primary caregivers.
- (8) Providing information that is materially inaccurate or incomplete.

Section 18. License Administration for Registered Dispensary and Registered Primary Care Operations Deemed Commercial Use.

- (1) **Town Select Board Review.** License applications for a registered dispensary shall be filed with the Town Clerk and the Clerk will order a background check from the Chief of Police 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 Town Clerk to determine if the application is complete. If the application is not deemed complete, the license shall be denied by the Town Clerk.
- (2) If the application for a registered dispensary is deemed to be complete, the Town Clerk will notify the applicant that the registered dispensary must first obtain a conditional use permit from the Planning Board along with Site Plan Review Permit or Approval if required pursuant to the Site Plan Review Ordinance. The conditional use permit must be obtained prior to scheduling a public hearing for the Town Select Board to consider the license to establish the proposed registered dispensary. In addition, the Town Department shall provide a recommendation to the Town Select Board prior to said public hearing.
- (3) **Conditions of License Approval.** The Town Select Board may impose conditions on the approval of any license application for a registered dispensary under this ordinance to ensure compliance with the provisions of this ordinance or any other provision of law. Such conditions may include, but are not limited to, the following:
 - a. That the applicant provides documentation to the Town Clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law prior to operations.
 - b. That the applicant provide documentation to the Town Clerk of the receipt of any approvals required by any Town Board pursuant to this Code prior to the issuance of any license under this Ordinance.
 - c. That any screening and or other requirements imposed by the Town Select Board pursuant to the provisions of this Ordinance or by the Planning Board, shall be installed and completed to the satisfaction of the Town Clerk prior to the issuance of any license under this Ordinance.

Section 19. Screening Requirements. A registered dispensary shall be required to erect and maintain opaque fencing to provide an effective visual screen at least six feet in height to be located along side and rear property lines that abut properties in residential use. Notwithstanding this requirement, plantings or other means may be used to satisfy the requirement for a visual screen of six feet in height.

Section 20. Semi-Annual Meetings with the Town Department. A minimum of two meetings per calendar year will be conducted at the commercial use registered dispensary or commercial use registered primary caregiver to allow the applicant and the Town Department the opportunity to discuss issues and to establish a good working relationship between the Town Department and registered dispensary or registered primary caregiver.

Section 21. Requirements for Registered Patients and Registered Caregivers that Do Not Cultivate Marijuana for More Than One Registered Patient. A registered patient and a registered primary caregiver that does not cultivate marijuana for more than one registered patient shall conform to the following provisions:

- (1) Although no license is required for an accessory use registered patient and an accessory use registered primary caregiver (i.e., that does not cultivate marijuana for more than one registered patient), said registered patient and or registered primary caregiver shall comply at all times and in all circumstances with the provisions of State Law.
- (2) An accessory use classified registered patient or registered primary caregiver that cultivates marijuana shall keep the marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas

containing marijuana and the theft of marijuana unless the plants are being transported because the patient is moving or taking the plants to another patient's home.

Section 22. Penalty for Violation of Ordinance. Any person who violates any provision of this Ordinance or the terms of any license issued under this Ordinance may be penalized in the following manner:

- (1) **Temporary Suspension.** The Town Clerk and the Town Department are authorized to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.
- (2) **Suspension or Revocation.** The Town Select Board may suspend or revoke a license for a registered dispensary or registered primary caregiver in accordance with the provisions of this Ordinance.
- (3) **Civil Penalties.** A violator may be required to pay the penalties of \$100 per day, with each day constituting a separate violation. A violator will be responsible for the reasonable attorney's fees and costs from a judgment in a lawsuit to enforce this Ordinance in the Town's favor, including as well expert witness fees incurred by the Town. Notwithstanding the above the Chief of Police may initiate criminal proceedings relative to individuals engaged in the unlawful distribution, use and cultivation of medical marijuana.

Section 23. Confidentiality. All applications and supporting information submitted by primary caregivers under this ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S. § 2425(8), and the Maine Freedom of Access Act, 1 M.R.S. § 402(3)(F).

CHAPTER 16
Excavations and Deposits in Public Streets, Rights of Ways and Sidewalks

CHAPTER 16, Section 2, 3, 4
AMENDED Section 2, JUNE 9, 1987

CHAPTER 16, Section 3 and 4
ADOPTED JUNE 9, 1987

CHAPTER 16, Section 3, Written Permit and Decal
AMENDED JUNE 14, 1994

CHAPTER 16, Section 2 Snow and Ice
AMENDED JUNE 9, 2009

CHAPTER 16, Excavations and Deposits in Public Streets, Rights of Ways and Sidewalks
New Title; Sections 1, 2, and 4
AMENDED, JUNE 13, 2017

- Section 1. Permits Required.** It shall be unlawful for any person or corporation to make or cause to be made any excavation within the limits of a public highway, or to deposit or cause to be deposited within the limits of a public highway or sidewalk, any material excepting garbage and refuse on the days set by the Town for collection, placed in metal or other suitable containers for collection, without first obtaining a written permit therefore from the Board of Selectpersons. Such permits shall be issued by the Town Manager.
- Section 2. Snow and Ice.** It shall be unlawful for any person, firm or those in plowing for hire or their agents to deposit snow and ice upon any public way or rights of way which obstructs or interferes with the free passage of foot or vehicular traffic. It shall be unlawful to deposit snow and ice within a three foot radius of any fire hydrant or fire alarm system call box.
- Public Way Defined.** As used in this section “public ways” shall mean any public street, road, sidewalk or private way laid out under authority of statute, ways dedicated to public use, ways upon which the public has access, ways under control of Rumford Public Works Department or anybody having like powers.
- Section 3. Written permit and decal required.** It shall be unlawful for any person, firm or those plowing for hire to plow across any public way or deposit snow and ice adjacent to rights of way within the Town without first obtaining a written permit and or decal for snow removal equipment. At no time shall any written permit allow the placing of snow or ice upon any public way. Issued permits shall describe in detail any rights or restriction applying to individual permits and shall be issued by the Town Manager. The fees for written permits shall be established by the Selectpersons in the *Schedule of License, Permit and Application Fees*.
- Section 4. Enforcement.** Any violation of this chapter by any person engaged in obstructing, depositing or plowing without a written permit shall be subject to an initial written warning by the Code Enforcement Officer or a police officer and shall upon demand remove such obstructions and deposits. Failure to remove upon demand or a violation after a written warning shall be a civil violation and subject to the fines and penalties in Chapter 26. In addition to any fine imposed, the cost of removal of the obstruction or deposit shall be added to the judgment.

CHAPTER 17

Regulations as to Bicycles and Skateboards

CHAPTER 17, Section 2 Regulations to Bicycles-Skateboard Ordinance
ADOPTED JUNE 3, 1991

Section 1. Manner of Operation.

No person shall ride or propel a bicycle on a street or other public highway of the Town with another person on the handle bars or in any other position.

Every bicycle shall be operated with reasonable regard to the safety of the operator and any persons upon the streets, and in no event shall a bicycle be operated on a sidewalk.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any public street between thirty minutes after sunset and thirty minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for a distance of not less than 300 feet firmly attached to such bicycles and properly lighted, or without a yellow or red light or reflector attached to and visible from 200 feet from the rear thereof. The said headlight to give a clear white light.

No person shall ride or propel a bicycle upon any street abreast of more than one other person riding or propelling a bicycle.

Section 2.

(a) No person shall ride or propel a skateboard, roller skates or coaster, alone or in consort with others, on any street, public highway, sidewalk or enter upon any public right-of-way by operating in a manner which is negligent to and/or endangers himself (herself), pedestrians or the motoring public. Under no circumstances shall a person operate on the sidewalks in the business districts, near hospitals; and shall not ride after dusk.

Operating negligently shall mean a failure to respect property rights, traffic rules, traffic lights or signs, pedestrians rights to use sidewalks and the rights of motorists to legally operate on the streets and public highways.

(b) **Penalties.** The Chief of Police of the Town of Rumford, or his designee, when satisfied that a person has ridden or propelled a skateboard (or similar device) in a negligent or endangering manner may impound the skateboard for a period not to exceed 5 days for the first offense, for a period not to exceed 10 days for a second offense and for a period not to exceed 30 days for any subsequent offense.

In addition to the above penalty any person 17 years or older who violates any provisions of this Ordinance shall also be subject to a \$35.00 fine.

CHAPTER 18

Stop Signs

- Section 1. Favored Ways.** The Board of Selectpersons is hereby empowered to designate from time to time, by vote therefore, certain streets or ways or portions thereof, at points of intersection with other streets or ways, as “favored ways,” and to revoke thereafter any such designation. No such designation of a favored way shall become effective as to the regulation of traffic at such point of intersection until and unless said board shall cause to be placed or erected, and be maintained, suitable warning signs at the unfavored approaches to such intersection.
- Section 2. Intersection Defined.** For the purpose of this Ordinance, an intersection shall be deemed to be that area formed by the juncture of two or more streets or ways and common to both or all and whether or not such streets or ways cross each other after such juncture. Every street or way intersecting a street or way designated as “favored,” as aforesaid, shall, for the purpose of this Ordinance, be known as an unfavored street or way.
- Section 3. Stopping of Vehicles.** It shall be unlawful for any person operating or in control of a vehicle, however propelled, and including bicycles, to cause or permit the same to enter an intersection from an unfavored way, as defined in section 2 hereof, without first causing said vehicle to be brought to a complete stop immediately before entering such intersection.
- Section 4. Defacing Signs.** It shall be unlawful for any person to damage, deface, destroy or move a warning or “stop” sign erected or maintained under the provisions of Section 1 hereof, or any other traffic sign or signal erected or maintained under authority of these Ordinances.

CHAPTER 19 Traffic Regulations

CHAPTER 19, Section 3 (g) Traffic Control
ADOPTED JUNE 8, 1982

CHAPTER 19, Section 1-B Traffic Regulations-Interference with Snow
Removal
ADOPTED JUNE 9, 1987

CHAPTER 19, Section 3 Traffic Regulations-Traffic Control
AMENDED JUNE 9, 1987

CHAPTER 19, Section 1-A Traffic Regulations
AMENDED JUNE 4, 1990

CHAPTER 19, Section 3 (i) Traffic Regulations-Traffic Control
ADOPTED JUNE 4, 1990

CHAPTER 19, Traffic Regulations
AMENDED JUNE 14, 1994

CHAPTER 19, Section 1-B Traffic Regulations to allow impoundment
AMENDED JUNE 11, 2002

CHAPTER 19, Section 1 Traffic Regulations to change when parking ban in place
AMENDED JUNE 12, 2007

CHAPTER 19, Section 1 Traffic Regulations to change when parking ban in place
AMENDED JUNE 10, 2008

CHAPTER 19, Section 1 Traffic Regulations-Interference with Snow Removal
AMENDED JUNE 12, 2018

Section 1. Interference with Snow Removal. No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or be parked in any public street or public right-of-way from November 1st to April 15th inclusive, between the hours of 11:00 p.m. and 6:00 a.m. for a period of more than two hours when the Town Manager or the Town Manager's designee has issued a winter storm parking ban, but notwithstanding the foregoing, in no event shall such standing or parking between the hours of 11:00 p.m. and 6:00 a.m. be legal if it interferes with or hinders the plowing, loading or removal of snow from such public street or way. The winter storm ban notification will be placed on the Town's website, the Town's electronic signs and any other methods that the Town Manager or Town Manager's designee deems likely to notify the public of the parking ban, including, but not limited to local cable, television, and radio stations. The Board of Selectpersons shall have the authority to change the date of November 1st to any day during the month of November but in no instance beyond the date of December 1st and also the date of April 15th but in no instance prior to March 1st.

Section 1-A. Unless otherwise stipulated in this Chapter, no person shall allow permit or suffer any vehicle under his control or currently registered in his name to stand or be parked in any public street, public right-of-way or Town property for a period exceeding two weeks.

Any vehicle parked or standing in a manner other than that described above may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such Police Officer 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 or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a

vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinance.

The Police Department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways, or roads, or public right-of-way, and as soon as possible a written notice that such vehicle has been impounded shall be sent by the Chief of Police to the owner at his last known address as shown by the records of the Secretary of State. If the owner is unknown, the Chief of Police shall cause to be published in any newspaper, of general circulation in the Town of Rumford notice of such impounding, giving the registration number, the motor number, and the name, type and year of said vehicle.

Before the owner of such vehicle or his representative, may remove it from the possession of the person towing or storing it, he shall:

Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the Chief of Police or his designate and pay any parking summons or ticket.

Pay to the person having possession of said vehicle reasonable charges for the towing and storing of said vehicle.

Sign a receipt for said vehicle.

Section 1-B. The Board of Selectpersons shall determine parking fine schedules and authorize the printing of those schedules by the Chief of Police. The owner of a motor vehicle receiving a parking summons for a parking violation shall pay the fine listed on the summons within ten (10) days of the violation. If payment is not made within the ten (10) day period, the scheduled fine is automatically doubled. If the owner fails to pay the doubled fine within thirty (30) days of the date of the violation, the Town may impound the vehicle until payment is made and/or summons the owner to appear before the Maine District Court. The Maine District Court shall assess a fine in addition to the parking summons listed fine. All cost for impounding said vehicle shall be paid before the vehicle is released to the owner or his/her representative.

Section 2. Stopping Prohibited. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or traffic control device, in any of the following places:

- (a) On a Sidewalk;
- (b) In front of a public or private driveway;
- (c) On a crosswalk plainly marked and designated as such;
- (d) On the traffic side of any vehicle stopped or parked at the edge or curb of a street, or in a position of double parking, so called;

Upon any bridge or other elevated structure upon a highway;

At any place where officially placed signs prohibit stopping; or where any curb is painted yellow;

Within ten (10) feet of the corner of any intersection, except to take on and let off passengers.

No U turn shall be made on Congress south of Portland Street.

Parking shall be prohibited within (10) feet of any fire hydrant.

Large bodied trucks, moving vans, pulp, gravel or other commercial vehicles shall be limited to two (2) hours parking on any way or street open to the public in the built up section of the Town of Rumford.

No person, persons, or group of persons shall gather or congregate on foot, or in or on, one or more vehicles, in any of the municipally-owned parking lots after normal business hours, unless said person or persons are there on some official business, or have permission from Town officials to do so.

Section 3. Traffic Control. The Board of Selectpersons is hereby authorized, from time to time, as it may deem the same necessary and expedient for the proper control of traffic and for the safety of the public.

- A. To establish cross-walks for pedestrians over and across public streets and intersections, which shall be clearly designated as such by appropriate markings, or signs, or both. When traffic is not controlled by signal or by officer, the driver of a vehicle shall yield the right of way slowing down or stopping if need be, to a pedestrian on such cross-walk.

To prohibit any stopping or parking of vehicles in designated areas on any public street or way or any municipally operated or controlled parking lot by causing to be erected or placed in such areas appropriate signs or markings clearly indicating such restrictions.

To designate upon the streets and ways or any municipally operated or controlled parking lot, by appropriate signs or markings, those portions of the same where vehicles may be stopped or parked at any angle to the curb or edge of the street. If so designated, vehicles shall not be stopped, or parked other than parallel with the edge of the roadway, headed in the direction of lawful traffic and with the right hand wheels of the vehicle within 18 inches of the curb or edge of the street, except as follows:

1. Where diagonal, right angle, or angle parking is permitted.
2. On streets where one-way traffic is in effect and where parking is permitted at the left curb or edge of street, then if the vehicle is parked at the left curb or edge of street, the left wheels of such vehicle shall be within 18 inches of said curb or edge of street.

To establish bus stops for urban and interurban buses, on such streets and in such places as appear necessary and proper for the convenience of the public and to change such locations from time to time. Such bus stops shall be clearly designated by appropriate signs or markings or both. No person shall stand, stop or park a vehicle other than a bus in a bus stop, so designated, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any bus waiting to enter or about to enter such area.

To establish taxicab stands on such streets and in such places as appear necessary and proper for the convenience of the public and to change such locations from time to time. Such stands shall be for one vehicle only, and shall be established only with the consent, in writing, of the abutting owner. Such stands shall be clearly designated by appropriate signs, or markings, or both. Any person, firm or corporation seeking the privilege of using a stand shall make application in writing to the Board of Selectpersons. No person shall stand, stop, or park a vehicle other than a permitted taxicab in such a taxi stand except that the driver or a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any taxicab waiting to enter or about to enter such stand.

To establish one way traffic on such streets and ways at such times of the year as may appear necessary, by appropriate signs or markings clearly indicating such restrictions.

To close streets or amend parking regulations when the Board of Selectpersons determines a need exists.

No person shall park or stand in any establish handicapped space provided for those vehicles displaying special handicapped registration plates or state issued placard; allows that owners of off-street parking may enter into agreement with local police to enforce any handicapped parking spaces which are clearly marked at all times.

Under the following conditions any police officer may order unattended vehicles to be towed at the expense of the owner of the vehicle.

Parked vehicles which hinder plowing, loading, dumping of snow as set forth in Section 1.

Blocking a driveway or parking area which obstructs or interferes with the movement on any driveway or parking area. Vehicles can be towed at the property owner's request.

Unattended vehicles which are traffic hazards.

Abandoned vehicles which are abandoned on public or privately-owned property, without the permission of the owner, leasee, or occupant thereof. A vehicle is presumed to be abandoned if (1) it lacks a current license registration plate and a valid state inspection sticker, and (2) it has been in a specific location for ten days without being moved.

Section 4. Definitions. The following terms, whenever used or referred to in this Ordinance, shall have the following meanings unless the context otherwise clearly indicates.

The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway.

The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians, and any private street or way to which the public has access and the owner of which consents to its inclusion for the purpose of the Ordinance.

The word "person" shall mean any individual, firm or co-partnership or corporation.

The word "parking" shall mean the standing of a vehicle whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.

Section 5. Parking of Trailers. No person or persons shall park a camp trailer or like device used for living quarters by either persons or animals on any public street, way or municipally operated or controlled parking lot otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.

CHAPTER 20
Metered Parking

REPEALED MARCH 5, 1979

CHAPTER 21 Sanitation and Safety Measures

Sec. 1, 1A, 1B, and 2
REPEALED JUNE 6, 1982.

CHAPTER 21, Section 7 Sanitation and Safety Measures-Parades
AMENDED JUNE 10, 1986

CHAPTER 21, Section 3 Sanitation and Safety Measures-Deposit of Waste
AMENDED JUNE 4, 1990

CHAPTER 21, Section 8 Curfew A and B
AMENDED JUNE 14, 1994

CHAPTER 21, Section 4 Sewer Entry Permits
AMENDED JUNE 12, 2007

CHAPTER 21, Section 8 Curfew
AMENDED JUNE 10, 2008

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
ADOPTED JUNE 9, 2009

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
AMENDED JUNE 8, 2010

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
REPEALED and REPLACED WITH CHAPTER 25-E, JUNE 9, 2015

Section 1, 1A, 1B, and 2 REPEALED. (See June 6, 1982 referenced above.)

Section 3. Deposit or Waste. It shall be unlawful for any person, firm, or corporation to deposit or scatter, or cause to be deposited or scattered, in or upon the public highways any paper, rubbish or other waste material, provided, however, that this section shall not apply to garbage and refuse left in metal or other suitable containers for collection. No rubbish shall be placed out for collection more than 24 hours before the time designated for collection except during clean-up periods authorized by the Board of Selectpersons.

Section 4. Sewer Entry Permits. It shall be unlawful for any person, firm or corporation to connect to any public sanitary sewer unless and until he shall have secured from the Town Manager a written permit to do so and shall have paid to the Town Treasurer a fee established by the Board of Selectpersons in the Schedule of License, Permit, Application and Other Fees. This permit shall be in addition to the permit for excavations in street required under chapter 16. All connections shall be made in a manner prescribed by the Selectpersons and shall be inspected and approved for acceptance by the Town Manager before backfilling.

Section 5. Games. It shall be unlawful for any person or persons to play games or to throw stones, snowballs or other missiles in or over any public highway.

Section 6. Obstruction of Highways. It shall be unlawful for any person, firm, or corporation to carry on any trade or business from a vehicle or stand located on any portion of a public street or highway unless a permit has been obtained from the Board of Selectpersons at a fee to be determined by the Board of Selectpersons. This requirement includes vehicles of any description being offered for sale.

Section 7. Parades. It shall be unlawful for any person or persons to parade or hold demonstrations in the public streets or highways without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Board of Selectpersons.

Section 8. Curfew.

(a) Definitions

(1) Curfew Hours means the hours from 11:01 P.M. until 6:00 A.M. of the following day.

(2) Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

(3) Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under 18-A MRSA ss5-104.

(4) Minor means any person who is seventeen years of age or younger.

(5) Parent means a person who is the natural parent, adoptive parent, or step-parent of the minor.

(6) Public place means a place located in the Town of Rumford to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops and places of entertainment.

(7) Remain means to linger or stay, as well as to refuse to leave when requested to do so by a Police Officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

(b) Offenses

(1) It shall be unlawful for a minor to remain in a public place during curfew hours.

(2) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

(c) Defenses

It is a defense to prosecution under Paragraph (b) of this Ordinance that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) involved in an emergency or on an errand necessitated by an emergency;

(3) engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;

(4) in motor vehicle involved in interstate travel;

(5) on an errand directed by a parent or guardian, without any detour or stop;

(6) on the sidewalk abutting the minor's home;

(7) attending a school, religious or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;

(8) attending a recreational activity sponsored by the Town of Rumford, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;

(9) exercising rights protected by the First Amendment of the United States Constitution;

(10) married, or otherwise legally emancipated.

(d) Enforcement

Before taking any action to enforce this Ordinance, a Police Officer shall ask the apparent offender's age. The Officer may ask for proof of the apparent offender's age, and may be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the Officer shall ask the reason for the apparent offender's being in a public place. The Officer shall not take any action to enforce this section unless the Officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Paragraph (c) is applicable. If the Officer does have such a reasonable belief, the Officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The Police Officer may summons the minor and the minor's parent to the District Court for violation of this Ordinance. During this period, the Officer may require the minor or the minor's parent or guardian or both to remain in the Officer's presence for a period of up to two hours, so long as the Officer complies with all requirements of law, including, without limitation, 17-A MRSA ss17.

(e) Penalties

(1) The penalty for a minor who violates this Ordinance shall be:

(a) for the first offense, five hours of community service and/or a fine of up to \$50.00; and

(b) for each subsequent offense, ten hours of community service and /or a fine of up to \$100.00.

(2) The penalty for a parent or guardian who violates this Ordinance Shall be:

(a) for the first offense, a fine of \$50.00; and

(b) for each subsequent offense, a fine of \$100.00.

(f) Severability

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Section 9. Loitering.

- (a) It shall be unlawful for any person to loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to: (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.
- (b) When any person causes or commits any of the conditions enumerated in subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the Section.
- (c) Any such violation shall constitute a separate offense on each successive day continued.

Section 10. Tag Days. It shall be unlawful for any person or persons to hold tag days in the Town of Rumford without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Town Manager.

Section 11. Unoccupied and Abandoned Buildings (REPEALED June 9, 2015)

CHAPTER 21-A
Sewer Use
Discharge of Pollutants

- Section 1.** It shall be unlawful for any person, partnership, joint venture, charitable organization and corporation to introduce any pollutant into the Town of Rumford's sewerage systems or treatment facilities which:
- Is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307 (a) of the Federal Pollution Control Act, as amended;
 - Creates a fire or explosion hazard in the Town of Rumford's treatment works;
 - Causes corrosive structural damage to the Town of Rumford's treatment works, including all wastes with a pH lower than 5.0;
 - Contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the Town of Rumford's treatment works; or
 - In the case of a major contributing industry, as defined herein, contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Federal Pollution Control Act, as amended.
- Section 2.** A forty-five (45) day notification to the Town of Rumford shall be required of a:
- Proposed substantial change in volume or character of pollutants over that being discharged into the Town of Rumford's treatment works on May 20, 1974;
 - Proposed new discharge into the Town of Rumford's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants, or
 - Proposed new discharge into the Town of Rumford's treatment works of pollutants from any source which would be subject to Section 301 of the Act if it were discharging such pollutants;
- The Town of Rumford shall notify the Regional Administrator, U.S. Environmental Protection Agency, Region 1 of any discharge specified in this Section within 30 days on which the Town of Rumford is notified of such discharge.
- Section 3.** Any industry discharging into the Town of Rumford's treatment works is required to perform such monitoring of its discharge as the Town of Rumford may reasonably require, including the installation, use, and maintenance of monitoring equipment methods, to keep records of the results of such monitoring to the Town of Rumford. Such records shall be made available for the Town of Rumford to the Regional Administrator upon request.
- Section 4.** The Town of Rumford's authorized representative shall have the authority to enter into, upon, or through the premises of any industry discharging into the Town of Rumford's treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under subsection 3 above, and to sample any discharge into the Town of Rumford's treatment works.

CHAPTER 21-B
Curbside Recycling, Recycling of Organic Waste and Residential Curbside Pick-Up

ADOPTED JUNE 3, 1991

Chapter 21 B - TITLE, Section 1, 3, 6, 7,
AMENDED NOV. 6, 2018

Chapter 21 B Section 2, 4, 5
ADOPTED NOV. 6, 2019

Section 1.1 Purpose. It shall be unlawful for any person, partnership, charitable organization or corporation to dispose of recyclable solid waste in any manner inconsistent with appropriate rules established by the Rumford Board of Selectpersons.

Section 1.2. Rules and Regulations. The Board of Selectpersons are hereby authorized to establish such rules and regulations concerning the disposal and collection of recyclable materials found in the municipal solid waste stream, and to amend such rules and regulations as needed to comply with any recycling program approved by the Northern Oxford Regional Solid Waste Board as recycling equipment becomes available or as new materials are able to be recycled. A copy of said rules and regulations and any amendments thereto, shall be kept on file at the Town Clerk's Office.

Section 2. Definitions.

Paper Recyclables. These are materials which are made out of paper or cardboard and can be recycled.

Plastic Recyclables. These are materials which are made out of plastic and can be recycled.

Yard Waste and Wood Waste Recyclables. Organic material, including, but not limited to, tree and plant detritus, limbs, branches, logs, leaves, wood chips, brush, stumps, lumber, bark, shavings, slabs, edgings, sawdust, grass clippings and any other plant or vegetative materials that are not part of a farm operation as defined in 17 M.R.S. § 2805(1)(B). These materials shall not be mixed with other materials or have paint or non-organic materials on them or mixed with them.

Solid Waste. Materials that are not recyclable, but are refuse from residential living, but does not include household furniture, appliances or building materials or demolition of building materials.

Section 3. Curbside Pick-up. Pick-up from all residential properties within the Town of Rumford shall be as follows:

3.1 The Town shall provide suitable recycling containers to all residents in accordance with a plan which shall be adopted by the Board of Selectpersons.

3.2 The plan shall address goals for recycling as well as an education program designed to maximize participation from all Rumford residents.

3.3 No unauthorized person shall remove, add to, tamper with, or take possession of recycling materials placed or set out for collection or located at any recycling facility or location established by the Board of Selectpersons.

3.4 Yard waste and/or wood waste recyclables are designated as compostable materials. If such materials are not composted on the lot or lots where generated, such materials must be transported to the Northern Oxford Regional Solid Waste Center in Mexico, Maine for composting or arrangements for composting may be made by agreement with the owner of another location in compliance with any rules and regulations established by the Board of Selectpersons and all local, state and federal laws and regulations regarding composting such materials. No yard waste or wood waste shall be included in curbside pick-up as normal household trash during regularly scheduled residential trash pick-up days.

3.5 If a Spring Clean-Up is scheduled by the Town, yard waste and wood waste may be included for curbside pick-up by the Town so long as the schedule and guidelines for Spring Clean-Up are followed.

Section 4. Burning of Waste Materials. Except for waste facilities licensed by the Maine Department of Environmental Protection, it shall be unlawful for any person to start, kindle, fuel, cause or allow the open burning or incineration of any solid waste within the Town other than trees, tree limbs and other wood waste. No solid waste shall be burned or incinerated within the Town without appropriate Town permits.

Section 5. Leaves in Street. It is not permitted for anyone to place leaves in any Town street or public right of way.

Section 6. All provisions of this chapter are enforceable by duly authorized police officers, the Code Enforcement Officer and the municipal officers.

Section 7. Any person, partnership, charitable organization or corporation who violates this Chapter shall be subject to a civil penalty, payable to the Municipality, of not more than \$100.00 for each violation. Each day of a violation shall be considered a separate violation. Such person, partnership, charitable organization or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Town of Rumford.

**Chapter 21-C
Consumer Fireworks Retail Ordinance**

ADOPTED JUNE 12, 2012

REPEALED JUNE 9, 2015

**CHAPTER 21-D
Consumer Fireworks Discharge and Possession Ordinance**

ADOPTED JUNE 11, 2013

REPEALED JUNE 9, 2015

CHAPTER 21-E Consumer Fireworks Prohibition

ADOPTED JUNE 9, 2015

Section 1. Purpose. The purpose of this ordinance is to prohibit the use and sale of consumer fireworks and all other fireworks prohibited by State Law, in order to ensure the safety of residents, property owners and the general public in the Town of Rumford.

Section 2. Authority. This ordinance shall be known as the Consumer Fireworks Prohibition Ordinance. It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A, MRS § 3001, the provisions of P.L. 2011, Ch. 419. § 5 (effective January 1, 2012) codified at 8 MRS § 223-A.

Section 3. Definitions. The following definitions shall apply in this section:

- (1) **CONSUMER FIREWORKS** shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Products Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “**CONSUMER FIREWORKS**” does not include the following products:
 - 1) **Missile-Type Rockets**, as defined by the State Fire Marshal by rule;
 - 2) **Helicopters and Aerial Spinners**, as defined by the State Fire Marshal by rule; and
 - 3) **Sky Rockets and Bottle Rockets**. For the purpose of this paragraph, “**Sky Rockets and Bottle Rockets**” means a cylindrical tube containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- (2) **DISPLAY** means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks for special effects.

Section 4. Prohibition. No person shall use, sell, or offer for sale consumer fireworks, and all other fireworks prohibited by State Law, in the Town of Rumford.

- a. This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227.

Section 5: Penalties.

- (1) Any person who uses consumer fireworks in the Town of Rumford shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred (\$400.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.
- (2) Any person who offers for sale consumer fireworks in the Town of Rumford shall be punished by a fine of not less than five hundred dollars (\$500.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1000.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.
- (3) Seizure and disposal of fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are being used, sold or offered for sale in violation of this section and shall forfeit such seized consumer fireworks to the State for disposal.

CHAPTER 22
Motor Vehicles for Hire

Section 4 adding fines for non-compliance
ADOPTED JUNE 11, 2002

Section 2 to include exclusions for issuance of licenses
AMENDED JUNE 12, 2007

New Section 3
ADOPTED JUNE 12, 2007

Previous Section 3, number changed to 4
AMENDED JUNE 12, 2007

New Section 1, 2 and 4
AMENDED FEBRUARY 11, 2010

CHAPTER 22, Section 1, Removal of Police Department Background Check
AMENDED JUNE 12, 2012

Section 1. License Required. Effective March 1, 2010, it shall be unlawful for any person, firm or corporation to engage in the business of carrying passengers for hire without first obtaining an applicable license therefore from the Board of Selectpersons. This section shall not apply to vehicles under the jurisdiction of the Public Utilities Commission.

Section 2. Issuance of License. Licenses issued under the provisions of Section 1 hereof shall be for the calendar year, but such licenses shall be subject to revocation by the Selectpersons for failure by the licensee, his agents or servants, to comply with the rules and regulations of the Selectpersons. No license shall be issued to any person, firm, limited liability company, corporation or other entity which hires a person to drive who (a) is in violation of this ordinance (b) is a registered sex offender or has been convicted of a Class A felony, or (c) has convictions for the following periods of time immediately preceding their application:

TEN YEARS

**Class B or C Felonies
Misdemeanor sexual assault
Habitual Offender**

FIVE YEARS

**Assault
Operating Under Influence
Operating after suspension**

THREE YEARS

**Driving to endanger
Three moving motor vehicle
violations per 29-A M.R.S.
Chapter 19**

It is the responsibility of any owner of a taxi cab service applying for a license to make certain that no person hired to drive is in violation of the offenses in this section. An owner's license shall also be revoked by the Selectpersons of a person or entity which subsequently hires an individual with any of the unpardoned offenses listed in this section after being notified in writing by the Town Manager or Chief of Police that an individual hired by said person or entity has such an offense and fails to take corrective action within fifteen (15) days of such written notification. The Board of Selectpersons is hereby directed and authorized to promulgate rules and regulations governing the operation of said vehicles, the fares to be charged and the amount of the fee for such licenses. No license shall be issued unless: the applicant furnishes proof of liability coverage on all vehicles to be used under such license; drivers are qualified under the terms of this Ordinance; owners and drivers are properly insured; and motor vehicles are properly registered.

Upon compliance with the requirements of this Ordinance, the owner of the taxi cab service shall be issued an owner's license. Upon compliance with all terms of this Ordinance, a driver shall be issued an appropriate license. All owners of any taxicab service are required to comply with all state laws respecting smoking.

Section 3. Display of License. Drivers while on duty are required to display their valid drivers' licenses in the vehicles so that passengers can view their valid licenses. In addition, a copy of the valid Town license of the person or entity permitted to engage in the business of carrying passengers for hire shall be on display in all vehicles being used for said business and are available on request.

Section 4. Fines for Noncompliance. Any person, firm, limited liability company, corporation or other entity which operates a business of carrying passengers for hire in violation of this ordinance shall be subject to a fine of \$100 per day from the date of occurrence of any violation.

CHAPTER 23 Sidewalks

Section 2
AMENDED JUNE 10, 2014

- Section 1. Locations.** The Board of Selectpersons is hereby authorized to set apart for sidewalk purposes, as public convenience and necessity requires, such portions of the streets and highways within the Town as may be needed and appropriate for such purpose.
- Section 2. Construction, etc.** Unless otherwise provided, in special instances, by vote of the Town, the construction, curbing and paving of sidewalks shall be authorized by the Selectpersons only on the basis that one-half of the total cost of the project shall be borne by the Town and the other half by the abutting owners. No such project shall be commenced unless and until each abutting owner has paid, or reasonably secured payment, to the Town his portion of the cost thereof. This section applies to new sidewalks and does not pertain to the maintenance, repair or reconstruction of existing sidewalks.

CHAPTER 23-A Driveway Culverts

The Board of Selectpersons is hereby authorized to install driveway culverts on any street or way in said Town of Rumford provided the abutting owner or owners shall pay one-half the cost of said culvert and one-half the cost of the installation thereof.

CHAPTER 23-B
Permanent Road Improvement Fund

CHAPTER 23-B Permanent Road Improvement Fund
AMENDED JUNE 10, 1986
AMENDED JUNE 4, 1990
AMENDED JUNE 10, 2008

That \$400,000.00 each year be taken from Excise Tax receipts and placed in Permanent Road Improvement Fund. Selectpersons to advise at each Annual Town Meeting the proposed Permanent Street Improvement Program for ensuing year and cost figure of same.

CHAPTER 23-C Capital Improvement

CHAPTER 23-C Capital Improvement
AMENDED JUNE 12, 1984

CHAPTER 23-C Capital Improvement
AMENDED JUNE 14, 1988
AMENDED JUNE 10, 2008

The Capital Improvement needs of the Town shall be appropriated annually in a capital improvement appropriation, separate from each departmental budget.

All appropriations for Capital Improvement needs shall be placed in a Capital Improvement Fund and shall be used to purchase equipment and improve building and property of the Town according to the Goals outlined in a five (5) year Capital Improvement Plan. The 5 year Capital Plan shall be updated each year by the Board of Selectpersons and shall be submitted to the Finance Committee for review at their public planning meetings held according to Chapter 3, Section 6, of the Town Ordinances.

The Finance Committee may recommend Amendments on any portion of the Capital Plan to the appropriate departmental authority for its review, prior to making a final recommendation on funding levels required by the plan.

CHAPTER 24

Use of Dangerous Weapons

Section 1. Discharge of Firearms, etc. Except in cases of emergency, it shall be unlawful for any person to fire, shoot, discharge or throw any firearm, air rifle, slingshot, or other dangerous weapon or missile in any highway or in any other place within 1/2 mile from a built up area of the Town.

Section 2. Definitions. For the purpose of this chapter.

“highway” shall mean any public street, road or public place within the Town established for the use of vehicles or pedestrians, and any private ways or areas to which the public customarily has access; and

“built-up areas” shall mean any section of the Town where dwelling houses or business structures are situated less than 150 feet apart for a distance at least 1/4 of a mile.

CHAPTER 25
REPEALED June 8, 1982

CHAPTER 25-A
REPEALED June 8, 2004

CHAPTER 25-B
REPEALED June 14, 2005

CHAPTER 25-C BUILDING CODE
Re-Codified as 54-A

CHAPTER 25-D FIRE AND LIFE SAFETY CODE
Re-Codified as 54-B

CHAPTER 25-E **Vacant Buildings**

ADOPTED JUNE 9, 2015
Chapter 25 E Abandoned Buildings

AMENDED NOV. 6, 2018
Chapter 25 E Replaced Abandoned with Vacant

Section 1. Purpose.

A. Vacant properties, particularly residential properties, create and pose significant and costly problems for the Town. These properties often become a drain on the Town budget and detract from the quality of life of a neighborhood and the Town as a whole. Vacant buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety and welfare of neighboring properties and the general public.

B. A significant obstacle in providing effective and prompt enforcement of Town ordinances or other applicable laws, as they relate to a property owner's responsibilities for vacant buildings, is the inability to contact the owners of vacant properties. These buildings are often also the subjects of foreclosure actions by lien holders, which take considerable time to resolve.

C. Certain categories of vacant properties, such as homes of seasonal residents or members of the armed forces on active duty deployment, are exempt from the registry requirements of this ordinance.

D. The purpose of this ordinance is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant buildings. This ordinance is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by police, fire and code enforcement when issues or emergencies develop.

Section 2. Definitions.

A. If a term is not defined in this ordinance, it shall have its customary dictionary meaning.

B. For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

OWNER shall mean any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

PROPERTY MANAGER shall mean a Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant buildings.

VACANT BUILDING shall mean any building or other structure that is unoccupied and/or unmaintained for 90 days or more or is found to be occupied by any unauthorized persons. Buildings owned by parties identified in Section 1(c) above are not included in this definition.

Section 3. Applicability.

A. This ordinance applies to all vacant buildings located within the Town of Rumford.

B. Notwithstanding any portion of this ordinance, this ordinance does not apply to primary residences of members of the armed forces on active duty, or residences of persons on extended vacations or seasonal living arrangements with the intention to make use of the property, unless the property is not maintained to the maintenance standard in Section 7.

C. Commercial properties which are code compliant and are maintained in accordance with Section 7 shall be exempt from the registration process.

Section 4. Registration Required.

A. The owner of a vacant building must obtain a vacant building registration permit for the period during which it is vacant.

B. When a building or structure becomes vacant as defined in this ordinance, the owner of the building must apply for and obtain a vacant building registration permit and pay any fee within 90 days of the building becoming vacant.

C. Upon transfer of ownership of any vacant building, a new vacant building registration permit must be obtained pursuant to Section 5.

D. Standard Vacant Building Registration Permit.

- (1) The Code Enforcement Officer shall issue a standard vacant building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this ordinance.
- (2) A standard vacant building registration permit is valid for 1 year from the date of approval.
- (3) The Code Enforcement Officer, upon issuance of any permit in this ordinance, shall provide a copy of the permit to the Police Chief, and Fire Chief of the Town.

E. Interim Vacant Building Inspection Permit.

- (1) If a vacant building is inspected and determined not to meet one or more of the maintenance standards in this ordinance, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this ordinance.
- (2) When issuing orders under Subsection D (1), the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 6 months.
- (3) All work done pursuant to this ordinance must be done in compliance with the applicable building, fire prevention, fire and life safety and zoning codes.

F. Upon the expiration of a vacant building registration permit, if the building or structure is still vacant, the owner must arrange for an inspection of the building and premises with the Code Enforcement Officer, Police and Fire Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this ordinance and any previous permits unless expressly exempted.

Section 5. Permit Application.

A. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises, be free from nuisance and in good order in conformance with vacant building maintenance standards (as set forth below in Section 7), and other codes adopted by the Town of Rumford.

B. The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection and a plan and timeline for the lawful occupancy, rehabilitation, removal or demolition of the structure.

C. The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

D. Contact Information. The application shall include the following:

- (1) The name, street address, telephone number and e-mail address of an individual designated by the owner or owners of the vacant building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this ordinance regarding the vacant building.
- (2) The name of any property manager responsible for management and maintenance of the property, along with their 24 hour-a-day contact information.
- (3) The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.
- (4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.
- (5) A fee, as established by the Select Board in the *Schedule of License, Permit, Application and Other Fees*, shall be charged for a vacant building registration permit or interim permit. No fee shall be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, the fee becomes due immediately.

Section 6. Inspection.

A. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer. The purpose of such inspection is to determine and ensure compliance with vacant building maintenance standards in Section 7. The Code Enforcement Officer may bring Fire Officials on the inspection.

Section 7. Vacant Building Maintenance Standards.

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by

trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

A. Building Openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening. Bare or unprotected wood is not permissible. Weather protection shall be achieved through painting, siding, shingles, etc. Plastic sheeting and/or tarps shall not be permitted as a means of protecting openings.

B. Roofs. The roof and flashings shall appear to be structurally sound and tight. Roofs must be weather tight and structurally sound to support expected loads.

C. Drainage. Any building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

D. Public Health. The building and premises shall be free from excessive vegetation, vermin, debris, rubbish and garbage, including, but not limited to, any combustible waste and refuse. The building shall be sanitary.

E. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

F. Foundation Walls. The foundation walls shall be structurally sound so as not to pose a threat to public health and safety and shall be capable of supporting the load which normal use may cause to be placed thereon.

G. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust.

I. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.

J. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair.

K. Walkways. Walkways shall be safe for pedestrian travel.

L. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall comply with these vacant building maintenance standards.

M. The owner of a vacant building or structure must comply with all building, fire, life safety, zoning and other applicable codes, ordinances or state and federal law and must apply for any building, fire prevention, fire and life safety and zoning permits necessary to perform work required by this ordinance. A sole failure to comply with these standards shall not be grounds for a work order or denial of an application if the other standards of this ordinance are met.

Section 8. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S. § 4452. Fines shall be no less than \$100 and no more than \$2,500 for each offense. Each violation of a separate provision of this ordinance and each day of violation shall constitute a separate offense.

CHAPTER 25-F Disorderly House

ADOPTED JUNE 9, 2015

Section 1. Definitions.

- (1) **DISORDERLY HOUSE** shall mean any dwelling to which the police or sheriff have responded a certain number of times, as prescribed in Section 4 below, involving the conduct of the owner, tenant(s) or the owner's or tenant(s)' co-habitants, guests or invitees that the Town Select Board has found to unreasonably disturb the community, the neighborhood or an individual. Such conduct includes, but is not limited to: loud music, boisterous parties, fights involving the owner or tenants of the dwelling or their invitees, the arrest of the owner, tenants or their invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law and other similar activities.
- (2) **DWELLING** shall mean any single or multi-family residence or part thereof, including garages, outbuildings, exterior grounds and separate apartments.
- (3) **OWNER'S ADDRESS** shall mean the address provided by the owner of a dwelling with the Town for the purposes of assessment and tax collection.

Section 2. Incident Reports and Notice of Disorderly House.

- (1) If a dwelling is visited by the police or sheriff in relation to conduct described in Section 1(1) above, the police or sheriff shall send a warning to the owner regarding the disturbance at the dwelling, within three (3) business days, to the owner at the owner's address.
- (2) If a dwelling is visited by the police or sheriff, in relation to conduct described in Section 1(1) above, and within the frequency provided in Incident Table in Section 4 below, the Select Board may convene a hearing to determine whether the dwelling is a Disorderly House.
- (3) The owner of the dwelling shall be provided a written Notice of Hearing by either of the following methods: (a) by hand-delivery to the owner's address by a police officer or sheriff; or (b) by mailing both by certified mail with return receipt requested and by first class mail with certificate of mailing to the owner's address.
- (4) The Notice of Hearing shall provide the date, time and location of the hearing and specify the incidents to be addressed at the hearing before the Select Board.
- (5) The hearing notice shall request the owner or the owner's designated agent to appear at the hearing in order to present the owner's position and offer any evidence on the incidents that the owner wishes the Select Board to consider. The notice shall include a warning that the failure of the owner to attend the hearing without justifiable excuse may result in a finding that the house is a Disorderly House and result in prosecution in the Maine District Court.
- (6) If, after a hearing, the Select Board determines that the dwelling constitutes a Disorderly

House, the Select Board may either: (a) enter into a Consent Agreement with the owner to control the conduct occurring in the Disorderly House, if the owner shows that a reasonable effort is being made to abate the prohibited conduct and/or remove the tenant(s) involved in the prohibited conduct; or (b) refer the Disorderly House to the Town Attorney to prosecute and enforce the violation in the Maine District Court and may seek injunctive relief.

Section 3. Violations.

- (1) The following are violations of this ordinance:
 - (a) Violation of a Consent Agreement entered into under Section 2(6); or
 - (b) Conduct as described in the definition of Disorderly House in Section 1(1) above in the frequency specified in the Incident Table in Section 4 below.
- (2) A violation of this ordinance shall result in a civil penalty of not less than \$100 nor more than \$2,500, plus attorney’s fees and costs for enforcing this ordinance.

Section 4. Incident Table.

The following number of incidents will determine a Disorderly House:

Units per Dwelling:	Number of Visits by Police or Sheriff in Any 30 Day Period for Activity Described in Section 1(1)
5 or less	3
6 to 10	4
11 or more	5

CHAPTER 25-G Roof Drains

ADOPTED JUNE 14, 2016

Section 1. Purpose.

- A. There are several properties within the limits of the Town which have roof drains which are flowing into the sewer system instead of into the storm drain system in violation of Department of Environmental Protection's regulations and in violation of an order from the Department of Environmental Protection which requires that all roof drains in the Rumford-Mexico Sewerage District be disconnected from the sewer system and be connected to the storm drain system.
- B. Roof drains create an overload on the Rumford-Mexico Sewerage system when there are heavy rains and when the accumulated snow melts on the flat roofs in the Town.
- C. The purpose of this Ordinance is to provide a mechanism for enforcing that roof drains be disconnected from the sewer system and be connected to the storm drain system.

Section 2. Definitions.

- A. If a term is not defined in this Ordinance, it shall have its customary dictionary meaning.
- B. For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

OWNER shall mean any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

ROOF DRAIN shall mean any drain on a building which drains water from the roof top or a gutter attached to a building or any other method of removing water from a roof which drains water from that area to be deposited to another area.

SEWER SYSTEM shall mean any pipes, mains or other parts of the sewer system for the Town of Rumford.

STORM DRAIN SYSTEM shall mean any drains, pipes, mains or other parts of the storm water drainage system in the Town of Rumford.

Section 3. Applicability.

This Ordinance applies to all buildings with roof drains located within the Town which drain into the sewerage system of the Town.

Section 4. Compliance.

- A. The owner of a building which has a roof drain or gutter system which deposits water into the sewer system must disconnect from the sewer system and connect to the storm drain system. Owners are responsible for ascertaining whether their roof drains are connected to the sewer system. Owners are required to provide a plumber's certification or other documentation

satisfactory to the Town that their roof drains are connected to the storm drain system if required by the Town within thirty (30) days of a written request by the Town's Code Enforcement Officer.

- B. The Town's Code Enforcement Officer and/or Plumbing Inspector are authorized to make all necessary building inspections to ascertain compliance by the building owner with this Ordinance and to cite any violations of this Ordinance.
- C. A building owner who does not cooperate with a building inspection for verification of compliance with this Ordinance shall be responsible for the reasonable attorney's fees and costs of the Town for obtaining an administrative search warrant.
- D. The Town's Code Enforcement Officer may enter into a Plan of Compliance with a violator; however, al Plan of Compliance may only be for a period of time no longer than 180 days. An extension of an additional 180 days may be granted for good cause shown by the building owner.
- E. Any owner of a building which fails to remove a roof drain from being connected to the sewer system is in violation of this Ordinance and subject to fines and penalties below in Section 5 – Violations and Penalties.

Section 5. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this Ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Fines shall be no less than \$100 and no more than \$2,500 for each offense. Each violation of a separate provision of this Ordinance and each day of violation shall constitute a separate offense. In addition, any person who has been found to have violated this section is responsible for the reasonable attorney's fees and costs of the Town for having to prosecute the violation.

Section 6. Effective Date

This Ordinance is in effect upon adoption at the Annual Secret Poll Meeting of June 14, 2016.

CHAPTER 25-H
Property Maintenance Ordinance

ADPOTED JUNE 12, 2018

Section 1. Purpose and Scope. The purpose of this Ordinance is to set a minimum standard for the maintenance of the premises, surrounding areas of said premises, buildings, structures, vacant lots and access by public safety personnel in the event of an emergency or happenstance.

Section 2. Maintenance Standards for Premises and Yard Areas. All properties in the Town are subject to the following requirements:

- A. All premises and yard areas shall be kept maintained in a safe condition.
- B. All fences and gates surrounding a property shall be kept maintained in a good condition and functioning use.
- C. All yards or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other material which may cause a hazard to public health, sanitation and safety or may act as a breeding place for vermin
- D. All areas around vacant buildings shall be kept free of overgrowth of vegetation.
- E. Except as provided for by state statute or in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled for a period of time greater than 180 days.
- F. Except as provided for by state statute or in other regulations, 2 or more unregistered vehicles on the property are not allowed for a period of time greater than 180 days.
- G. Anyone placing trash out at the street shall put trash into a trash can/receptacle with lids. Owners of rental properties and multifamily dwellings shall provide trash cans/receptacles with lids for the occupants of their buildings for placement of their trash disposal.
- H. Trash cans/receptacles shall not be placed out for curbside pickup more than twenty-four (24) hours prior to the day before the scheduled pickup.
- I. No household furniture or appliances shall be placed outside for disposal unless it is during the scheduled spring clean-up.
- J. All buildings shall be maintained to comply with the requirements of town ordinances and state statutes.

Section 3. Enforcement. The Code Enforcement Officer of the Town of Rumford shall enforce the provisions of this Ordinance. In the event of a violation, the Code Enforcement Officer shall notify the property owner by serving a written notice by certified mail with return receipt requested, by first class mail with certificate of mailing or in hand at the premises. Said notice shall explain the nature of the violation and allow no more than thirty (30) days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in Section 4.

Section 4. Penalties. Any person who violates any provision of this Ordinance after receiving notice of such violation pursuant to Section 3 above shall be liable for civil penalty of a minimum of \$100.00 up to \$2,500.00 for each violation. Each day the violation continues shall constitute a separate violation as

referenced in Maine State Law. In addition, the Town may pursue all remedies and reliefs available by law without limitations. A person convicted of a violation shall also be responsible for legal fees and costs of the Town in bringing prosecution of the violation.

CHAPTER 26
Enforcement and Penalties

AMENDED JUNE 9, 1987

Chapter 26, Enforcement and Penalties, Section 1 and 3
AMENDED JUNE 13, 2017

Section 1. Enforcement. The Board of Selectpersons is hereby charged with the duty to enforce, through the Code Enforcement Officer, the Police and/or Fire Department, all Ordinances of the Town.

Section 2. Prosecutions. All initial prosecutions for violations shall commence by complaint and civil summons in the Rumford District Court (Northern Oxford County District Eleven) and all fines imposed therefore shall be for the use of the Town of Rumford and paid over to the Town Treasurer.

Section 3. Penalties. Any person, firm, corporation who violates any provisions of these Ordinances for which no specific penalty is provided, shall be punishable by a fine not to exceed the sum of \$1,000.00 for each violation to include any restitution or court costs, including the attorney's fees and other associated costs incurred by the Town for enforcing its Ordinances.

Section 3A. Fines. A minimum judgment for a first offense shall be, not less than \$35.00;

Second offense not less than	\$100.00
Third offense not less than	\$300.00
Fourth offense not less than	\$500.00

Section 3B. Restitution. In addition to any fine imposed restitution may be ordered.

CHAPTER 27

Severability

Section 1. Intention. Notwithstanding any other evidence or intent, it is hereby declared to be the controlling intent of the voters of the Town of Rumford that if any provision of these Ordinances, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remaining provisions of these Ordinances, and the application of the provision, held to be invalid, to persons or circumstances, other than those adjudicated, shall not be affected.

CHAPTER 28
Mobile Home and Trailer Ordinance

CHAPTER 28, Article 11 Mobile Home and Trailer Ordinance, Section 1102
DELETED JUNE 8, 1982

CHAPTER 28, Article 10 Inspections and Revocations, Section 1001
AMENDED JUNE 14, 1994

CHAPTER 28, Section 305 Mobile Home and Trailer Ordinance
AMENDED JUNE 14, 1994

CHAPTER 28
REPEALED JUNE 14, 2005

CHAPTER 29
Subdivision Regulations
Re-Codified as CHAPTER 54-C

CHAPTER 30
Regulation As To Dogs

CHAPTER 30 REPEALED JUNE 8, 2004

CHAPTER 30-A
Seizure of Animals by Animal Control Officer without Court Order

CHAPTER 30-A REPEALED JUNE 8, 2004

CHAPTER 30-B
Ordinance Regarding Domestic Animals

CHAPTER 30-B REPEALED JUNE 12, 2012

CHAPTER 30-C
Domestic Animals: Regulation and Enforcement

ADOPTED JUNE 12, 2012
AMENDED JUNE 14, 2016, Section 11
AMENDED NOV. 6, 2018 Sections 1, 3, 10-21.
ADOPTED NOV 6, 2019 Section 9

Section 1. Definitions. As used in this ordinance, unless the context otherwise indicates:

- A. **“Domestic Animal”** shall mean any animal kept within the Town limits of Rumford and shall include, but not be limited to, dogs, cats, ferrets, wildlife hybrids or livestock.
- B. **“Dog”** shall mean any domesticated canine animal kept within the Town limits of Rumford.
- C. **“Cat”** shall mean any domesticated feline animal kept within the Town limits of Rumford.
- D. **“Pet”** shall mean 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.
- E. **“Impoundment Fees”** shall mean any and all Fees as described in Town’s Schedule of License, Permit and Application Fees.
- F. **“Owner”** shall mean any person or persons, firm association or corporation owning, or keeping, harboring or in possession of, or having the control of a domestic animal.
- G. **“At Large”** shall mean a dog off the premises of the owner and not under the control of the “owner” or a member of his immediate family or a person left in charge of the dog, either by leash, cord, or chain.
- H. **“Kennel”** shall be defined as it is defined under 7 M.R.S. § 3907.
- I. **“Leash”** shall mean a leash, cord, chain, or other comparable material which must be of a gauge suitable for controlling said dog and shall not be longer than six feet.
- J. **“Service Dog”** A service dog is a guide dog or signal dog, which has been individually trained to provide assistance to an individual with a disability and is partnered with a disabled person. Dogs, whose sole function is the provision of emotional support, well-being, comfort or companionship, are not considered service dogs. The crime deterrent effects of a dog’s presence do not qualify a dog as a service dog and a dog individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service dog.
- K. **“Household”** shall mean the same dwelling place or residence where a group of people live together. Examples of a household can be an apartment, a house, a flat or a room in a boarding home.
- L. **“Wolf hybrid”** shall mean a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. **“Wolf hybrid”** includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.
- M. **“Nuisance”** shall mean the failure to properly control or dispose of animal waste on the property of a person or persons or corporation owning animals within the Town or failure to control said animals in a manner that does not unreasonably intrude on the quiet and peaceful enjoyment of

persons residing on adjacent properties. This ordinance section does not apply to properties or operations protected by the Maine Agricultural Protection Act (7 M.R.S. § 151 et seq.).

- N. **“Chicken Pen”** shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed predator-safe environment.
- O. **“Henhouse”** shall mean a structure for the sheltering of female chickens.

Section 2. Licensing Required.

- A. No dog may be kept within the Town limits of Rumford, unless the dog has been licensed by its owner or keeper in accordance with the laws of the State of Maine. Dogs must be current with all required shots under Maine state law before they will be licensed in the Town.
- B. In addition to all the Maine Animal Welfare Laws Dealing With Dog and Kennel Licensing [7 M.R.S. §§ 3921 – 3939B], any person or persons who have previously licensed a dog within the State of Maine, and who have knowingly or unknowingly let one or more years lapse without renewing a license for the same dog, shall be charged back fees for each year the dog was kept unlicensed within the Town limits of Rumford. Back license fees shall be in the amount of the dog license fees in effect at the time the back fees are being charged. No additional late fees will be charged with any back fees.
- C. Any person who harbors a dog who was over the age of six (6) months of age as of April 1st of the previous year shall pay to the Town license fees for each year that the dog was over the age of six (6) months in addition to the current year's licensing fee before the dog will be licensed in the Town.
- D. A dog which qualifies as a service dog, as defined in this Ordinance, and for whom the owner can provide a certificate of training and a current rabies vaccination will be given a service dog license at no charge.

Section 3. Number of Dogs and Cats Limited.

- A. **Dogs:** It shall be unlawful for any person or persons to keep or harbor within the Town limits more than three (3) dogs over six (6) months old on April 1st in or about any premises occupied by any one (1) family without an inspection of the premises and the dogs by the Animal Control Officer and the written approval of the Animal Control Officer stating that the premises at which the dogs will be kept is sufficient for the maintenance of four (4) or more dogs and that the dogs will not disturb the peace and tranquility of the neighbors of the household where the dogs will be kept. No more than four (4) dogs may be kept in any one household without obtaining a kennel license, if applicable, pursuant to Section 4 of this Ordinance. The Animal Control Officer shall have the right to inspect the circumstances of the dogs and their living arrangements on an annual basis prior to the Town's issuance of licenses for four (4) or more dogs in one household.
- B. **Cats:** It shall be unlawful for any person or persons to keep or harbor within the Town limits more than 10 cats in their home or on their property at any time. In the event that a female cat is pregnant, the kittens shall be sold or given away to new caretakers within ninety (90) days of the birth of the kittens.
- C. Persons found to be harboring more dogs or cats than allowed by this Section without proper authorization are subject to the penalties in Section 17 of this Ordinance.

Section 4. Kennel Licensure.

- A. Any person or persons, keeping or harboring within Town limits, five (5) or more dogs over the age of six (6) months on April 1st in or about any premises occupied by any one (1) household, must put in a request for a kennel license at the Town Clerk's office. Applicants must meet State of Maine requirements for a kennel license, and if they do not qualify, must license all dogs individually after inspection and written authorization from the Animal Control Officer.

- B. In order to be granted a kennel license, an owner of five (5) or more dogs must submit the fee established by the State of Maine pursuant to the Animal Welfare Laws of the State of Maine and submit a completed application for a kennel license in the Town Clerk's Office and establish that:
 - 1. The dogs are kept and used for the purpose of breeding, hunting, show, training, field trials, sledding, competition or exhibition.
 - 2. Any property where the kennel is located is owned by the owner of the dogs. If the property where the kennel is located is being rented or leased by the dog owner, a copy of the written permission for such kennel from the landlord must be given to the Town Clerk along with the application.
 - 3. The kennel location is not a duplex or an apartment building where more than one (1) family resides.

- C. After submitting the application, the applicant for a kennel license must contact the Animal Control Officer to arrange a time and day for the Animal Control Officer to visit and inspect the location, grounds and structure where the dogs will be kept. No license will be issued by the Town until the Animal Control Officer has inspected and approved the proposed kennel location.

- D. The Animal Control Officer shall be the sole authority to issue a kennel license. The Animal Control Officer also has the authority to revoke any existing kennel license of an existing kennel. Refusal to issue a license or revocation of an existing license shall be for the following grounds:
 - 1. Improper or inadequate structure;
 - 2. Improper or inadequate ventilation;
 - 3. Inadequate or cramped conditions;
 - 4. Inadequate bedding materials;
 - 5. Inadequate temperature control;
 - 6. Nuisance noise/barking conditions which violate Section 6 of this Ordinance;
 - 7. Failure to comply with state law; and
 - 8. Other good cause.

An owner will be hand-delivered by the Animal Control Officer or sent by the Animal Control Officer, by first class mail with certificate of mailing, a written copy of the grounds for failure to issue or revocation of a license at the address provided on the application of the owner. A revocation of a license may be hand-delivered to the owner by the Animal Control Officer.

The owner will be given 10 days to correct the situation(s) listed in the written notification. The owner must contact the Animal Control Officer for a date and time of re-inspection.

Upon a second inspection, if the Animal Control Officer finds that there is still a failure to comply, the owner will again be given a written copy of the violations found. The owner will have another ten (10) day period to make the corrections.

The owner will be entitled to a third inspection, which he or she must request from the Animal Control Officer. If the Animal Control Officer finds failure to comply with the requested corrections, the owner requesting a kennel license will be denied for that year and may not make another request for a kennel until the following January licensing period. An owner whose license was revoked shall similarly not be eligible for applying for a license until the next year after a failed third inspection.

- E. In the event that an owner is denied kennel license after the third inspection, or has his or her license revoked, the owner must license individually any dogs he or she possesses, with the written authorization of the Animal Control Officer as detailed in Section 3 of this ordinance. In event that the Animal Control Officer does not give written authorization for dogs in excess of the limits established in this Ordinance, any excess dogs must be removed permanently from the premises by selling, giving away or humanely disposing of the additional dogs.
- F. Persons found to be harboring four (4) or more dogs without proper kennel licensing or without written approval of the Animal Control Officer are subject to all of the penalties contained in Section 17 of this Ordinance.

Section 5. Running At Large.

- A. No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this Ordinance, if the dog is controlled by a leash, or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper. Nothing in this Ordinance shall be held to require the leashing of any dog while on owner's premises.
- B. A leash shall *not* be more than six feet long. Any dog that is being walked on a leash on any public way or place shall not be under the control of a child unless that child is of suitable size to be able to completely control the dog.

Section 6. Barking or Howling Dog.

No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. A person who keeps or maintains a dog who's barking or howling can be heard at or beyond the boundary of the property on which the dog is located violates this section. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

Section 7. Proper Outside Facilities for Dog House.

It shall be unlawful for any owner as defined within this Ordinance who shelters a dog or dogs out of doors within the Town limits to provide any less than the minimum standards set forth by 7 M.R.S. § 4015, as amended.

Section 8. Tethering of Animals.

- A. When domestic animals are confined by a chain or similar device, the chain shall be attached to both the domestic animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar

or harness that in no way cuts into the domestic animals flesh or impinges the circulation of the domestic animal or impairs its ability to ingest food or water or to vocalize.

- 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. For sled dogs, the length of the chain shall be not less than 1 ½ times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot or 3 times the length of the dog from the tip of its nose to the base of its tail if tied to a stationary point.
- C. Multiple domestic animals confined by a chain or similar device 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 360 degree area of movement will be 2 ½ times the length of the dog from the tip of its nose to the base of its tail.
- E. As prescribed by Maine State Animal Welfare Laws pursuant to 7 M.R.S. § 4015 or a successor statute, no domestic animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind, when extreme heat or extreme cold will be harmful to its health.

Section 9. Chickens.

This section shall not pertain to farming operations protected by the Maine Agricultural Protection Act (7 M.R.S. § 151 et seq.).

A. Number and Type of Permitted Chickens.

- (1) The maximum number of chickens allowed is 15 per lot regardless of how many dwelling units on the lot.
- (2) Only female chickens are allowed. There is no restriction on chicken species.

B. Enclosures.

- (1) Chickens must be kept in an enclosure or fenced area at times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard. Chickens shall be secured within the henhouse during non-daylight hours.
- (2) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (3) The henhouse and chicken pen must provide adequate ventilation and adequate sun and shade and both must be impermeable to rodents, wild birds and predators, including dogs and cats.

C. Henhouses.

- (1) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - a. The structures shall be enclosed on the sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and

thence must be covered with predator- and bird-proof wire of less than 1 inch openings.

- b. The structure shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited. The henhouse shall be well-maintained.
 - c. The structure shall be painted; the color shall be uniform around the structure and shall be in harmony with the surrounding area.
- (2) Henhouses shall only be located in rear yards, for corner lots or other property where no rear yard exist, a side yard may be used as long as the set backs generally applicable are met. In no case may a henhouse be placed in the front yard.
- (3) Henhouses and chicken pens shall be located at least 25 feet from residences on same and abutting lots.

D. Chicken Pens.

- (1) An enclosed chicken pen must be provided consisting of sturdy wire fencing buried at least 3 inches into the ground. The pen must be covered with wire, aviary netting or solid roofing.
- a. Odors from chickens, chicken manure or other chicken-related substances shall not be perceptible at the property boundaries.
 - b. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- (2) Lighting. Only motion-activated lighting may be used to light the exterior of the henhouse.

E. Predators, Rodents, Insects and Parasites. The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.

F. Feed and Water. Chickens must be provided access to feed and clean water at times; such feed and water shall be unavailable to rodents, wild birds and predators.

G. Water Storage and Removal. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than 3 ft.³ of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

H. Removal of Chickens; Disposal of Dead Chickens.

- (1) Any violation of the provisions of this section shall be grounds for an order from the Code Enforcement Officer to the Animal Control Officer to remove the chickens and the chicken-related structures by the owner at the owner's expense. The Health Officer or Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.
- (2) If a chicken dies, it must be disposed of promptly in a sanitary manner.

Section 10. Rabies.

- A. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.
- B. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies.
- C. No person shall fail or refuse to surrender any animal for disposition by the Animal Control Officer as required herein when demand is made therefor by the Animal Control Officer.
- D. **Cats:** All cats shall be vaccinated in accordance with state law. An owner or the keeper of any such cat shall produce the documentation of vaccination when required by the Animal Control Officer or an officer of the Police Department.
 - (1) No cat may be released or adopted from any pound, shelter or veterinarian's office without proof of vaccination for rabies for a cat over six (6) months of age.

Section 11. Nuisances.

- A. No person, firm or corporation shall keep or allow to be kept on his/her/its property any animal(s) creating a nuisance as defined herein in Section 1.

Section 12. When Domestic Animals May Be Killed.

If any dangerous, fierce or vicious domestic animal cannot be safely taken up and impounded, such domestic animal may be slain by any policeman or duly authorized Animal Control Officer. In all cases, where any domestic animal has bitten a person or caused an abrasion of the skin of any person, if slain by any policeman, whether by order of the court or otherwise, and a period of less than ten (10) days has elapsed since the day on which the domestic animal bit any person, it shall be the duty of the policeman slaying said domestic animal to forthwith deliver the carcass and brain to the Animal Control Office who shall forward the brain intact to the Environmental Testing Lab in Augusta, Maine.

Section 13. Seizure of Animals by Animal Control Officer without Court Order.

The Animal Control Officer, who has reasonable cause to believe that a violation of 17 M.R.S. § 1031, as amended, or 17 M.R.S. § 1032, as amended, or according to any successor statutes, has taken place or is taking place, may take possession of the cruelly treated domestic animal by following the procedure established under 17 M.R.S. § 1021.

Section 14. Impoundment.

A. Dogs.

- 1. Dogs found running "at large" shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a period of not less than six (6) days unless beforehand claimed by its owner. If unclaimed at the end of six (6) days the dog may be disposed of in a humane manner or the Town or its duly authorized agent may transfer title of said dog.

2. When dogs are found running "at large" and their ownership is known, such dogs need not be impounded by the Town, though its duly authorized agents may cite the owner of such dogs to appear in court to answer charges of violation of this ordinance.
3. The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as established by the Selectpersons in the *Schedule of License, Permit and Application Fees*, unless charges of cruelty to animals (7 M.R.S. § 4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded dog. In this event, the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

B. Cats or other Domestic Animals.

1. Cats and other domestic animals who are stray, abandoned, thought to be homeless or that are wandering and causing destruction to another's property shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a minimum of 48 hours unless feral, in which the cat need not be held more than 24 hours. Unless the cat or domestic animal is believed or known to have an owner, the cat or domestic animal may be disposed of in a humane manner or the Town or its duly authorized agents may transfer title of said cat or domestic animal.
2. The owner shall be entitled to resume possession of any impounded cat or domestic animal upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals (7 M.R.S. § 4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded cat or domestic animal. In this event, the cat or domestic animal shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

....

Section 15. Impoundment Fees.

Any domestic animal, excluding cats, impounded hereunder may be reclaimed as herein provided upon payment by the owner of the fees established by the Board of Selectpersons in the *Schedule of License, Permit and Application Fees* for each domestic animal, excluding cats, to be paid to the Animal Control Officer, Police Department or Town Clerk prior to release of animal from the shelter. The designated animal shelter may not release the animal to the owner without receipt showing payment of the impoundment fee to the Town.

....

Section 16. Defecation.

The owner of any domestic animal shall take all responsible means to avoid the defecating of his or her domestic animal on any property other than the owner's property. In the event of the defecation of a domestic animal on the property of another, the owner shall immediately remove the feces and dispose of same in an appropriate manner.

Section 17. Snake and Other Reptiles.

No owner or keeper of any reptile, including all snakes, shall permit or allow any person to display, exhibit, transport, or allow to be visible in any public area any reptile that is not contained within a suitable cage or kennel. This section does not apply to any owner or keeper of reptiles, including all snakes that are displayed or exhibited for educational purposes, except they must be contained in suitable cage or kennel during transport.

Section 18. Wolf Hybrids

A person may not keep a wolf hybrid in the State unless that person holds a valid permit to possess wildlife in captivity issued by the Department of Inland Fisheries and Wildlife under 12 M.R.S. § 12152

Section 19. Penalties.

- A. Defecation Violations.** Every person convicted of a violation of Section 14. Defecation shall be subject to a fine of not less than \$50 for a first offense, not less than \$100.00 for a second offense, and not less than \$150.00 for each subsequent offense **plus** all court costs incurred by the municipality for prosecuting a violation of this section.
- B. Other Violations.** Every person convicted of a violation of any provision of this Ordinance, excluding Section 14. Defecation, shall be subject to a fine of \$100.00 for each violation for each day that a violation exists, not to exceed a total of \$2,500.00 **plus** all court costs incurred by the municipality for prosecuting a violation under this Ordinance.
- C. Injunction.** As a additional penalty, the Town may seek injunctive relief against violators of this Ordinance.

Section 20. Prosecution of Complaints.

In order for any complaint made to the Town regarding violations of this Ordinance to be prosecuted in court, the complainant must make a signed statement to the Animal Control Officer or a Police Officer.

Section 21. Validity.

It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the municipality that if any provisions of the ordinance be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.

CHAPTER 31

Right-of-Ways

Article 1. Definitions

Section 101. For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

- a. The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians.
- b. The word "person" shall mean any individual, firm or co-partnership or corporation.

Article 2. Interference with Public Use

Section 201. It shall be unlawful for any person or persons to hereafter place within the right-of-way of any public street, within the Town of Rumford, any wall, structure, building or part thereof, fence, lawn, trees, or bushes, where same will interfere with the public use of said road or street which uses include but are not limited to the following:

- a. Snow removal
- b. Drainage
- c. Visibility
- d. Safety of Traveling Public

Article 3. Removal

Section 301. Any structure, wall, fence, lawn, trees or bushes placed within the right-of-way without the written permission from the Board of Selectpersons shall be removed by the Town of Rumford at the expense of the person having placed or having authorized the placement of the above.

Article 4. Variances

Section 401. The Board of Selectpersons may modify the terms of this Ordinance on the occurrence of the following:

- a. A written petition for a hearing sent to the Board of Selectpersons requesting modification, and,
- b. Publication of said petition in the Rumford Falls Times newspaper at least one week prior to the hearing on the petition, and,
- c. A finding by the Board that an extraordinary hardship may result from strict compliance with these Regulations, and,

- d. That the Board of Selectpersons is satisfied that said variance will not interfere with the intent and objectives of the Permanent Road Improvement Program of the Town of Rumford.

CHAPTER 32
Snowmobile and ATV Registration Funds

Chapter 32, Section 1. Snowmobile Registration Funds
AMENDED JUNE 14, 1994

Chapter 32, Section 2. All Terrain Vehicles Agent Fee Funds.
ADOPTED JUNE 10, 2003

Section 1. The snowmobile registration refund received annually by the Town of Rumford from the Maine Department of Inland Fisheries and Game shall be placed into the Rumford Snowmobile Recreation Fund to be used exclusively for the construction, development, maintenance and improvement of snowmobile trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of snowmobiling for the public within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford Snowmobile Recreation Fund, under the supervision of said municipal officers. On May first, annually, any unexpended funds in the Rumford Snowmobile Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in Section 1.

Section 2. **All Terrain Vehicles Agent Fee Funds.** The All Terrain Vehicles (ATVs) Agent Fee Funds collected annually by the Town of Rumford as part of the registration fee for ATVs registered in the Town of Rumford shall be placed into the Rumford ATV Recreation Fund to be used exclusively for the construction, development and improvement of ATV trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of ATV traveling within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford ATV Recreation Fund, under the supervision of said municipal officers. On May 1st annually, any unexpended funds in the Rumford ATV Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in this section.

CHAPTER 33-A
Flood Hazard

REPEALED JUNE 9, 1987

**CHAPTER 33
SHORELAND ZONING**

Re-Codified as Chapter 54-D

CHAPTER 33-A
Floodplain Management Ordinance

Re-Codified as Chapter 54-E
June 13, 2017

CHAPTER 33-B
Site Plan Review Ordinance

Re-Codified to Chapter 54-F
June 13, 2017

CHAPTER 33-C
Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance

Re-Codified to Chapter 54-G
June 13, 2017

CHAPTER 33-D
Wind Energy Facility Ordinance

ADOPTED NOVEMBER 8, 2011
REPEALED JUNE 14, 2016 AND REPLACED WITH CHAPTER 33-E

CHAPTER 33-E
Wind Energy Facility Ordinance

Re-Codified to Chapter 54-H

CHAPTER 34

Obscenity Ordinance

No person with knowledge of the content and character shall display or exhibit for sale in a public place any book, newspaper, magazine or publication depicting obscene, lewd and indecent pictures and/or the exploitation of nudity.

CHAPTER 34-A Licensing and Regulation of Sexually Oriented Businesses

ADOPTED JUNE 13, 2006

Section 1. Findings. This ordinance was created to counter the negative secondary effects of sexually oriented businesses by regulating the time, place and manner of operation of sexually oriented businesses. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. This evidence is relevant to issues facing the Town of Rumford. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, libraries, or other sexually oriented businesses. Research indicates that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties in the opinion of real estate appraisers and lenders.

The Town of Rumford further finds that it is necessary to prevent the commercial exploitation of the human body and specific anatomical areas having to do with sex and sexual arousal in order to prevent the creation of a tawdry atmosphere that adversely affects the quality of life, to prevent blight and deterioration, and to prevent negative secondary affects and advance the public health, safety and welfare.

Section 2. Purpose. The purpose of this ordinance is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to require annual licenses for sexually oriented businesses in order to insure compliance with this ordinance and to insure that the business is not having a negative secondary effect on the neighborhood or town. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the town at large. The primary control or regulation of this ordinance pertains to the location and manner of operation of sexually oriented businesses. The purpose of this ordinance is not to prohibit sexually oriented businesses from operating in the Town of Rumford, but to regulate their operation while providing a reasonable opportunity for such businesses to exist.

Section 3. Definitions.

- A. Adult Book, Video, and/or Amusement Store:** An establishment having as a substantial or significant portion of it stock in trade in "sexual devices," and/or printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.
- B. Adult Entertainment Facility:** A public or private establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" or featuring topless or nude dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers and patrons who may be encouraged to perform in a sexually explicit manner, perform "specified sexual activities" or display "specified anatomical areas." It shall also include any establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the

prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of “specified sexual activities;” or offers sadomasochistic acts or bondage and discipline to patrons or performs such acts on employees or other entertainers.

- C. **Adult Spa.** An establishment or place primarily in the business of providing (i) a steam bath or sauna, (ii) other bathing or hot tub services, or (iii) “rub-down” or other pseudo-massage services by a person or persons not licensed as a Massage Therapist by the State of Maine.
- D. **Corporation:** The use of “corporation” in this ordinance shall mean a “corporation”, “limited liability company” or “partnership” as defined under Maine state law.
- E. **Sexually Oriented Business:** Sexually oriented businesses include, but are not limited to, adult video, book and/or amusement stores and adult entertainment facilities and adult spas.
- F. **Residence:** Any structure which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium or a mobile home.
- G. **Sadomasochistic Acts or Acts of Bondage and Discipline:** Flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.
- H. **Sexual Device:** A device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.
- I. **Specified Sexual Activities:** Activities that contain or produce
 1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact, as defined by Maine law, or sodomy;
 3. Fondling or other touching of human genitals, pubic region, buttock or female breast.
- J. **Specified Anatomical Areas:** Areas including, but not limited to:
 1. Human genitals, pubic region, buttocks or the female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Section 4. License Required. A person or entity wishing to operate a sexually oriented business shall obtain an annual license prior to opening the establishment, prior to expiration of a current annual license and, for a sexually oriented business in existence at the time of adoption of this ordinance, within six (6) months after the adoption of this ordinance.

Section 5. Application; Investigation and Issuance of License.

- A. **Application.** An application for a sexually oriented business license shall:
 1. Annually complete and file an application prescribed by the Town Clerk;
 2. Deposit the license fee and a processing fee, established by the Selectpersons in the *Schedule of License, Permit and Application Fees*, in advance with the Town Clerk;
 3. Submit the completed application to the Town Clerk, together with: attested copies of the articles of incorporation and by-laws, if the applicant is a corporation; evidence of partnership, if

a partnership; or articles of association and by-laws, if the applicant is an association, as well as a list of all officers and directors;

4. File an affidavit that identifies all owners, financial investors, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding three (3) years;
5. File the release authorized by 16 M.R.S. § 620(6) (Criminal History Record Information Act) with the application for each officer, owner, manager or partner of the applicant;
6. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner; and
7. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

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

1. The Code Enforcement Officer shall verify that the premises at which the establishment will be located comply with all applicable laws and building codes of the town and state and the State Plumbing Code and shall report his or her findings in writing to the Town Clerk;
2. The Health Officer shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;
3. The Fire Chief shall inspect the location or proposed location to determine if all state laws and codes and all town ordinances concerning fire and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;
4. The Town Manager shall investigate the application, including the criminal history record information required under Section 5(a)(5) above and shall report his or her findings in writing to the Board of Selectpersons; and
5. The Town Manager shall arrange for public notice of the public hearing on the application in a newspaper of general circulation at least 10 days before the public hearing before the Board of Selectpersons and the Town Manager shall forward the application and other documents to the Board of Selectpersons for public hearing and action.

C. Compliance with Land Use Ordinances: The applicant shall obtain all applicable permits and permissions as required by the Town of Rumford Land Use Ordinances and shall furnish such executed permits, permissions or approvals with the application to the Town Clerk.

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

Section 6. Standards for Denial. An application for a sexually oriented business license shall be denied by the Board of Selectpersons in the following circumstances:

- A. The applicant is a corporation not licensed to do business in the State of Maine;
- B. The applicant is an individual who is less than 18 years of age;
- C. The applicant has submitted an incomplete application, made an incorrect statement of a material nature or failed to supply additional information required by the Town Clerk or Board of Selectpersons that is reasonably necessary to determine whether the license can be issued;
- D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has been denied a sexually oriented business license for making an incorrect statement of a material nature within the immediately preceding five (5) years;
- E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has had a license granted pursuant to this ordinance, or a similar ordinance provision in any other municipality, revoked for any reason during the immediately preceding five (5) years;
- F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has violated any Massage Ordinance, Public Indecency Ordinance, Paid Sexual Contact Ordinance or a similar ordinance in any other municipality within the immediately preceding five (5) years; or
- G. The site on which the sexually oriented business is proposed is a prohibited site under Chapter 4 of the Land Use Code.
- H. The application in any other way fails to meet the requirements of this ordinance.

Section 7. Standards for Suspension, Revocation. A sexually oriented business license may be suspended or revoked by the Board of Selectpersons upon a finding that the licensee has violated any provision of this ordinance.

Section 8. Age Restriction. No sexually oriented business shall permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

Section 9. Display of License, Prices Charged, and Names of Owners or Officers to be Prominently Displayed. A sexually oriented business must display its sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

Section 10. Prohibited Sites.

- A. A sexually oriented business shall not be located within one thousand feet (1000'), as measured along the shortest straight line, of a residence, school, church, synagogue, playground, park or other area where minors congregate.
- B. The main entrance of a sexually oriented business shall be located a minimum of five hundred feet (500'), as measured along the shortest straightest line, from the main entrance of another business.
- C. A sexually oriented business must have a continuous 6-foot high solid fence along all boundary lines it has in common with any of the following:
 - 1. a church, synagogue or other house of religious worship;

2. a public or private elementary or secondary school;
3. a residence;
4. a day care facility;
5. a public park or public recreational facility;
6. a library;
7. another sexually oriented business.

Section 11. Prohibited Activities.

The following activities are prohibited:

- A. All acts of public indecency, as defined in 17-A M.R.S. § 854, are prohibited in sexually oriented businesses.
- B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client. Patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.
- C. Patrons or clients shall not directly pay or give any gratuity or object of value to any dancer, performer, employee, owner or officer of the sexually oriented business. Dancers, performers, employees, owners or officers shall not solicit any pay, gratuity or object of value from any patron or client. This shall not prevent the owner or his/her agents from charging admission to the premises and charging for products such as meals and drinks not associated with any "specified sexual activity."
- D. Dancers, performers, employees, owners or officers, patrons, or clients of a sexually oriented business shall not (1) perform, offer to perform or agree to perform sexual intercourse with each other or any patron or client, or (2) commit, offer to commit or agree to commit any sexual act with each other or any patron or client or (3) make, offer to make or agree to make sexual contact with each other or any patron or client;
- E. Patrons and clients of sexually oriented business shall not (1) perform sexual intercourse with any dancers, performers, employees, owners or officers of the sexually oriented business, or (2) commit any sexual act with any dancers, performers, employees, owners or officers of the sexually oriented business, or (3) make sexual contact with any dancers, performers, employees, owners or officers of a sexually oriented business.
- F. Dancers, performers, employees, owners, or officers or patrons or clients of sexually oriented business shall not participate in any specified sexual activities, any sadomasochistic acts or acts of bondage or display any specified anatomical areas. All specified anatomical areas of all dancers, performers, employees, owners, officers, patrons, and clients must be covered by a completely opaque material such that no part of the specified anatomical area is visible from any angle or orientation at any time.
- G. Any establishment licensed to sell, furnish or otherwise provide for the consumption of alcoholic beverages on site shall not be permitted to operate as an Adult Entertainment Facility, and no Adult Entertainment Facility shall sell or otherwise provide for the consumption of alcoholic beverages on the premises.

In the event the sexually oriented business licensee is a lessee of the premises on which the sexually oriented business is located, both the licensee and the owner shall be responsible for compliance with this section, and both the licensee and the owner shall be legally responsible for any violations.

Section 12. Dancers and Other Performers. A sexually oriented business must observe the following restrictions on dancers and other live performers:

- A. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.
- B. No dancing or other performance shall occur closer than ten (10) feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

Section 13. Adult Book, Video, and Entertainment Store Standards. All Adult Book, Video, and Entertainment Stores shall comply with the following standards:

- A. No viewing area, booth, or cubicle which is provided for the viewing or reading of adult oriented materials may be occupied by more than one person at a time.
- B. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be illuminated during all hours of operation by a minimum of 1.0 foot candle, as measured at floor level.
- C. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be physically constructed and arranged in such a manner that the entire interior thereof is clearly visible from the common areas of the premises. Visibility into such viewing area, booth or cubicle shall not be obscured by doors, curtains, partitions, drapes or other material or object.
- D. No licensee shall, within or on the grounds of, any licensed premise permit any person to engage in masturbation, any sexual act, or specified sexual activities or display any specified anatomical areas.
- E. Except as provided herein, no wall of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall have any aperture, hole or other opening.
- F. No licensee shall permit the presence of any person under the age of 18 years within or on the grounds of the licensed premise.
- G. All interior surfaces of every viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be composed of smooth textured, nonabsorbent, and easily cleanable materials.
- H. The premises and especially all surfaces of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be maintained in a clean, sanitary condition.

Section 14. Existing Sexually Oriented Businesses.

All sexually oriented businesses existing at the time of adoption of this ordinance shall apply for and become licensed within six months of the adoption of this ordinance. Until licensed under this ordinance, any existing sexually oriented business may not be increased, enlarged, extended or altered, including any increase or change in the nature of products or services provided to customers, except that the use may be changed to another use conforming with the Town of Rumford Land Use Code in accordance with that ordinance.

A lawfully existing sexually oriented business shall not be rendered in violation of the site requirements of this ordinance or the Land Use Ordinance by the subsequent location of a residence, day care center, school, house of worship, or public park or recreation area, at a site that would otherwise conflict with the site requirements. This provision applies only to the renewal of a valid license, and does not apply to a new license, or when an application for a license is submitted after a license has expired or has been revoked.

Section 15. Enforcement. This ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectpersons. If court action is required to enforce this ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

Section 16. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Appeals. An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectpersons may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the *Maine Rules of Civil Procedure*.

CHAPTER 34-B Paid Sexual Contact Ordinance

ADOPTED JUNE 11, 1996

Section 1. Definitions. For the purpose of this Ordinance, the following definitions apply:

Sexual contact means any touching of the genitals, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

Pecuniary benefit means any direct or indirect payment of money or any other object of value.

Section 2. Sexual Contact for Pecuniary Benefit Prohibited.

- A. Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.
- B. Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.
- C. Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.
- D. Leasing or otherwise permitting a place controlled by the defendant in any action to enforce this Ordinance, alone or in association with others, to be used as a site for sexual contact for pecuniary benefit to any person is prohibited.

Section 3. Enforcement.

The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. Any enforcement actions shall be brought in the name of the Town of Rumford.

Section 4. Penalties.

The violation of any provision of this Ordinance shall be punished by a fine not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of any Town license for a premises or business in which sexual contact for pecuniary benefit is transacted.

Section 5. Severability.

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

CHAPTER 34-C Public Nudity Ordinance

ADOPTED JUNE 11, 1996

AMENDED JUNE 10, 1997

The purpose of this Ordinance is to: define what constitutes public nudity; regulate where it may occur; establish enforcement procedures for violating where it may occur; and provide civil penalties for said violations.

- (1) As used in this ordinance:
- (a) **“Entity”** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.
 - (b) **“Nude”** means the showing of:
 - 1. Human or female genitals or pubic area with less than a fully opaque covering; or
 - 2. Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
 - 3. The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast; but shall not include any portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or
 - 4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - (c) **“Person”** means any live human being ten years of age or older.
 - (d) **“Place Provided for Set Apart for Nudity”** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospital, and similar places in which nudity or exposure is necessarily customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where's a person's conduct of being nude is used for his or her profit or where

being nude is used for the promotion of business or is otherwise commercially exploited.

- (e) **“Public Place”** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurant, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof, such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.
- (2) It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.
- (3) A person violating section (2) of this ordinance has committed a civil violation for which a fine not exceeding five hundred dollars (\$500.00) may be charged to the person(s) and/or entity(ies) violating section (2).
- (4) This ordinance shall not be deemed to address photographs, movies, video presentations, or any other non-live performances.
- (5) This ordinance may be prosecuted by the Town Solicitor or by private action brought by an aggrieved party in a court of competent jurisdiction.
- (6) Interpretation - Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance.
- (7) Conflict within this Ordinance or with other Ordinances - Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.
- (8) Separability - Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

CHAPTER 35
Transportation of Waste Refuse, Garbage and Debris
Over Town Ways

Section 1. No person or persons shall transport waste, refuse, garbage or debris in an open vehicle, truck or trailer on Town streets and ways.

Section 2. All vehicles, trucks or trailers used for the transportation of waste, refuse, garbage or debris shall be covered in such a manner so as to completely prevent littering along Rumford Town streets and ways.

CHAPTER 36
Removal From Office

ADOPTED JUNE 10, 1996

AMENDED JUNE 10, 2008

Any appointive officer of the Town may be removed by the Board of Selectpersons from his or her office if:

- a. He or she fails to attend, without good and sufficient cause, at least 50 percent of the regularly scheduled meetings of his or her office.
- b. He or she is convicted of a Class A, B or C crime as defined by Title 17-A of the Maine Revised Statutes.
- c. He or she is convicted of a Class D or E crime involving moral turpitude.
- d. He or she uses Town property without proper authority.
- e. He or she uses his or her office, without authority, to influence the actions of any subordinate, employees and other departments.
- f. He or she violates the provision of Chapter 38.
- g. For cause.

The Board shall notify such officer of its intention to remove said officer by notifying him or her in writing at least seven (7) days prior to the effective date of said removal.

The officer shall have the right to appeal said removal to the Board of Appeals by notifying, in writing, the Board of Appeals and the Board of Selectpersons within five (5) business days after the effective date of the removal.

The Board of Appeals shall meet within ten (10) days of receipt of the written notification of appeal to hear said appeal pursuant to Chapter 37.

This chapter shall not apply to any employee of the Town. Removal of Town employees, other than the Town Manager, shall be governed by Chapter 36-A.

CHAPTER 36-A

Discipline and Removal of Town Employees

ADOPTED JUNE 10, 1997

Section 1. Sole authority to discipline all Town employees is vested in the Town Manager who may delegate authority to take disciplinary action, other than demoting or discharge, to a department head including the police chief and fire chief.

Section 2. Except as otherwise provided in collective bargaining agreement, in the case of an employee who, pursuant to statute or ordinance may only be demoted, suspended or discharged for cause, the Town Manager shall hold a hearing before taking such action.

Section 3. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge a department head or a member of the police or fire departments, including the chiefs, may be appealed to the Board of Selectpersons. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Selectpersons shall conduct such review as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 4. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge an employee other than a department head or a member of the police or fire departments may be appealed to the Board of Appeals. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Appeals shall conduct such interview as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 5. Notwithstanding any other provisions of these ordinances, if the laws of this State require that action to discipline or remove an employee be taken only by a specified municipal officer or body, that law shall supersede these ordinances.

**CHAPTER 36-B
Conflict of Interest**

ADOPTED JUNE 1998

No elected official of the Town of Rumford may maintain employment with the Town of Rumford during his or her term in office other than the position to which he or she is elected.

CHAPTER 36-C Recall of Elected Officials

ADOPTED JUNE 10, 2008
AMENDED JUNE 10, 2014, Change from Chapter 36-B to Chapter 36-C

CHAPTER 36-C, Recall of Elected Officials—Section 1, Section 2
AMENDED June 12, 2018

Section 1. Authority

This Ordinance is adopted pursuant to 30-A M.R.S. §2602 (6)

Section 2. Applicability

Any elected official of the Town of Rumford, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectpersons, Assessors, Tax Collector, Town Clerk-Treasurer. This Ordinance does not apply to Directors of Regional School Unit 10.

Section 3. Grounds for Recall

An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office.

- a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or
- b. In the case of Selectpersons, absence from at least half of the regularly scheduled meetings of the Board of Selectpersons during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this Ordinance does not require the Selectpersons to schedule meetings at any specified interval; or
- c. In case of two or more violations of the Rumford, Maine Town Charter and or Ordinances; as determined by the Town Attorney, or
- d. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatsoever, except as otherwise provided in this Ordinance; or
- e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by the court or other body of competent jurisdiction of such violations has made a final determination.
- f. Failure or refusal of a Selectperson to order an election as provided in this Ordinance. In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered an absence within the meaning of the Section.

Section 4. Petitions for Recall

- a. Only registered voters of the Town of Rumford may sign petitions for recall. To be valid, a petition must contain a number of valid signatures equal to twenty five percent (25%) of the number of votes cast for Governor in the last gubernatorial election in Rumford.

- b. The Petition shall be addressed to those members of the Board of Selectpersons having no interest in the subject matter of the petition; if petitions for the recall of all Selectpersons are submitted, then the petitions will be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.
- d. If recall of more than one person is being sought, there shall be a separated petition for each person whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, address and printed name.
- f. All petition pages shall be filed as a single document.

Section 5. Clerk's Certification

Within (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 and 4 of this Ordinance.. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

Section 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.
- b. The Selectpersons, upon receipt of the certified petition, shall within 25 days time of receipt, order an election by secret ballot, pursuant to 30-A MRSA §2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case, the Selectpersons may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Selectpersons fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectpersons failure or refusal to order the required election.
- d. If at any time, between the time of ordering the election and the date of the election, the person whose recall is sought requests a public hearing, the Selectpersons will promptly schedule such a public hearing on the recall election.

Section 7. Ballots for the Recall Election

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectpersons, the ballots shall be printed and shall read: "SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

Section 8. Result of Election

In the event of an affirmative vote by a two-thirds majority for removal, such vote shall take effect as of the recording of the tabulation into the records.

Section 9. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provision of Maine law.

CHAPTER 36D
Municipal Personnel Policy

ADOPTED JUNE 14, 2011
AMENDED JUNE 10, 2014, Changed from Chapter 36-C to Chapter 36-D

All Town of Rumford employees will be subject to the terms and conditions stipulated in the Municipal Personnel Policy unless otherwise provided in a collective bargaining agreement.

CHAPTER 37 Board of Appeals

AMENDED JUNE 14, 1983

AMENDED JUNE 10, 1997

CHAPTER 37, SECTION 1, JURISDICTION
AMENDED JUNE 12, 2007

CHAPTER 37, SECTION 3 PROCEDURE,
AMENDED JUNE 9, 2009

Section 1. Jurisdiction. The Board of Appeals shall be vested with the power to hear appeals pursuant to Chapter 36 and Chapter 36-A. In addition, the Board shall hear any appeal from a decision or order pursuant to the ordinances and statutes set forth below, provided that a written notice of appeal is filed within ten (10) days after the date of the decision or order:

Any Town ordinance which requires an appeal to the Board of Appeals or any state statute which requires an appeal to the Board of Appeals.

Section 2. Organization.

- A. The Board shall consist of five (5) members appointed by the Board of Selectpersons serving staggered three (3) year terms.
- B. Neither a municipal officer nor his spouse may be a member or associate member of the Board.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member who is being challenged.
- D. A member of the Board may be dismissed for cause as defined in Chapter 36, and shall not sit on any appeal from said dismissal.
- E. There will be two (2) associate members appointed by the Board of Selectpersons. The Chairperson of the Board of Appeals shall designate which associate shall serve in the stead of the absent members.

Section 3. Procedure.

- A. The Chairperson shall call meetings of the Board as required. The Chairperson shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least three (3) members. The Chairperson shall preside at all meetings of the Board and be the official spokesman of the Board.
 - 1. All requests for appeal shall be submitted in writing to the Chairperson, through the Town Manager's Office, in a sealed envelope addressed to the Board of Appeals. The request shall include copies of any written decisions as well as reference to the chapter and sections(s) or actions being appealed and remedy sought.

- B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary are deemed public, shall be filed in the Town Clerk's office and may be inspected at reasonable times.
- C. The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chairperson upon good cause shown.
- D. 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 shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
- E. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, agency or office and the municipal officers within seven (7) days of their decision.
- F. An appeal may be taken, within 30 days after the decision is rendered, by any party to the Superior Court from any order, relief or denial in accordance with the *Maine Rules of Civil Procedure*, Rule 80B. The hearing before the Superior Court shall be without a jury.

CHAPTER 38 Complaints

ADOPTED JUNE 9, 1992

AMENDED JUNE 10, 1997

AMENDED JUNE 10, 2008

Any complaints against an employee shall be submitted, in writing, to the Department Head of the department where said employee works with a copy of the complaint forwarded to the employee within five (5) working days. If the Department Head decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the employee. The Department Head and the Employee concerned shall attend the hearing. The person or persons making the complaint will be asked to attend such hearing. It is understood that the Town does not have power to compel the person to attend the hearing. However, if the person or persons making the complaint fail to appear, the hearing on the complaint shall proceed despite said person's absence. A written copy of the Department Head's decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Town Manager within seven (7) working days. If the Town Manager decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the Town Manager. A written copy of the Town Manager's decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Board of Selectpersons within seven (7) working days. The Chair of Board of Selectpersons may determine if the complaint should be acted on, and, if so, shall direct the item be placed on the agenda of the next regularly scheduled Selectperson's meeting.

If complaints filed under this article are determined to be of a criminal nature which may result in an internal investigation against individual employees, such complaints shall be treated in a confidential manner.

This section is not intended to provide an exclusive means for considering complaints against employees. Removal of elected and appointed Town officials is governed by Chapter 36 and disciplinary action and removal of Town employees is governed by Chapter 36-A

The violation of this Chapter may serve as grounds for removal from office pursuant to Chapter 36.

CHAPTER 39
Street Naming and Numbering Ordinance

CHAPTER 39 REPEALED JUNE 13, 2006

CHAPTER 39-A **Addressing Ordinance**

ADOPTED JUNE 13, 2006

Section 1. Title. This ordinance shall be known as the “Addressing Ordinance.”

Section 2. Purpose. The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, postal delivery, business, and emergency medical services personnel in the municipality of Rumford, Maine.

Section 3. Authority. This ordinance is adopted pursuant to and consistent with Municipal Home Rule powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and 30-A M.R.S. § 3001.

Section 4. Administration. The Rumford Fire Chief is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads in accordance with the criteria in Section 5 and 6, and shall administer this ordinance. The Rumford Fire Chief shall be responsible for maintaining the following official records of this ordinance:

- a. Municipal map(s) for official use showing road names and numbers;
- b. An alphabetical list of property owners as identified by current tax records, by last name, showing assigned numbers; and
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectpersons shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of enhanced 9-1-1 service. The Selectpersons may designate the Rumford Fire Chief as the Addressing Officer.

Section 5. Naming System. All roads that serve one or more structures shall be named regardless of whether the ownership is public or private. A “road” refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. For the purpose of identifying what is a road we will designate that even a way that goes to only one structure that is over one thousand five hundred feet (1500') will receive a road designation. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads will be given the same name (e.g. Back Road and Back Lane);
- b. No two roads will have similar-sounding names (e.g. Pike Lane and Bike Lane);
- c. Each road will have the same name throughout its entire length.

Section 6. Numbering System. The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every twenty five feet (25') along both sides of the road, with even numbers being assigned on the right side of the road and odd numbers being assigned on the left side of the road, as the numbers ascend, with the following exception:

Special consideration will be given for the structures on the Island (*i.e.*, the land in the town which bounded on all sides by water – by the canal and/or the Androscoggin River). Those considerations shall be as follows: (1) that a fifteen feet (15') increment will be used and (2) that each separate business will receive its own number address. However, any structure on the Island that has units designated for living will still designate its units by the rules for multiple occupancy.

- b. All number origins shall begin from Bridge Street or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c. The number assigned to each structure shall be that of the number interval falling closest to the center of the driveway of said structure, with the following exception:

When a structure does not have a driveway, or if it shares a driveway with one or more structures, the addressing of the structure will be to the door of said structure.

- d. Individual structures appearing on a single tax lot that require numbering shall be assigned one whole number each, structures with more than one family occupancy shall be designated by either apartment, suite or floor. Side-by-side duplex houses appearing on separate tax lots without a common entrance shall be assigned separate numbers.

Section 7. Compliance. All owners of structures shall, by the date stipulated in section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

- a. **Number on the Structure or Residence.** Where the residence or structure is within fifty feet (50') of the edge of the road right-of-way, the assigned number shall be displayed on the side of the residence or structure that faces the roadway assigned as long as the number is visible and unobstructed from the roadway. If the number is obstructed the structure will fall under section 7(b).
- b. **Number at the Road Line.** Where the residence or structure is over fifty feet (50') from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, or on some structure at the property line adjacent to the access drive of the residence or structure.
- c. **Size, Color, and Location of Number.** Numbers shall be that of a color that contrasts with their background color and shall be a minimum of four inches (4") in height. Numbers shall be located to be visible and unobstructed from the road at all times of year.
- d. **Proper Number.** Every person whose duty it is to display an assigned number shall remove any different number, which could be mistaken for or confused with the number assigned in conformance with this ordinance.
- e. **Type of Numbers Displayed.** Numerical numbers shall be used on all structures. If the owner chooses to display alphabetized script or Roman numerals, the owner must also display numerical numbers in conjunction with the latter choices. Numerical numbers will be displayed in such a manner as not to be confused with the script or Roman numerals.

- f. **Interior Location.** All residents and occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.
- g. Any numbers displayed on a post or other place other than the numbered structure shall be placed on the same side of the roadway as the numbered structure is located and positioned as close to the driveway of said structure as possible.

Section 8. New Construction and Subdivisions. All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done before issuance of the building permit. The owner will show the Addressing Officer the exact location of the driveway entrance before the owner's address number is issued.

b. New Subdivisions. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the Addressing Officer shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall make a mark, with lines or dots, to show twenty-five feet (25') intervals on the plan in the center of the street(s), so as to aid in the assignment of numbers to structures subsequently constructed.

c. Developments that do not fall under subdivisions shall be required to present to the Addressing Officer plans that show proposed road names and shall be marked with lines or dots in the center of the roadway at twenty-five foot (25') intervals to aid in the assignment of numbers to structures subsequently constructed.

Section 9. Effective Date. This ordinance shall become effective thirty (30) days from time of acceptance. It shall be the duty of the Rumford Fire Chief to notify by mail the property owner and the U.S. Postal Service of any new addresses at least 30 (thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed prior to final inspection by the Town or when the structure is first used or occupied, whichever comes first.

Section 10. Enforcement. It will be the duty of the Addressing Officer or his or her designees to enforce this ordinance. Violation of any part of this ordinance will be subject to a fine of \$10.00 a day up to a maximum of \$2,500.

CHAPTER 40
Temporary Signs and Advertisement Banners

ADOPTED JUNE 9, 2009

CHAPTER 40, Sections 3 and 4
AMENDED JUNE 8, 2010

CHAPTER 40, TITLE
AMENDED JUNE 14, 2011

CHAPTER 40, Section 4, All Signs and Banners
AMENDED JUNE 14, 2011

CHAPTER 40, Sign Ordinance—Section 1, Section 2, Section 4, Section 6
AMENDED JUNE 12th 2018

CHAPTER 40, Section 5, All Other Temporary Signs
ADOPTED JUNE 12th 2018

CHAPTER 40 TITLE, Section 1
AMENDED NOV. 6, 2018

Section 1 Temporary Signs Other Than Yard Sale Signs and Banners. No temporary signs shall be posted on the Town Hall or near the Information Booth. Signs must not impair the view of the Rumford Falls from any location. They will not be allowed on Town owned property without the permission of the Town Manager, with the exception of the chain link fence on Rumford Avenue. The time of placement of temporary signs shall be governed by the State Statute, and may only be placed up for a maximum time of 6 weeks per year, unless another time limitation is provided below in Sections 2, 3 or 4.

Section 2. Yard Sale Signs. The time of placement shall not be more than five (5) days before the yard sale and removed within twenty-four (24) hours after the end of the sale. Yard sale signs will not be allowed on Town owned property.

Section 3. Advertisement Banners. When banners are used to advertise a charitable event, they may be hung fourteen (14) days prior to the event after notifying the Town Manager's Office, and removed the morning following the event. All exceptions must be approved by the Town Manager.

Section 4. All Temporary Signs and Banners. All signs and banners shall not exceed 24 square feet. All temporary signs, other than yard sale signs on telephone posts, must be displayed on their own stakes. All signs and banners shall have the name, address, and phone number of the person responsible for putting the sign or banner up and the date that the sign or banner was put up.

Section 5. All Other Temporary Signs. All other temporary signs and banners that are posted to inform the public about public events, business or informational signs shall be posted for a period not to exceed thirty (30) days with a ninety (90) day period in between postings. They will not be allowed on Town owned property.

Section 6. Penalties.

A ten (10) dollar fine will be assessed for each day of noncompliance with any section of the ordinance. The entity, or person associated with the signs, shall be responsible for payment of the penalty. A violator found guilty by the court shall also be responsible for the attorney's fees and costs of the Town.

CHAPTER 41

Special Amusement Ordinance

ADOPTED JUNE 12, 2007

Section 1. Title. This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Rumford.

Section 2. 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-A M.R.S. § 1054 and 30-A M.R.S. § 3001.

Section 3. Definitions.

A. "Entertainment". For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

B. "Licensee". For purposes of this section, "licensee" shall include the holder of a license issued under Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity or any agent or employee of any such licensee.

Section 4. Permit Required.

A. No licensee for the sale of liquor to be consumed on his/her premises shall permit on his/her licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort, unless the licensee shall have first obtained from the Town in which the licensed premises are situated a special amusement permit signed by at least a majority of the Selectpersons.

B. Applications for all special amusement permits shall be made in writing to the Selectpersons and shall state:

- 1) Name of the applicant;
- 2) Applicant's residence address;
- 3) Name of applicant's business to be conducted;
- 4) Applicant's business address;
- 5) Nature of applicant's business;
- 6) Location to be used;
- 7) 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;
- 8) 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 Selectpersons in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license;
- 9) What type of music will be offered at the establishment (e.g., live band, jukebox, karaoke, etc.);
- 10) What type of dancing, if any, will be offered at the establishment (e.g., "exotic" dancers, floor dancing by the public, etc.);
- 11) What type of entertainment is being offered.

C. No permit shall be issued for any person, business, event, act or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, or rules and regulations of the Town.

D. Noise. No permit shall be issued to any person, business, event, act or premises in which noise exceeds 80 decibels between the hours of 7:00 a.m. to 10:30 p.m. and/or exceeds 70 decibels between the hours of 10:30 p.m. and 7:00 a.m. In addition, no permit shall be issued to any person, business, event, act or premises in which the bass vibrations are able to be detected on the ground, sidewalk or street outside the premises in which the entertainment is being offered or if bass vibrations cause rattling of the windows of any structures located in the vicinity of the premises in which the entertainment is being offered.

E. Fees. The fee for a special amusement permit shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Selectpersons.

F. Hearing. The Selectpersons shall, prior to granting a permit and after reasonable notice to the Town and the applicant, hold a public hearing within 14 days of the day that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. The Selectpersons shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare of the community or would violate the Town charter, ordinances, rules or regulations or state or federal law.

G. Validity of Permit. A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 5. Inspections.

A. 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 Town authorized to make the inspection at any reasonable time that admission is requested.

B. 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 person in charge of the premises, to give to any authorized officer, official or employee of the Town requesting the same sufficient samples of the material or commodity for analysis.

Section 6. Suspension or Revocation of a Permit. The Selectpersons 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 Town ordinances, rules and regulations or state law.

Section 7. Rules and Regulations. The Selectpersons 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 the 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 8. Permit and Appeal Procedures.

A. Any licensee requesting a special amusement permit from the Selectpersons 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 30 days after an application for a permit has been denied.

B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Town Board of Appeals. The Town Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations, or that the denial, revocation or suspension was arbitrary and capricious.

Section 9. Admission. A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee which has been issued a special amusement permit may charge admission in designated areas approved by the Town special amusement permit.

Section 10. Live Entertainment Regulation.

A. The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed.

B. No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises or any other persons, when the entertainment is in violation of Chapters 34, 34-A, 34-B and 34-C of the Town ordinances.

Section 11. Penalties.

A. Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) to be recovered for the use of the Town and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.

B. In addition to any other penalty which may be provided, the Selectpersons may suspend the special amusement permit of any licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty; however, no license or special amusement permit shall be suspended unless a 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 12. Separability. The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 13. Effective Date. This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.

CHAPTER 42
Licenses for Victualers, Innkeepers and Lodging Houses

ADOPTED JUNE 12, 2007

Title Amended, Sections Amended: 2, 3, 4, 5, 8. Sections Added: 8A, 8B
AMENDED JUNE 12, 2012

Section 1. Authority.

This Ordinance has been prepared in accordance with the provisions of 30-A M.R.S. § 3812.

Section 2. Purpose.

The purpose of this Ordinance is to control the issuance of licenses to the various food service and lodging establishments and persons operating as innkeepers in the Town.

Section 3. Definitions.

For the purposes of this Ordinance, the following definitions shall mean:

“Innkeeper” means a person or entity that runs an inn, bed and breakfast establishment, hotel or motel to provide lodging to travelers and others for compensation.

“Licensing Board” means the Selectpersons of the Town.

“Lodging House” means a building in which three (3) or more rooms are rented, but does not include: (1) a house where lodgings are rented to persons within the second degree of kindred to the person operating the lodging house; (2) the dormitories of charitable, educational or philanthropic institutions; or (3) the emergency use of private dwelling houses at the time of conventions or similar public gatherings.

“Victualer” means a person or entity that serves food or drink prepared for consumption on the premises by the public.

“Premises” means all lands, buildings, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

Section 4. License Required.

No person or entity shall operate as a victualer, lodging house or innkeeper within the Town unless licensed to do so by the Town or unless specifically waived by the Town. Applications for a Victualer's, Innkeeper's or Lodging House License shall be made in writing upon forms supplied by the Town Manager's Office and shall state: (1) the name of the applicant; (2) his residence and mailing addresses; (3) the name of the business to be conducted; (4) his business address; (5) the location(s) to be used; (6) residence and business telephone numbers; and (7) the date of the application. Upon receipt of the application, the Town Manager's Office shall refer the same to the Code Enforcement Officer for a determination to assure compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

Section 5. Hearing.

A. Victualer's License. The Selectpersons shall hold a hearing on any original application for a victualer's license within thirty (30) days of the date of the request received at which time the testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the

Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The applicant shall be provided written notice of the hearing date.

B. Innkeepers and Lodging House Licenses. The Selectpersons shall meet annually during the month of May on a date and at a time and place in the Town that they determine for the purpose of holding a hearing on applications for Innkeepers and Lodging House licenses. The testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The Selectpersons may also meet at any other time at a meeting specially called and with public notice as provided in this paragraph. Applicants shall be provided written notice of the hearing date.

C. The Selectpersons shall grant a license unless they find that issuance of such license will be detrimental to the public health, safety or welfare, or would be in violation of any Town ordinance, rules or regulations or state law.

Section 6. Suspensions and Revocations.

The Selectpersons may, after a public hearing, suspend or revoke any license for non-compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

A license may not be revoked or suspended until after investigation and hearing. The Selectpersons shall serve notice of the hearing on the licensee or leave it at the licensed premises at least three (3) days before the time set for hearing. At the hearing, the licensee must be given an opportunity to:

A. Hear the evidence in support of the charge against the licensee and to cross-examine, alone or through counsel, the witnesses; and

B. Be heard in the licensee's own defense.

Section 7. Appeal.

Appeal from the decision of the Selectpersons to the Superior Court in the county in which the licensing authority is located may be obtained in the manner provided in the *Maine Rules of Civil Procedure*. Courts of competent jurisdiction, for due cause shown, may issue temporary orders restraining the enforcement of revocations or suspensions, and after full hearing may vacate those temporary orders or make them permanent.

Section 8. Fees and Expiration.

Each person initially licensed as an innkeeper, lodging house or victualer shall pay to the Town Clerk the fee specified in the *Schedule of License, Permit and Application Fees* established by the Selectpersons. All licenses, unless otherwise provided, expire May 31st of each year. The renewal license fee of said licenses shall be the fee specified in the *Schedule of License, Permit and Application Fees*.

Section 9. Penalties.

Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished by a civil penalty of fifty dollars (\$50.00). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney's fees.

Section 10. Effective Date.

This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.

CHAPTER 43

Changeable Message Sign Ordinance

ADOPTED JUNE 12, 2007

Section 3, Level 2
AMENDED JUNE 10, 2014

CHAPTER 43, Changeable Message Sign Ordinance—Section 2, Section 3, Section 5, Section 6, Section 7
AMENDED JUNE 12, 2018

CHAPTER 43, Changeable Message Sign Ordinance—Section 4, Brightness
ADOPTED JUNE 12, 2018

Section 1. Changeable Message Signs. Changeable message signs are permitted provided that each message remains fixed on the display surface, but which may be changed at reasonable intervals by electronic process or remote control and do not include any flashing, intermittent or moving light or lights. Signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention.

Section 2. Definitions.

- A. “Electronic Message Sign (or Display)”** - A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- B. “Dissolve”** – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
- C. “Fade”** – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
- D. “Footcandle”** –Is a measurement of light intensity and is defined as the illuminance on a one-square foot surface from a uniform source of light.
- E. “Frame”** – A complete, static display screen on an Electronic Message Display.
- F. “Frame Effect”** – A visual effect used on an Electronic Message Display to change from one message to another.
- G. “Lux”** –is the measurement of illumination in metric units.
- H. “Scroll”** – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.
- I. “Time & Temperature Sign”** – A special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.
- J. “Travel”** – A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Section 3. Permitted Uses. The display on each side of a changeable sign may be changed according to one of the following rates depending on the zone where the sign is erected. Electronic changeable signs must be located on the premises of the applicant. Changeable signs are not permitted in residential zones as classified by the Code Enforcement Officer. Electronic Message Signs are permitted with the approval of the Code Enforcement Officer if the sign meets the following requirements set forth in this ordinance:

A. Level 1 Permitted in the Downtown Area to Include Waldo Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of moving text or images are allowed. Date, time and temperature signs are allowed to change display with a 2 second message hold rate. Any electronic changeable sign shall have a maximum transition period of 2 seconds.

B. Level 2 Permitted at the Hosmer Field Athletic Complex, Corner of Hancock Street and Lincoln Avenue and the River Valley Crossing.

Static display (text & images) with a 2 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects will be allowed. Frame effects may travel or scroll or have similar transitions or change in size or be revealed sequentially rather than at once including the movement of illumination or the scintillation or varying of light intensity. Date, time & temperature signs are allowed to change display with a 2 second message hold rate. Any electric changeable sign shall have a maximum transition period of 2 seconds.

C. Level 3 Permitted in All Areas Owned by the Paper Mill to Exclude Canal Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of moving text or images are allowed. Date, time & temperature signs are allowed to change display with a 2 second message hold rate. Any electronic changeable sign shall have a maximum transition period of 2 seconds.

D. Level 4. All areas that are not covered by level 1, 2, and 3 will be governed by the Code Enforcement Officer, Board of Selectpersons and Town Manager on an as need basis.

Section 4. Brightness.

- A. Brightness levels shall be automatically adjusted to be 0.3-foot candles above ambient light levels, except foot candle brightness shall not exceed 0.3-foot candles at night.
- B. Foot candles are the most common type of measurement used in the U.S for the density of light that falls on a surface and is a measure of illumination produced by 1 candle at a distance of 1 foot on a 1 square foot area.
- C. Lux is the measurement of illumination in metric units. 1-foot candle is equal to 10.76 lux.
- D. Foot candles shall be measured at 5 feet above grade, using all white settings or the solid color for single-color signs.

- E. The illuminance of an Electric Variable Message Sign shall be measured with an illuminance meter set to measure foot candles accurate to at least two decimals. Illuminance shall be measured with the sign off and then again with the sign displaying a white image for a full-color capable sign or the solid color for a single-color sign.
- F. Measurements shall be taken at the following distances from the sign:
 - 1. Sign area of less than 300 square feet: 150 feet away.
 - 2. Sign area of 300-400 square feet: 200 feet away.
 - 3. Sign area greater than 400 square feet: 250 feet away.
- G. Automatic dimmers to maintain brightness measurements are required
- H. Light levels shall be confirmed by the applicant and submitted to the municipality in writing prior to approval of any electronic variable message sign.

Section 5. Penalties. Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished as follows:

- A. **First Violation** - Written Warning;
- B. **Second Violation** - by a civil penalty of one hundred dollars (\$100.00). Each act of violation and every day upon which such a violation shall occur shall constitute a separate offense. The maximum fine is \$1,000.00.
- C. **Third Violation** – Prohibition to use the changeable sign for one (1) month.
- D. **Fourth Violation** – Prohibition to use the changeable sign for six (6) months.
- E. **Fifth Violation** – Removal of sign at owner's expense.

In addition to the above penalties in this section, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney's fees.

Section 6. The requirement of this ordinance shall complement the sign requirements contained in Chapter 25-C of these ordinances.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after the date of its official adoption by the Town of Rumford.

CHAPTER 44
Protection of Veterans' Memorial Areas and Monuments Ordinance

ADOPTED JUNE 12, 2007

Section 1. Signs. It shall be unlawful for any person(s) or organizations to place signs of any kind at the Veterans' Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford. This prohibition shall be removed only in the event of a state or national emergency or a natural disaster or other emergency declared by the Board of Selectpersons so that signs related to those situations may be placed for the safety and welfare of citizens.

Section 2. Events. It shall be unlawful for any organizations to conduct organized activities or special events in the Veterans' Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford without the express permission of the Board of Selectpersons.

Section 3. Penalties. Any person or organization violating the provisions of this ordinance shall be fined \$50.

CHAPTER 45

Sex Offender Ordinance

ADOPTED JUNE 9, 2009

AMENDED JUNE 8, 2010
AMENDED JUNE 14, 201, Section 4.A.

Section 1. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

Section 2. Purpose.

The purpose of this Ordinance is to impose a residency restriction for persons convicted of Class A, B or C sex offenses committed against persons who had not obtained 14 years of age at the time of the offense and in acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Rumford has a compelling interest to protect the health, safety, and welfare of its children.

Section 3. Definitions.

Registered Sex Offender – An individual convicted of a sex offense in this state or another jurisdiction means a conviction for any current or former Maine crime listed in former Title 17, §§ 2922 to 2924 or Title 17-A, Chapter 11 or 12 or Title 17-A, §556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earliest specified current or former Maine crimes.

Section 4. Restrictions.

A. A sex offender as defined above is prohibited from residing up to a maximum distance of 750 linear feet surrounding any real property comprising a public or private or elementary, middle or secondary school or up to a maximum distance of 750 linear feet surrounding the real property comprising a municipally owned property where children are the primary users, as well as the Greater Rumford Community Center and any licensed daycare facilities.

Section 5. Exceptions.

- A. This ordinance does not restrict the residence of a person who lived in an area restricted pursuant to Section 4 prior to the adoption or amendment of this Ordinance.
- B. This Ordinance is not premised on a person's obligation to register pursuant to Title 34-A, Chapter 15.

Section 6. Violation; Injunctive Relief and Penalties.

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town.

In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, expert witness fees, or any other associated costs.

Section 7. Severability.

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

Section 8. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of June 8, 2010.

CHAPTER 46

Prohibition Against Abusive Solicitation

ADOPTED JUNE 9, 2009

Section 1. Purpose. It is the intent of this chapter to impose reasonable manner of limitations on solicitation, as defined herein, in order to protect the safety of the general public against abusive solicitation while respecting the constitutional right of free speech.

Section 2. Definitions. The following words or phrases as used in this chapter shall have the following meanings:

- (1) "Solicitation" means any request made in person seeking an immediate donation of money or other item of value. A person shall not be deemed to be in the act of solicitation when he or she passively displays a sign or gives any other indication that he or she is seeking donations without addressing his or her solicitation to any specific person, other than in response to an inquiry by that person.
- (2) "Donation" means a gift of money or other item of value and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is a substantial a gift.
- (3) "Abusive solicitation" means to do one or more of the following while engaging in solicitation or immediately thereafter:
 - (a) Blocking or impeding the passage of the person solicited;
 - (b) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited declines to make a donation;
 - (c) Threatening the person solicited with physical harm by word or gesture;
 - (d) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
 - (e) Touching the solicited person without the solicited person's consent;

Section 3. Penalties. Any person who engages in abusive solicitation as defined herein shall be guilty of a violation of this article and, upon conviction, shall be punished by a fine or not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150) for each offense. The Town may also seek, and the court may order, injunctive relief designed to prevent any further violations of this chapter.

CHAPTER 47
Gender Neutral References

ADOPTED JUNE 9, 2009

All existing ordinances and all future ordinances shall be gender neutral, unless the context otherwise requires or the modification would cause the ordinance to be unlawful.

CHAPTER 48
Rumford Performing Arts Committee

ADOPTED JUNE 8, 2010

Any monies raised or appropriated for, or donated to, the Rumford Performing Arts Committee shall not be deposited into the General Fund of the Town, but will be carried forward into the next budget year to be used by the Rumford Performing Arts Committee for future performances or, with permission of the Board of Selectpersons, to make improvements to the Rumford Falls Auditorium. No salaries will be paid from these funds. If the Rumford Performing Arts Committee ceases to exist, then and only then, will any monies that have accrued be transferred into the General Fund of the Town.

CHAPTER 49
Locomotives Idling in Residential Areas

ADOPTED JUNE 8, 2010

It is unlawful for a locomotive engine to be parked idling within 1,000 linear feet of a residence for a period greater than three (3) consecutive hours. Violation of this Ordinance will result in a civil fine not less than \$1,000.00 per offense.

CHAPTER 50
AMENDMENTS TO ORDINANCES

ADOPTED JUNE 8, 2010

Amendment of various Ordinances of the Town relative to gender, grammar, language and unnecessary provisions as follows:

Chapter 1 A, Section 1, Sections 2 (c) and (d); Chapter 2, Sections 1 (b) and (c); Chapter 3, Sections 4, 5, 6; Chapter 4, Sections 1 and 1(A), 3, 4, 7; Chapter 10 (a), Section 1 (e); Chapter 11, Section 1, 4, 6, 7; Chapter 13, Section 2; Chapter 15-B, Section 4; Chapter 16, Section 3; Chapter 21, Section 3; Chapter 37, Section 2 (D) and (E), Section 3 (A) (C); Chapter 41, Section (4).

Chapter 51 Exemptions from Excise Tax

ADOPTED JUNE 12, 2012

Section 1. Military Duty.

A resident of the Town who is on active duty serving in the United States Armed Forces and, who is (1) either permanently stationed at a military or naval post, station, or base outside this State or (2) deployed for military service for a period of more than 180 days, may apply for an exemption from paying excise tax on that resident's vehicle. To apply for this exemption, the resident must present to the Tax Collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is (1) permanently stationed at that post, station or base or (2) is deployed for military service for a period of more than 180 days. For purposes of this ordinance, "United States Armed Forces" includes the National Guard and the Reserve of the United States Armed Forces. For the purpose of this ordinance, "deployed for military service" has the same meaning as in 26 M.R.S. § 814(1)(A).

Chapter 53 Property Assessed Clean Energy (PACE) Ordinance

ADOPTED JUNE 12, 2012

Section 1. Purpose and Enabling Legislation.

- A. **Purpose.** By and through this Chapter, the Town of Rumford declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.
- B. **Enabling Legislation.** The Town enacts this 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. § 10151, *et seq.*).

Section 2. Title and Definitions.

- A. **Title.** This ordinance shall be known and may be cited as "the Town of Rumford Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance")."
- B. **Definitions.** Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:
- 1) **Energy Saving Improvement.** "Energy Saving Improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - a) Will result in increased energy efficiency and substantially reduced energy use and;
 - b) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - c) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - d) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
 - 2) **Town.** "Town" shall mean the Town of Rumford.
 - 3) **PACE Agreement.** "PACE Agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on

qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

- 4) **PACE Assessment.** "PACE Assessment" means an assessment made against qualifying property to repay a PACE loan.
- 5) **PACE District.** "PACE District" means the area within which the Town establishes a PACE program hereunder, which is all that area within the Town's boundaries.
- 6) **PACE Loan.** "PACE Loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- 7) **PACE Mortgage.** "PACE Mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
- 8) **PACE Program.** "PACE Program" means a program established under State statute by the Trust or a Town under which property owners can finance energy savings improvements on qualifying property.
- 9) **Qualifying Property.** "Qualifying Property" means real property located in the PACE district of the Town.
- 10) **Renewable Energy Installation.** "Renewable Energy Installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
- 11) **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S. § 10103 and/or its agent(s), if any.

Section 3. PACE Program.

- A. **Establishment; Funding.** The Town 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 Town's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the Town's PACE program.
- B. **Amendment to PACE program.** In addition, the Town 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 Town shall be responsible for administration of loans made from those other funding sources.

Section 4. 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 Town's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Town shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

Section 5. Program Administration; Municipal Liability.

- A. **Program Administration.** PACE Administration Contract. Pursuant to 35-A M.R.S. § 10154(2)(A)(2) and (B), the Town will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Town. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
- 1) the Trust will enter into PACE agreements with owners of qualifying property in the Town's PACE district;
 - 2) 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;
 - 3) the Trust, or its agent, will disburse the PACE loan to the property owner;
 - 4) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
 - 5) the Trust, or its agent, will be responsible for collection of the PACE assessments;
 - 6) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
 - 7) the Trust or its agent on behalf of the Town, 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 Town shall adopt and implement an education and outreach program so that citizens of the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
- C. **Assistance and Cooperation.** The Town will assist and cooperate with the Trust in its administration of the Town'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.
- 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, including, without limitation, claims for or related to uncollected PACE assessments.
 - 2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Section V, §1(A) above, a Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

E. Liability of Municipal Officials; Liability of Town.

- 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, including, without limitation, claims for or related to uncollected PACE assessments.
- 2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

CHAPTER 54
Land Use Ordinance of the Town of Rumford, Maine

ADOPTED
JUNE 13, 2017

Section 1. Purpose. This Ordinance shall be known as the “Land Use Ordinance of the Town of Rumford, Maine,” is adopted in accordance with a Comprehensive Plan pursuant to the provision of 30-A M.R.S.A. Sub-section 4326 et seq. and is designed to:

1. encourage the most appropriate use of land throughout the municipality,
2. promote traffic safety; to provide safety from fire and other elements,
3. prevent overcrowding of real estate,
4. prevent housing development in unsanitary areas,
5. promote coordinated development,
6. encourage the formation of community units,
7. provide an allotment of land area in new developments for all the requirements of community life,
8. conserve natural resources, and
9. provide for adequate public services.

This Chapter does not excuse any person and quasi-board of the necessity of complying with other applicable laws and regulations.

This Chapter is all inclusive of the Ordinances that have to do with Land Use and shall be re-codified as follows:

Chapter 25-C Building Code	shall be Chapter 54-A Building Code
Chapter 25-D Fire and Life Safety Code	shall be Chapter 54-B Fire and Life Safety Code
Chapter 29 Subdivision Regulations	shall be Chapter 54-C Subdivision Regulations
Chapter 33 Shoreland Zoning	shall be Chapter 54-D Shoreland Zoning
Chapter 33-A Floodplain Management	shall be Chapter 54-E Floodplain Management
Chapter 33-B Site Plan Review	shall be Chapter 54-F Site Plan Review
Chapter 33-C Wellhead Protection for the Ellis River and Scotties Brook Aquifers	shall be Chapter 54-G Wellhead Protection for the Ellis River and Scotties Brook Aquifers
Chapter 33-E Wind Energy Facility	shall be Chapter 54-H Wind Energy Facility

CHAPTER 54-A Building Code

ADOPTED
JUNE 8, 2004

Inclusion of International Residential Code
AMENDED JUNE 12, 2007

Define Residential Building Code as 2003 Version of International Building Code
AMENDED JUNE 10, 2008

Section 1, Removed 2003 IBC and 2003 IRC and Replaced with 2009 IBC and 2009 IRC
AMENDED JUNE 13, 2017

CHAPTER 25-C Building Code, Re-Codified as CHAPTER 54-A
JUNE 13, 2017

Section 1 Amended
NOV. 6, 2019

Section 1. Adoption of Code. Certain documents, one (1) copy of which is on file in the Office of the Town Clerk of the Town of Rumford, being marked and designated as the International Building Code, of the year designated by statute or regulation of the State of Maine ("IBC") and Appendices A-J, the International Residential Code of the year designated by statute or regulation of the State of Maine ("IRC"), the International Existing Building Code of the year designated by statute or regulation of the State of Maine ("IEBC"), and the International Energy Conservation Code of the year designated by statute or regulation of the State of Maine ("IECC"), published by the International Code Council, are hereby adopted as the Building Code of the Town of Rumford as adopted by the Town of Rumford, Maine for regulating the construction, alteration, movement, enlargement, replacement, repair, removal demolition, equipment, use and occupancy, location and maintenance of buildings and structures; providing for the issuance of permits and the collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building and Residential Codes, on file in the Office of the Town Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this article, subject to Section 2 of this ordinance. The IRC shall apply to detached one and two family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided.

Section 2. Deletions, Additions, Insertions.

Deletions. The following portions of such code shall be deleted and are hereby excluded from this article:

Any provision in either the International Building Code or International Residential Code which conflict with the following provisions of Maine state law:

Fire Safety Codes and Standards. Fire safety codes and standards adopted pursuant to 25 M.R.S. §§ 2452 and 2465, as amended;

Electrical Standards. Electrical standards adopted pursuant to 32 M.R.S. § 2253-A, as amended;

Plumbing Code. The plumbing code adopted pursuant to 32 M.R.S. § 3403-B, as amended;

Oil and Solid Fuel Burning Equipment Standards. Oil and solid fuel burning equipment standards adopted pursuant to 32 M.R.S. § 2313, as amended;

Propane and Natural Gas Equipment Standards. Propane and natural gas equipment standards adopted pursuant to 32 M.R.S. § 14805, as amended;

Boiler and Pressure Vessel Standards. Boiler and pressure vessel standards adopted pursuant to 32 M.R.S. § 15104-A, as amended;

Elevator Standards. Elevator standards adopted pursuant to 32 M.R.S. § 15228, as amended;

Energy Efficient Standards. Energy efficient standards adopted pursuant to 32 M.R.S. § 1415-D, as amended; and

Any other standards exempted from the Maine Model Building Code pursuant to 10 M.R.S. § 9703, as amended;

From the International Building Code:

Section 113.1-113.4 inclusive: Violations;

Section 114.3 Unlawful Continuance;

Section 115.3 Method of Service;

Section 116.1 Disregard of Unsafe Notice;

Section 117.1 Cost of Emergency Repairs;

Section 112.1-112.3 inclusive: Board of Appeals; and

Appendix A Section A101 Building Official.

From the International Residential Code:

Appendixes A, B, D, L, Q and P;

Chapter 2 Section R202 Definitions – Building Official; and

Chapter 1 Section R112 Board of Appeals.

Additions. The following items shall be added to such code and are hereby included in this article:

A. To the International Building Code:

(1) Appendix A add Section A101.1 to read:

A101.1 Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and ordinances, and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding

and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford. The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The Building Official is the Town Official charged with the administration and enforcement of this code. The Building Official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

(2) Chapter 1 add Section 113.1-113.4 to read:

Section 113 Violations.

113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any buildings or structures or equipment regulated by this code, or cause same to be done in conflict with or in violation of any of the provisions of this code.

113.2 Notice of Violations. The building official shall serve notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation and the date of compliance.

113.3 Prosecution of Violations. If the notice of violation or order is not complied with, the building official shall request the Selectpersons to institute the appropriate proceeding at law or in equity to restrain correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the code or of any order or direction made pursuant thereto.

113.4 Violation Penalties. Any person who shall violate a provision of this code or 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 building official, or of a permit or certificate issued under the provisions of this code, punishable by a fine or not more than \$1,000.00 or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. Each day that a violation continues shall deemed a separate offense.

(3) Chapter 1 add Section 114.3 to read:

114.3 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$1,000.00.

(4) Chapter 1 add Section 112 to read:

Section 112 Appeals

112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or

materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official's decision and shall state the particular portion of the decision appealed from the reasons for the appellant's disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.

(5) Chapter 1 add Section 115.4 to read:

115.4 Method of Service. If the person addresses with an unsafe notice cannot be found within the Town of Rumford after a search, then such notice shall be sent registered or certified mail to the last known address of such person and the notice shall be deemed delivered when deposited in the United States mail, postage prepaid; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

(6) Chapter 1 add Section 116 to read:

116.1 Disregard of Unsafe Notice. Upon refusal or neglect of the person served with an unsafe notice condition or to comply with the decision of the building official, the Selectpersons shall cause said unsafe condition to be abated, removed or altered in compliance with the building official's order, and all expenses incurred by the Town shall be repaid to the Town by the owner. In addition, the Selectpersons may institute the appropriate legal action to compel compliance and to recover its expenses, including attorneys' fees.

(7) Chapter 1 add Section 117 to read:

117.1 Cost of Emergency Repairs. Cost incurred in the performance of emergency work shall be paid for by the Town of Rumford on order of the Selectpersons. The Selectpersons shall institute appropriate action against the owner of the premises for recovery of such costs and expenses including attorneys' fees.

B. To the International Residential Code:

To Chapter 2 Section R202 Definitions – Building Official

Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford.

The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The building official is the town official charged with the administration and enforcement of this code. The building official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

Insertions. The following insertions are hereby made in the designated section of such codes.

International Building Code:

(1) Section 101.1 Title. Insert the words "The Town of Rumford";

Section 103.2 Appointment. Replace the word "chief appointing authority of the jurisdiction" with the word "Selectpersons";

Section 103.3 Deputies. Replace the words "the appointing authority" with the word "Selectpersons";

Section 104.8 Liability. Replace the word "jurisdiction" in the first and second sentence with the words "The Town of Rumford";

Section 108.2 Schedule of Permit Fees. Insert the words "based upon the estimated cost of construction which shall be established by the Board of Selectpersons."

Section 501.2 Fire Limits. Insert the words "the area enclosed by Bridge, Congress Lowell and Canal Streets, and the areas between Canal Street, and Middle Canal, between Bridge Street and the Androscoggin River, between River Street and the Androscoggin River, and between Congress Street and the Androscoggin River";

Section 1807.2.1 Deep Excavation. Insert the words "five (5) feet";

Section 1807.2 Shallow Excavation. Insert the words "five (5) feet";

Section 1906.1 Filing. Insert amounts to be determined by the Board of Selectpersons

International Residential Code:

Chapter 1 add Section R112 to read:

Section R112 Appeals

R112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official's decision and shall state the particular portion of the decision appealed from the reasons for the appellant's disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.

CHAPTER 54-B Fire and Life Safety Code

ADOPTED JUNE 14, 2005

CHAPTER 25-D Section 1, Adoption of the Code
AMENDED JUNE 9, 2009

CHAPTER 25-D, Section 1, Adoption of Code
AMENDED TWICE ON JUNE 8, 2010

CHAPTER 25-D, Section 1
AMENDED JUNE 13, 2017

CHAPTER 25-D Fire and Life Safety Code, Re-Codified as CHAPTER 54-B
JUNE 13, 2017

CHAPTER 25-B Section 1
AMENDED NOV 6, 2018

Section 1. Adoption of the Code

It is hereby adopted and incorporated herein by reference, as if completely and specifically set forth in its entirety, for the purpose of prescribing minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion and dangerous conditions, the following codes prepared by the National Fire Protection Association: the "NFPA 1, Uniform Fire Code of the year designated by statute or regulation of the State of Maine edition" and the "Life Safety Code (NFPA 101) of the year designated by statute or regulation of the State of Maine edition" as prepared and published by the National Fire Protection Association and the whole thereof as a guideline with revisions as approved by the Board of Selectpersons. One copy of such Codes has been and now is filed in the office of the Town Clerk for public use, examination and inspection.

NFPA 101 Chapter 24, Section 3.5.1 shall not be included in the adoption of this code.

All references in the Uniform Fire Code and Life Safety Code which refer to AHJ (authority having jurisdiction) shall mean the Chief of the Fire Department of the Town of Rumford.

Section 2. Insertions, Deletions, Additions

DELETION:

Section 1.10 Board of Appeals (Sections 1.10.1.1 up to and including 1.10.9.3) of the Uniform Fire Code shall be deleted and not incorporated.

Section 3. Violations

In addition to any penalties in the Uniform Fire Code and Life Safety Code (Codes), a property owner or operator of a business who violates any sections of the Codes and fails to comply with an order to correct within the time period specified by the Town official shall be subject to a fine of \$125 per day. Nothing in this section or in the Codes shall prohibit referral by the Town Official of violations to the State Fire Marshall or other state agency for further investigation or prosecution.

Section 4. Enforcement

The Fire Chief shall be the Town Official principally responsible for the investigation and enforcement of the provisions of this ordinance. This ordinance may also be investigated or enforced by any member of a fire department designated by the Fire Chief. This ordinance may also be enforced by the Code Enforcement Officer or Building Inspector.

Section 5. Appeals

An appeal of a decision of the Town Official may be made to the Board of Appeals by any person aggrieved by a decision or interpretation by the Town Official made under the provisions of this ordinance. Appeals must be brought within (10) days of the date of the Town Official's decision. The appeal shall be in writing and filed in the Town Manager's office and shall state the particular portion of the decision appealed from and the reasons for the appellant's disagreement with the Town Official. Notification of the date of the hearing shall be sent by the Chairperson of the Board of Appeals to the appellant by first class mail with proof of mailing to the address supplied by the appellant to the Town. The appeal hearing shall follow the hearing procedures established in Chapter 29 Section 201. A written decision of the Board of Appeals shall be sent to the appellant and to the Town Official and filed with the Town Clerk no later than thirty (30) days after the hearing date.

CHAPTER 54-C Subdivision Regulations

CHAPTER 29, Section 301 (a)(3) Subdivision Regulations-Design Standards
AMENDED JUNE 10, 1986

CHAPTER 29, Section 301 Subdivision Regulations-Streets
b. (8) Sub-section b.
AMENDED JUNE 10, 1986

CHAPTER 29, Section 401(e) Subdivision Regulations-Required Improvements
AMENDED JUNE 10, 1986

CHAPTER 29, Section 201 Subdivision Regulations-Notice of Public(c)(10)(c) Hearing
AMENDED JUNE 10, 1986

CHAPTER 29, Article 3-A. Mobile Home Park Standards
ADOPTED JUNE 8, 2004

CHAPTER 29, Section 101 Definition
AMENDED JUNE 14, 2005

CHAPTER 29-Article 2, Procedure for Approval of Subdivision Plan-Section 201(B)
AMENDED JUNE 14, 2005

CHAPTER 29, Article 3-A. Mobile Home Park Standards
AMENDED JUNE 14, 2005

CHAPTER 29, Article 3, Design Standards, Section 301(B) (12) (b) (ii)
AMENDED JUNE 8, 2010

CHAPTER 29, Subdivision, Re-Codified as CHAPTER 54-C
JUNE 13, 2017

Article 1. Definitions

Section 101. These Regulations shall be known as, and may be cited as, the Rumford Subdivision Regulations. Words used herein are defined as follows:

Board - means the Town of Rumford Planning Board.

Engineer - means a person designated by the Selectpersons to act in that capacity.

Subdivision - For the purposes of these Regulations, subdivision shall be as defined in 30-A M.R.S. § 4401. Lots of forty (40) or more acres shall not be counted as a lot, except when the lot or

parcel from which it was divided is located entirely or partially within any Shoreland area as defined in the Town of Rumford Shoreland Zoning Ordinance.

Urban areas - means areas designated as urban compact by the Maine Department of Transportation.

Street - means a way for vehicular traffic including highway, road, avenue, lane, or other designation, but excluding driveways serving not more than two (2) contiguous lots.

- (1) **“Arterial Street”** - means a street used primarily for fast or heavy traffic.
- (2) **“Collector Street”** - means a street that carries traffic from minor streets to the major system of arterial streets.
- (3) **“Minor Street”** - means a street used primarily for access to abutting properties.
- (4) **“Alley”** - means a street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.

Freshwater Wetland - means fresh water swamps, marshes, bogs and similar areas which are:

- (1) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils: and
- (2) Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

River, Stream or Brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

- (1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
- (2) It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- (3) The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- (4) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
- (5) The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

“Manufactured Housing” means:

- (1) **“Mobile Home”** which is 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 that 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 purposes of this section, two types of mobile home homes are included. Those two types are:
 - (a) Those units constructed after June 15, 1976, commonly called “newer mobile homes,” that 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, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, and that 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; and
 - (b) This term also includes any structure that 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.
- (2) **“Modular homes”** which are structures that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, of the Maine Revised Statutes and rules adopted under that chapter, and which are transportable in one or more sections, that 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.

“Mobile home park” means a parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes. All mobile home parks shall be reviewed by the Planning Board pursuant to this ordinance and 30-A M.R.S. § 4358, as amended.

“Mobile home park lot” means the area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home. A mobile home park lot shall be designated on a mobile home park plan.

“Mobile home subdivision or development” means a parcel of land approved by the Planning Board for the placement of manufactured homes on individually owned lots. All mobile home subdivision or developments shall be reviewed by the Planning Board pursuant to subdivision ordinance of the Town.

“Permanent foundation” for manufactured housing means:

- (1) For “newer mobile homes,” as defined in paragraph A, subparagraph (1) above, a foundation that conforms to the installation standards established by the Manufactured Housing Board; or

- (2) For “modular homes,” as defined in paragraph A, subparagraph (2), a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the International Building Code.

“**Pitched, shingled roof**” for manufactured housing means a roof with a pitch of two or more vertical units for every twelve horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

“**Abutter**” or “**abutting property**” means a property owner of record with the Town Assessors’ office whose property borders the subject property before the Planning Board.

Article 2. Procedure for Approval of Subdivision Plan

Section 201. Whenever a subdivision is proposed and before the sale of any part thereof, the subdivider shall apply to the Board for approval (the Board shall, when receiving subdivision for approval, find that the criteria set out in Title 30-A M.R.S. ' 4404 and the standards contained herein have been met, in accordance with the following procedures.

- A. **Pre-application** - Prior to filing an application for Conditional Approval, the subdivider may submit a written description and simple sketch plan describing the proposed subdivision. Within thirty (30) days from the date of such submission, the Board shall inform the subdivider that plans do or do not generally conform to these Regulations. When the Board finds that they do not conform to the Regulations, it shall express the reasons therefore.

- B. **Preliminary Subdivision Plan** - Upon the subdivider determining his general program, the subdivider shall prepare a Preliminary Subdivision Plan, with accompanying data, and submit a written application to the Board and an application fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees*. In addition, the subdivider shall pay an additional fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees* for each abutting property owner to the proposed subdivision who must be notified by the Town. Upon receipt by the Board of the Preliminary Subdivision Plan and the application fees, the Board shall provide a dated receipt to the subdivider and notify by mail all abutting property owners of the proposed subdivision. The preliminary data shall contain three prints with a scales of not less than 100 feet to the inch or other scale as mutually agreed upon.

The size shall be 24" x 36" maximum and shall contain the following information and conditions.

- (1) Name and title of subdivision.
- (2) Graphic map scale, date, and magnetic north point.
- (3) Boundaries of tract based on an actual field survey made and certified by a Professional Land Surveyor accompanied by a copy of the deed from which the survey was based.
- (4) Name of owner(s) and engineer(s) or surveyor(s).
- (5) Names and addresses of abutting owners.

- (6) Name, location, width, profile, and cross-section of all existing and proposed streets.
 - (7) Kind, location, profile and cross-section of all existing and proposed drainage.
 - (8) Location of features, natural and man-made, affecting the subdivision, including water bodies, rivers, streams, brooks, wetlands, wooded areas, significant wildlife habitats, location and elevation of any 100-year floodplains, location of known or potential archaeological or historic resources, location of documented rare or endangered species, location of direct watersheds of Great Ponds, location of scenic sites or views as identified in the Town of Rumford Comprehensive Plan, railroads, ditches, building, etc.
 - (9) Location of utilities - water, electrical lines, etc.
 - (10) Sanitation existing and proposed location, size, profile, and cross-section of sanitary sewers; or description plan, location or other means of sewage disposal with evidence of soil suitability (soils analysis).
 - (11) Lines and dimensions of lots.
 - (12) Topographic map if ground slope is more than 5 or less than 1.
 - (13) Soil erosion and sediment control plan.
 - (14) The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project as proposed.
 - (15) Other studies to be made when required. In addition to the Preliminary Plan, the Board may cause to be undertaken by the subdivider or by the town engineer or others, any studies it deems necessary to desirable to protect and assure the health, safety and welfare of the citizens of the Town of Rumford, including the future occupants of such subdivision whether residential, commercial or industrial.
- C. Within thirty (30) days of the Board issuing a dated receipt of a Preliminary Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Preliminary Plan.
- D. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.
- E. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

Approval, if granted, shall not constitute approval of the Final Subdivision Plan but a conditional approval of the Preliminary Subdivision Plan only. This may serve as a guide

in the preparation of the final Subdivision Plan, which must be submitted in accordance with these Regulations and the conditions, of Preliminary Plan approval.

F. **Final Subdivision Plan** - The Final Subdivision Plan and data shall be submitted with application within six (6) months after approval of the Preliminary Subdivision Plan; otherwise, such approval shall become null and void.

The Final Subdivision Plan shall conform substantially to the Preliminary Subdivision Plan as approved. The final plan submitted by the subdivider shall consist of 3 prints and two reproducible, stable based transparent originals embossed with the seal of the professional who prepared the plan. The Final Subdivision Plan shall contain the following information and be subject to the following conditions:

- (1) All information required for a preliminary plan.
- (2) Existing and final proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.
- (3) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
- (4) Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet - and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U. S.G. S. datum; or other datum approved by the Board.
- (5) Location of all permanent monuments properly identified to whether existing or proposed.
- (6) Suitable space to record, on the plan, final approval by the Planning Board, with conditions, if any, and also the date of such approval as follows:

Certificate of Approval: The Planning Board of the Town of Rumford, Maine, hereby approves this plan in accordance with the provisions of the Rumford Subdivision Regulations and the Statutes of Maine.

**Members of the Planning Board of the
Town of Rumford, Maine**

(7) **Accompanying Data.** The Final Plan shall be accompanied by a statement from the Rumford Water District Superintendent of conditions on which the district will supply water, and approving the size and locations of mains, valves and hydrants proposed; and a statement from the Fire Chief approving the number, size and location of hydrants proposed.

- (8) Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.
- (9) If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.
- (10) The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- (11) **Performance Guarantee.** As a condition to final approval of any subdivision, a performance guarantee shall be submitted with the Final Plan.
- (a) **Certified Check or Surety Bond.** The subdivider shall tender either a certified check payable to the Treasurer of the Town of Rumford or a faithful performance bond running to the Town of Rumford and issued by a surety company acceptable to the Board, in an amount of money to be determined by the Board with the advice of the various town departments and agencies concerned.
- The check or bond shall be equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in the final plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of such check or bond. Extensions of date of completion may be made by the Board, but in no instance shall said extension be for a period exceeding three (3) years.
- (b) **Release of Check or Bond.** Before voting to release such check or bond, the municipal officers shall determine to its satisfaction in part by a written certification signed by the Town Clerk and by the Board Chairperson that there have been submitted to them by the subdivider or his agent written statements signed by:
1. The Town Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan; that the sewage or means of waste disposal have been constructed and are in place in conformance with the Final Plan.
 2. The Water District Superintendent stating that the water mains and hydrants have been installed and are in place in conformance with the Final Plan.

3. A Professional Land Surveyor, paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the Final Plan.
- (12) **Conditional Agreement.** The subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Rumford. Such agreement shall be endorsed in writing on the Final Plan, and shall provide that the Board may approve the Final Plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until:
- (a) It shall have been certified to the Town Clerk and the Planning Board in the manner set forth in 11(b) above, that all of the street and utility improvements required have been installed and completed at the expense of the subdivider in accordance with all applicable provisions of the Final Plan;
 - (b) A certificate of compliance covering the lots and streets or portions of streets involved, has been signed by the Town Engineer and the Board Chairperson, and a copy of such certificate has been recorded with the Oxford County Registry of Deeds.
- (13) A sum equal to 1% of the cost of required improvements as determined by the Board shall be deposited by the subdivider with the Town Clerk to cover costs incurred by the Town for engineering inspection and legal expenses. The minimum shall be one hundred dollars (\$100.00).
- (14) Improvements shall be guaranteed against failures for a period of one (1) year from the date of completion, the form of guarantee to be subject to approval by the Board.
- (15) The subdivider shall offer the dedication of all streets, parks, or other public open spaces, by deeding, as the improvements are completed as determined by the Board. Approval of the Final Subdivision Plan by the Board, however, shall not constitute an acceptance by the town of such dedication until said deeds have been accepted by the town meeting as streets and ways are accepted.
- (16) No transfer or sale shall be made of any land in a proposed subdivision until the Final Subdivision Plan has been approved by the Board, the approval noted on four (4) copies of such plan and the plan filed in the office of the Town Clerk. Two (2) copies of the approved plan shall be returned to the subdivider and the others retained by the Board. Unless the subdivider records the approved Final Subdivision Plan in the Oxford County Registry of Deeds within ninety (90) days after the date of approval, such approval shall expire. (Chapter 90-A Section 61, V, A.)
- G. **Public Hearings** - The Planning Board may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.
- (1) **Public Hearing Procedures**

(a) Presiding Officer

- 1) The presiding officer at any hearing shall be either (a) a member of the Board selected by those members present at the hearing, or (b) a qualified employee or representative of the Board, as designated by the Board.
- 2) The presiding officer shall have the authority to:
 - a) Rule upon issues of evidence,
 - b) Regulate the course of the hearing,
 - c) Rule upon issues of procedure,
 - d) Certify questions to the Board for its determination,
 - e) Take such action as may be ordered by the Board or that is necessary for the efficient and orderly conduct of the hearing, consistent with these Regulations and applicable statutes.
- 3) In special cases, where good cause appears, the presiding officer may permit deviation from these procedural rules insofar as compliance therewith is found to be impractical or unnecessary.

(b) General Conduct

- 1) **Opening Statement.** The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.
 - 2) **Transcription of Testimony.** All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.
 - 3) **Witnesses.** Witnesses shall be sworn. Witnesses will be required to state for the record their names, residence and who they represent, if anyone, for the purpose of the hearing.
 - 4) **Testimony in Written Form.** Any time, prior to or during the course of the hearing, the presiding officer may require that all or part of the testimony to be offered as such a hearing be submitted in written form at such time and in such form as may be specified. All persons offering testimony in written form shall be subject to questioning. This subsection (b-4) shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.
- (3) Continuance.** All hearings conducted pursuant to these Regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the Board or the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing

shall be reconvened. The Board or the presiding officer shall notify interested persons and the public in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

(4) Regulation of Certain Devices. The placement and use of television cameras, still cameras, motion picture cameras or microphones at Board hearings, may be regulated by the Board or the presiding officer.

(5) General Evidence.

(a) Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Board's experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.

(b) Official Notice - The Board may, at any time, take official notice or relevant laws, official regulations and transcripts of other hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Board shall include in its final decision those facts of which it took official notice, unless those facts are included in the transcript of the record.

(c) Documentary and Real Evidence

1. All documents, materials and object offered in evidence as exhibits shall, if accepted be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The presiding officer may require, after prior oral or written reasonable notice, that any person offering any documentary or photographic evidence shall provide the Board with a specified number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not to be reasonable susceptible of reproduction.

2. All written testimony and documents, materials and objects admitted into evidence shall be made available during the course of the hearing for public examination.

(d) Record of Application. In any proceeding involving an application, the application filed with the Board including exhibits and amendments thereto, shall be placed into evidence.

(e) Objections. All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefore shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the

ruling of the presiding officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.

- (6) **Offer of Proof.** An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.
- (7) **Public Participation.** Any person may participate in a hearing by making oral or written statements of such person=s position on the issues, and submit written or oral questions through the presiding officer, within such limits and on such terms and conditions as may be fixed by the Board or presiding officer.
- (8) **Testimony and Questions.**

 - (a) **Direct Testimony.** Direct testimony shall be offered in the following order:

 - i. The applicant and representative and witnesses the applicant selects,
 - ii. Board staff members and consultants,
 - iii. State, municipal and other governmental agencies and representatives thereof,
 - iv. Other interested persons.
 - (b) **Questions.** At the conclusion of the testimony of each witness questioning of witnesses shall be in the following order:

 - i. Board members, counsel, staff and consultants may be permitted by the presiding officer to ask questions at any time.
 - ii. The applicant,
 - iii. Federal, state and other governmental agency representatives,
 - iv. All other persons may have the opportunity to question such witness by oral or written questions through the presiding officer.
 - (c) The presiding officer may require that all examination, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.
 - (d) **Varying Order of Appearance.** When circumstances warrant the presiding officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are questioned.
- (9) **Conclusion of Hearing.** At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

- (10) **Reopening the Record.** At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with regulations provided, however, that the Board shall give notice of such further proceeding, in writing, to the applicant at least 10 days prior to such proceedings, and further provided that the Board shall notify other interested persons and the public in such manner as is appropriate.
- (11) **Record.** The record of the hearing shall consist of the application, the transcript of the hearing, all exhibits, and proposed findings of fact and conclusions of the presiding officer, if any.
- (12) **Petitions to correct Mis-statements of Fact.** The Board may also receive written petitions to correct mis-statements of fact in draft orders.
- (13) **Representatives.** The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Board and staff shall be sent.
- (14) **Rulings.** The Chairperson or presiding officer may be over-ruled by a majority vote of the Board members present or on any decision or ruling relating to a hearing.
- (15) **Computation of Time.** All computations of time under these Rules shall be in the same manner as provided by *Maine Rules of Civil Procedure*, Rule 6 (a), (b) and (e).

H. Appeals. An applicant or an abutting property owner may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager's Office within ten (10) days of the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will establish a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described below in section 3015-A(C)(2). The Board of Appeals shall use the same procedure for administration of the hearing as is established in 201(E) above. A written decision of the Board of Appeals shall be sent to the appellant and filed with the Town Clerk no later than thirty (30) days after the hearing date.

Article 3. Design Standards

Section 301. All required improvements in a subdivision shall be constructed in accordance with the design standards outlined below and in the appropriate schedule established by the Board.

- A. General** - General requirements shall consist of the following.
 1. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.
 2. Minimum Lot Size to be 10,000 sq. feet with 100 feet of frontage on the street for lots within municipal sewage; and in rural areas without municipal sewage 40,000 sq. feet with 150 feet on frontage on the street. The use of lots within the subdivision shall conform to the requirements of all applicable health and town regulations.

3. Where a proposed park, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area when the Board deems such requirements to be proper and reasonable.

B. Streets - The arrangement, type and location of streets shall conform to the Comprehensive Plan or Official Map and shall be considered in relation to existing and planned streets, topography, public convenience and safety, and the uses of the land to be served by such streets. Streets shall be of such width as to provide an adequate system for present and future traffic needs with the minimum right of way being fifty (50) feet.

1. Where not shown in the Comprehensive Plan or Official Map, the arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation of existing street or
 - (b) Conform to a plan approved by the Board to meet a particular situation where topographical or other conditions make continuance of existing street impracticable.
2. Minor streets shall be so laid out that their use by through traffic will be discouraged.
3. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision.
4. Where the subdivision lots will be accessed by off-site public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.
5. Where a subdivision will be accessed from Route 2 it shall be limited to two points of access through the use of common access or shared driveways.
6. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.
7. Where a subdivision abuts or contains a railroad right-of-way or arterial street, the Board may require marginal access streets or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
8. Reserve strips controlling access to streets shall be prohibited except where their controls are in accordance with conditions approved by the Board.
9. Dead-end streets shall be avoided. Where unavoidable and designed to be dead-end streets permanently, their length shall be as approved by the Board and shall terminate in a turn-around with a diameter of at least sixty-five (65) feet.

10. Where any Plan includes a dead-end street, not designed to be so permanently, the subdivider shall make such temporary provisions for turn-around as the Board deems necessary.
11. Street names shall not duplicate the names of existing streets and shall be subject to approval by the Board.
12. Streets shall conform to the following minimum design and construction:
 - (a) **Width of right-of-ways.**
 - i. **Collector Streets** - 60 feet.
 - ii. **Local Residential Street** - 50-60 feet.
 - (b) **Width of pavements.**
 - i. **Collector Streets** - Two 10 foot traffic lanes, and one 8 foot parking lanes or paved shoulder.
 - ii. **Local Street** - Two 10-foot traffic lanes, and one 8 foot parking lane or paved shoulder.
 - (c) Angle of street at intersection shall not be less than 60 degrees.
 - (d) Street grades shall be minimum of 1.0 percent.
 - (e) Property lines at intersections shall be rounded with a minimum radius of 20 feet.
 - (f) All streets shall be crowned in accordance with good engineering practices, and be provided with adequate drainage. Type of base course and wearing surface shall be approved by the Superintendent of Public Works with a minimum of 24" gravel for street base.
 - (g) All shall be developed to the full width of the right-of-way.
 - (h) Sidewalks may be required at the discretion of the Board and shall be at least 4 feet minimum width.
 - (i) The standard specifications, Highway and Bridges, as used by the Maine Department of Transportation shall be the Standard Specifications to govern the building of streets in the aforementioned subdivisions.
13. Alleys shall be provided in commercial and industrial districts, except where provisions are made for other approved access, adequate for the uses proposed.

C. Easements - Easements preferably centered on lot lines, shall be provided for utilities where necessary. Where a subdivision contains a stream or drainage way, a storm water or drainage easement shall be provided conforming substantially to the lines of such water course, and of adequate width with a minimum drainage easement of twenty (20) feet. Proper provisions shall be made for protective flood control measures.

- D. Open Space Subdivisions** - It is the policy of the Town of Rumford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Rumford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Rumford.

This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the subdivider. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of these Regulations if such subdividers commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

1. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest and other open space resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

2. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S. ' 4404 and these Regulations.

3. Pre-application Procedure

Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

4. Application Procedure

Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under these Regulations.

5. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of these Regulations and other Town of Rumford Ordinances.

(a) Allowable Density

- (1) Allowable density shall be based upon one of the following methods as determined by the applicant:

- i. **Net Residential Density Method** which is calculated in the following manner: Determine the net residential

acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

1. area in proposed rights-of-way;
2. area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
3. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
4. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
5. area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

- ii. **Simplified Method**, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.

- (2) The Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it make a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 3.d.4.a-d.

6. **Layout and Siting Standards**

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

- (a) Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;
- (b) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;
- (c) In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to

minimize potential conflict between residential and agricultural and forestry uses:

- (d) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

7. Space Standards

- (a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.
- (b) The required minimum land area per dwelling unit for the building envelope may be reduced to twenty thousand (20,000) square feet. The building envelope shall contain a minimum of twenty thousand (20,000) square feet of land area that does not include 100 year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area required by these Regulations.
- (c) Minimum street frontage requirements contained Section 301(a)(2) may be waived or modified by the Board provided that:
 - 1. Any applicable provisions regarding streets in Subsection 6 below are satisfied: and
 - 2. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.
- (d) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.
- (e) No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development.

8. Streets

The Board shall require private streets to comply with the design standards set forth in Section 301(b) except as provided in Subsection (a) below.

- (a) Travel ways and shoulders of privately-owned streets within open space subdivisions shall meet the following minimums:
 - 1) Streets serving three (3) to ten (10) units: Sixteen (16) foot travel way and four (4) foot shoulders.
 - 2) Streets serving eleven (11) to fifty (50) units: Twenty (20) foot travel way and four (4) foot shoulders.

9. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Ordinance.

- (a) **Open Space Uses.** On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
 - 1) On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat recreation (active or passive), and resource conservation.
 - 2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
- (b) **Notations on Plan.** Open space, common lands, streets or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.
- (c) **Ownership of Open Space Land.** Open space land may be held in private ownership; or owned in common by a Homeowners= Association; transferred to a non-profit organization such as a conservation trust or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in section.

The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

10. Homeowners Associations or Agreements.

Where any portion of a subdivision is proposed or required to be held in common by owners of lots or owned in common by a Homeowners' Association or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Board and included in the deed for each lot.

E. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.
2. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

F. Erosion and Sediment Control

The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

G. Phosphorous Export

Subdivisions proposed within the direct watershed of Davis Pond, Joes Pond or the Mt. Zircon Reservoir shall be designed to limit phosphorus runoff.

1. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
2. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

H. Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

I. Ground Water Quality

1. When a hydrogeological assessment is submitted, by request of the Board, the assessment shall contain at least the following information:
 - (a) A map showing the basic soils types.
 - (b) The depth to the water table at representative points throughout the subdivision.
 - (c) Drainage conditions throughout the subdivision.
 - (d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.
 - (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.
2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S. § 601.
3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

J. Protection of Significant Wildlife Habitat.

Applicants proposing to subdivide land in or within seventy-five (75) feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the effected lots.

K. Endangered and Threatened Species.

The Board shall consider a proposed subdivisions impact on state documented endangered species.

Article 3-A. Mobile Home Park Standards

Section 301-A. These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

Section 302-A. Lot Size, Width and Density. Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on 30-A M.R.S. § 4358, as amended.

A. Lots served by public sewer:

-minimum lot area — 6,500 square feet

-minimum lot width — 50 feet.

B. Lots served by individual subsurface sewage disposal systems:

-minimum lot area — 20,000 square feet

-minimum lot width — 100 feet

C. Lots served by a central subsurface wastewater disposal system:

-minimum lot area — 12,000 square feet

-minimum lot width — 75 feet

D. The overall density of a mobile home park served by a central subsurface wastewater disposal system approved by the Department of Human Services shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

- (1) the area required for road rights-of-way; and
- (2) the area required for buffer strips, if any; and
- (3) the additional area for open space, storage or recreation applicable to other residential developments within the municipality for mobile home parks that are served by a public sewer, provided that the area is not greater than 10% of the combined area of the individual lots within the mobile home park; and
- (4) the area of any setbacks required by Title 38 of the Maine State Statutes.

E. 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.

F. Lots within the Shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

Section 303-A. Lot Setbacks.

A. The following lot setbacks shall apply to all manufactured housing units:

front setback	20 feet 10 feet (on lots served by public sewer)
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side setback	10 feet
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rear setback	20 feet
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If these requirements conflict with the requirements of lots within the Shoreland area, the stricter standards shall apply. If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in the municipality.

- B. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile park to be varied provided that no home may be closer than 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.
- C. Carports of non-combustible materials are not subject to side setback requirements.
- D. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

Section 304-A. Lot Coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

Section 305-A. Buffer Strips.

- A. A 50 foot wide buffer strip shall be provided along all property boundaries that:
 - (1) abut residential land which has a gross density of less than half of that proposed in the park, or
 - (2) abut residential land that is zoned at a density of less than half of that proposed in the park.

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.

- B. Within 25 feet from the exterior boundaries of the mobile home park and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project. No structures, streets or utilities may be placed in the buffer strip except a utility may cross the buffer strip to provide service to the mobile home park.

Section 306-A. Parking. For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

Section 307-A. Road Standards.

- A. Roads in a mobile home park shall meet the standards contained in the Town of Rumford Subdivision Ordinance, Article 3 (Design Standards) Sec. 301 (b) and the provisions of this section. Where the standards are in conflict, the stricter standard shall apply, unless it is in conflict with 30-A M.R.S. § 4358.
 - (1) **Private Roads.** Privately-owned roads within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile

Home park roads shall have a right of way of at least 23' of which 20' must be paved. On-street parking shall be prohibited.

- (2) **Roads for Public Acceptance.** Roads within mobile home parks which are to be offered for acceptance by the Town of Rumford shall meet the minimum road acceptance standards for public roads as required by the Town.
- (3) **Intersection with Public Roads.** Mobile home park roads that intersect with public roads shall meet the following standards:
 - (a) **Angle of Intersection.** The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - (b) **Grade.** The maximum permissible grade within 75 feet of the intersection shall be 3 percent.
- (4) No mobile home lot may have vehicular access directly onto a public street, unless such street is constructed in a manner which shall not impair the safety of the public.

Section 308-A. 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.

Section 309-A. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

Section 3010-A. Skirting. The area between the platform and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

- A. Approved vinyl or metal mobile home skirting; or
- B. A poured concrete wall; or
- C. A mortared or loose laid masonry wall; or
- D. Painted wood or similar materials.

Section 3011-A. Siding. All structures in a mobile home park shall have siding which provides a residential appearance. Tar paper, vapor barrier (e.g., Tyvar), asbestos shingles and asphalt shingles shall be deemed not in compliance. Aluminum or vinyl siding are acceptable forms of siding. Anyone installing vapor barrier must have siding covering the vapor barrier within one (1) year from the date of commencement of the installation of the vapor barrier.

Section 3012-A. Roofing. All structures in a mobile home park shall have pitched, shingled roofs as described in section 101(M). Tar paper is not an acceptable material for a roof.

Section 3013-A. Permanent Foundation. All structures in a mobile home park shall be on a permanent foundation as described above in section 101(L).

Section 3014-A. Standards for Earlier Built or Non-Compliant Manufactured Housing. The purpose of these standards is to establish a condition of safety that will allow manufactured housing to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park or their invitees. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

- A. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.
- B. A person holding a master's license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards hereafter revised or enacted.
- C. A person holding a master's license issued by the State of Maine Electrician Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

Section 3015-A. Approval Process for Mobile Home Park Construction or Alteration.

- A. It shall be unlawful for any person to construct or alter a mobile home park as defined in this ordinance unless such person shall first have obtained a building permit and an Approved Plan (as required by the Planning Board) from the Town Planning Board as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this ordinance unless such person shall first have obtained a license from the State of Maine and filed a copy of same with the Town Clerk.
- B. An application for construction, expansion or alteration of a mobile home park shall be obtained from the Town Manager's office and shall be filed with the Town Clerk. An expansion of an existing mobile home park shall be treated in the same manner as the new construction of a new mobile home park. The application shall be fully completed in type-writing or legible writing, signed by the applicant and shall contain the following, when applicable:
 - 1. Two Mylar plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:
 - a. Name and address of applicant;
 - b. Name or title of mobile home park;
 - c. Area and dimensions of the tract of land;
 - d. Scale, date, direction of magnetic north;
 - e. Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
 - f. Number, size and location of all mobile home sites including the location of the permanent foundation on each site;

- g. Name(s) of abutting owners;
 - h. Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other right-of ways;
 - i. Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
 - j. Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
 - k. Location of water lines, sewer lines, septic systems, etc.;
 - l. Kind, location and profile of all existing and proposed drainage;
 - m. Location and proposed uses of area proposed for outdoor recreation;
 - n. Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
 - o. Location of existing and proposed pedestrian walkways;
 - p. Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
 - q. Location of existing and proposed fences, hedges, etc.
 - r. An on-site soils investigation by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.
 - s. Evidence that the Maine Department of Human Services, Division of Health Engineering, has been provided with copies of the plan and all other submittals.
2. Copies of deeds establishing ownership in the parcel or parcels of land being developed.
 3. Copy of an existing license for operating the mobile home park if already in existence.
 4. An application fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees*. In addition, the applicant shall pay an additional fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees* for each abutter to the parcel who must be notified by the Town.
- C. The Town Clerk, after determining that the provisions of Sections A and B of this section have been met, shall:
1. Notify the Code Enforcement Officer, Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation in

writing as to the feasibility of any such mobile home park with respect to the areas of their responsibilities to the Planning Board;

2. Refer the application to the Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing by first class mail to the last known address of the abutter of the time, date and place of the public hearing.
 3. The hearing shall be conducted as in Section 201(F) above.
- D. The Planning Board within thirty (30) days after the conclusion of such hearing shall make its written determination known to the applicant as to whether the application is denied or granted. The Planning Board shall take into consideration whether:
1. the proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Shoreland Zoning Ordinance of the Town;
 2. the street and road patterns in the proposed mobile home park or alterations of same are adequate for use intended and for ingress and egress for the protection of the mobile home park inhabitants, their invitees, property and the public;
 3. the proposed mobile home park or alterations to an existing mobile home park otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts;
 4. the proposed mobile home park or alterations to an existing mobile home park meet with the requirements of this ordinance and the ordinances and laws of the Town.
- E. The Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of same.
- F. If the Planning Board grants final approval of the said application, the Plan shall be signed by the Planning Board, if a plan was required by the Planning Board. Upon being provided with a recorded copy of the signed Plan by applicant or the applicant's licensed surveyor or engineer, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit for the construction of said mobile home park. In the event that a Plan was not required by the Planning Board and the Planning Board approves the application, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit. The Code Enforcement Officer and Building Inspector shall monitor the construction or expansion of the mobile home park or the alterations to an existing one.
- G. An applicant or an abutter may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager's Office within ten (10) days of the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will set a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described above in section 3015-A(C)(2).

Section 3016-A. No plan which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback and other requirements the Town has established for that use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes for conditions of approval:

- A. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
- B. No dwelling unit other than a manufactured housing unit shall be located within the park.

Section 3017-A. No mobile home park existing at the time of the effective date of this ordinance shall be altered in any way except in compliance with the provisions of this ordinance.

Section 3019-A. Violations.

- A. No manufactured home shall be located anywhere in the Town without certification of payment of Maine State sales tax. A person, corporation or other entity which has a mobile home located in the Town without having paid sales tax shall be subject to a fine of \$125.00 per day, up to a maximum fine of \$2,500.
- B. A person, corporation or other entity operating a mobile home park in violation of this section shall be subject to a fine of \$125 per day for each violation, up to a maximum fine of \$2,500.

Article 4. Required Improvements

Section 401. The Board shall specify what improvements shall be required to meet the needs of a proposed subdivision. Such improvements shall include streets, storm drainage, sanitary sewers and water mains. The required improvements shall conform to design standards set forth in these Regulations as follows:

- a. Streets as outlined in Section 301(b) above.
- b. Storm drainage shall be installed with necessary manholes and catch basins to the grade, line, type of pipe, and size as determined by the Board.
- c. All sanitary sewers shall be installed with necessary manholes to the size, grade, line, type of pipe and type of joints as determined by the Board on the advice of the Town Engineer.
- d. Water Mains. Town water mains with hydrants shall be provided. A minimum of 6" water main is required for all street and shall be installed in compliance with requirements of the Board of Trustees of the Rumford Water District.
- e. Construction by Town. The Town may agree to construct the sewer, storm drains and the wearing surface of the streets; if recommended by the Board, and approved by vote by the Town Meeting. In making its recommendation, the Board shall consider economic feasibility, cost of construction, cost per unit served, and benefits to the community.

Article 5. Waivers.

Section 501. The terms of these Regulations may be waived from time to time by the Board in accordance with the following sections:

- a. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of these Regulations are strictly applied, it may waive the necessity for strict compliance with the requirements of these Regulations in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of these Regulations or the comprehensive plan.
- b. In granting waivers to any of these standards in accordance with Section 501(a) the Board shall require such conditions as that will assure the objectives of these Regulations are met.
- c. When the Board grants a waiver to any of the improvements required by these Regulations, the final plan. to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

Article 6. Violations and Enforcement.

Section 601. These Regulations shall be enforced by the Code Enforcement Officer.

- a. No plan of a division of land that would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these Regulations.
- b. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- c. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100, and not more than \$2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party. The Selectpersons, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these Regulations and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectpersons shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- d. Utility installations, ditching, grading or construction of streets, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and endorsed as provided for by these Regulations.

Article 7. Amendments.

The Board may from time to time amend these Regulations, and any policies adopted by the Board. The procedure for such amendments or amendment shall be the same as follows for the adoption of these Regulations or policies.

Article 8. Validity.

If any article, section, subdivision, sentence, clause, or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.

CHAPTER 54-D SHORELAND ZONING

ADOPTED JUNE 11, 1991

AMENDED JUNE 8, 1993

AMENDED JUNE 11, 2002

AMENDED JUNE 9, 2009

CHAPTER 33, SECTION 16

AMENDED JUNE 8, 2010

CHAPTER 33, Shoreland Zoning, Re-Codified as CHAPTER 54-D
JUNE 13, 2017

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Section 3. Applicability

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Section 17. Definitions

Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic

resources; to protect freshwater and 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 Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date

A. Effective date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on June 11, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance amendments, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance, or Ordinance amendments within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved.

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

B. Repeal of Municipal Timber Harvesting Regulation.

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the Shoreland zone. On the date established under 38 M.R.S.A section 438-B (5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities" and "residual basal area".

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

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

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

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

Section 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. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance, or amendments thereto, shall be allowed to continue, subject to the requirements set forth in this section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

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

C. Nonconforming Structures

1. **Expansions:** A nonconforming 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 nonconformity of the structure and is in accordance with subparagraphs a and b below:
 - a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12 (C)(2) Relocation below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced

provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider in addition to the criteria in section 12.C.2 above, the physical condition and type of foundation present, if any.

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

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

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, 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 nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject

and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Nonconforming Lots

1. **Nonconforming Lots:** A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of Section 12.E.3.a are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland zone, except that areas which are

currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl, and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.
3. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating, or other industrial activities;

- b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

E. Stream Protection District

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

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)
- No: Prohibited
- PB: Allowed with permit issued by the Planning Board
- CEO: Allowed with permit issued by the Code Enforcement Officer
- LPI: Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

- RP: Resource Protection
- LR: Limited Residential
- LC: Limited Commercial
- GD: General Development
- SP: Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB4	PB9	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no ¹⁰	no ¹⁰	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO
16. Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	CEO	CEO1	CEO	CEO1	CEO
a. Temporary	11	1	11	1	11
b. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB6	PB6	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO 6	CEO6	yes ¹²	yes ¹²	yes ¹ 2
B. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone	PB6	PB6	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone	PB6	PB6	PB	PB	PB
D. Other essential services	PB6	PB6	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO

24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no7	PB	PB	PB
26. Road construction	PB	no8	PB	PB	PB
27. Parking facilities	no	no7	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	Yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs	yes	yes	yes	yes	Yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

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

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

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

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

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

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

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

9Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

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

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

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

Section 15. Land Use Standards

All land use activities within the Shoreland zone shall conform with the following provisions, if applicable:

A. Minimum Lot Standards

1.

	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)	Minimum Road Frontage (feet)
Residential per dwelling unit	40,000	200	125
Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300	125
Public and Private Recreational Facilities	40,000	200	125

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

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- b. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
- c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

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.

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

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fish habitat.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding area, uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

8. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met,

including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to great ponds and streams which flow to great ponds:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

- b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

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

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

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands roads and driveway shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to

an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential, and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be allowed provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the Shoreland zone.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit

M. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 17.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of section 15.M.4 below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or within seventy-five (75) feet horizontal distance, of other water

bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the Shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with Conservation Plan.

O. Timber Harvesting

1. In a resource protection abutting a great pond, timber harvesting shall be limited to the following:

a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards.

b. Beyond the 75 foot "no-harvest" strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 1 inch in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

1. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

2. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond, 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 (5000) square feet they shall be at least one hundred (100) , horizontal distance, 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. Timber harvesting operations exceeding the 40% limitation in paragraph (a.) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

d. 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.

e. 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.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75), horizontal distance, 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 unscarified strip shall be increased by twenty (20) feet, horizontal distance,. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

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

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
2. Each successive plot must be adjacent to, but not overlap a previous plot;
3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15. P paragraphs 2 and 2.a above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, 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.

Section 15.P.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the Shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15.P.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- a. Mulching and revegetation of disturbed soil.
- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
- c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and manmade 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 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil 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.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A MRSA Section 2691.
3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

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

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is not longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property, or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

1. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.
2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.
3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:

- a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or
 - b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing.
4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
 5. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
 6. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district.
 - h. Will avoid problems associated with flood plain development and use; and
 - i. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exception

In addition to criteria specified in Section 16.D above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residence in the Resource Protection District provided that the applicant demonstrates that all of the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Oxford County Registry of Deeds before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and
 - b. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100--year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the Town of Rumford, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps it is deemed to be ½ the width of the 100--year floodplain.
4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures located within the Resource Protection District is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-waterline of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service

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 appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

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

d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court.

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Public Hearing Procedures and Notification Requirements – Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time, and place of the hearing:

1. Given to the Applicant.

2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and
3. Published at least one (1) time, in a newspaper having general circulation in the town. The date of the publication must be at least seven (7) days prior to the hearing.

J. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, MRSA section 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However in a Resource Protection District the maximum penalty is increased to \$5,000.

Section 17. Definitions

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

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.

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

Aquaculture: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

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

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

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

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

DBH: the diameter of a standing tree measured 4.5 feet from ground level.

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

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also

includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two family dwelling or less.

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

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

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

Expansion of use: the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family: one or more persons occupying a premises and living as a single housekeeping unit.

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

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

Forested wetland: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation: the supporting substructure of a building or other structure, excluding wood sills and post supports, but including basements, slabs, frost walls or other base consisting of concrete, block, brick or similar material.

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, excluding recreation boat storage buildings, waterfront dock facilities, boat yards and boat building facilities, navigation aids, retaining walls, industrial uses requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

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

Great pond classified GPA: any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

Ground cover: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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 or profession which is customarily conducted on or in a residential structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase nonconformity.

For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream or wetland than the closest portion of the existing structure from the water body, tributary stream or wetland. Included in this allowance are expansions, which in-fill irregularly shaped structures.

Individual private campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves

site improvements which may include but not be limited to a gravel pads, parking areas, fire places, or tent platforms.

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

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

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

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat bait and tackle shops, and fuel service facilities.

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

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.

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

Native: indigenous to the local forests.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-

forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river

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

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

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

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

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

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

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

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

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

Replacement system: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

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

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities.. The term shall include mobile homes and rental units that contain cooking,

sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

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

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

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

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

1. in the case of electric service

a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance of the normal high waterline of a stream.

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

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

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

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

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. . The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

Timber harvesting: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland zone on a lot that is less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

Tributary stream: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the Shoreland zone of the receiving water body or wetland.

Upland edge of a wetland: the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation: all live trees, shrubs, and other plants including, without limitation, trees both over and under 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.

Water body: any great pond, river, stream.

Water crossing: any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as

maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: a freshwater wetland.

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.

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

Drafted by AVCOG/JAM

Approved by Town of Rumford voters on 06.09.2009 (reformatted by tp)

**CHAPTER 54-E
FLOODPLAIN MANAGEMENT ORDINANCE**

ADOPTED JUNE 9, 1987

ENACTED JUNE 13, 1995

AMENDED JUNE 11, 2002

AMENDED JULY 6, 2009

CHAPTER 33-A, Floodplain Management Ordinance, Re-Codified as CHAPTER 54-E
JUNE 13, 2017

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[TOWN OF RUMFORD NOTE: THIS DOCUMENT DRAFTED BY STATE of MAINE PLANNING OFFICE (SPO).]

(Ordinance prepared February 17, 2009 by SPO/dlt)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE for Town of Rumford, Maine, Oxford County Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Oxford County dated July 7, 2009 with accompanying "Flood Insurance Rate Map,"

Panels:

628, 629, 632, 633, 636, 637, 639, 641, 642, 643, 644, 651, 652, 653, 654, 658, 662, 663, 664, 666, 667, 668, 669, 688, 827, 831, 832, 833, 834, 851, 852, 856, 860

derived from the county wide digital flood insurance rate map entitled "Digital Flood Insurance Rate Map, Oxford County," 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 Town of Rumford, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;

- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study- Oxford County," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, 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,

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

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

An additional fee may be charged if the Code Enforcement Officer and/or Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision 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 – Oxford County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
- H. **Manufactured Homes** - New or substantially improved manufactured homes located within:
1. Zones AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

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

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

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

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

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

K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate 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 AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or 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 AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones AE and A shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

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

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the Elevation Certificate and the applicant's written notification; and,
 - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairperson of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

Building - see **Structure**.

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

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

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

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

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

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

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

Flood or Flooding - means:

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

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

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

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

Flood Insurance Study - see **Flood Elevation Study**.

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - means a vehicle which is:

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

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

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

ARTICLE XIV - ABROGATION

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

*60.3 (d) Rev. 2/09
Prepared by SPO/fpm/dlt*

CHAPTER 54-F
Site Plan Review Ordinance

ADOPTED JUNE 11, 2002

Site Plan Review, Section 2 (A) (1)
AMENDED JUNE 13, 2017

Site Plan Review, Multiple Sections to include Medical Marijuana
AMENDED JUNE 13, 2017

CHAPTER 33-B, Site Plan Review Ordinance, Re-Codified as CHAPTER 54-F
JUNE 13, 2017

Section 1. Purpose.

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Rumford, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

Section 2. Authority, Validity, Severability and Amendments.

A. Authority

1. This Ordinance is adopted pursuant to Article VIII Part Second of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Rumford, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. **Validity and Separability:** Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
2. **Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.
3. **Effective Date:** The effective date of this Ordinance is the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectpersons to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectpersons shall conduct a public hearing on any proposed amendment.

Section 3. Applicability.

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.
3. Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.
4. Medical Marijuana:
 - a. Any proposal to either establish a new, or to alter an existing, medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility shall require approval of the Planning Board as a Conditional Use Permit unless exempted in Section 3 (A)(4)(c) Exemptions.
 - b. Medical marijuana registered dispensaries, medical marijuana registered primary caregivers or medical marijuana cultivation and/or production facilities deemed commercial use shall not be located within 750 linear feet of any existing private or public schools, child-care providers, parks, youth centers, playgrounds, and/or church, unless exempted in in Section 3 (A)4(c). Exemptions below.
 - (1) Applicants for private or public schools, child-care providers, parks, youth centers, playgrounds and/or churches, which are proposed to be within 750 linear feet of a non-exempted medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility shall be required to sign a form, which may be obtained from the Code Enforcement Officer, which indicates that they are aware that an existing medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility is located within 750 feet of their proposed site.
 - c. **Exemptions.** As an Accessory Use, and not required to get a Conditional Use Permit, medical marijuana home occupation production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical marijuana caregiver's primary year-round residence (as defined by Maine Revenue Services) without any requirements for land use permitting. This exemption shall also extend to registered medical marijuana caregivers who cultivate, process or store medical marijuana in a qualifying patient's primary year round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use. However, Accessory Use is restricted as follows:

- (1) No person other than a member of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (3) There shall be no change in the outside appearance of the building or premises or any visible evidence of the conduct of such home occupation without signage pursuant to the Maine Medical Use of Marijuana statute and regulations related thereto.
- (4) No traffic shall be generated by such home occupation in greater volumes than would primarily be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached single one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage of the premises.
- (6) There shall be no stock-in-trade regularly maintained or any new commodity sold on the premises.
- (7) If the home occupation is proposed to be conducted within a residence which is not owned by the resident, the resident shall have the written consent of the property owner before commencing the home occupation.

The home occupation shall undergo an initial inspection by the Code Enforcement Department and the Fire Chief to verify that the home occupation meets all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes and the Maine Use of Medical Marijuana Statute and related state regulations.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.
2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.
3. All nonstructural uses of land for agricultural or forestry purposes.
4. Home occupations which meet the following conditions do not need Site Plan approval.
 - a. The home occupation is incidental and secondary to the primary residential use of the premises;

- b. Do not employ persons who do not make the residence their permanent home;
 - c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
 - d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
 - e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.
5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section 8(A).

Section 4. Administration.

- A. The Planning Board of the Town of Rumford shall administer this Ordinance.
- B. No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.
- C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.
- D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.
- E. An application for Site Plan Review and/or for a Conditional Use Permit for medical marijuana shall be accompanied by a fee as established by the Board of Selectpersons who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administrating and enforcing the provisions of this Ordinance. This application fee shall be made by check payable to the Town of Rumford and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.
- F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost

of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

Section 5. Application Procedure.

A. Pre-Application Meeting

1. Prior to submitting an application for development and/or for a Conditional Use Permit, the applicant or the applicant's authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements. For medical marijuana applicants, an applicant may be required to get a Site Plan Review Development Permit and/or a Change of Use Permit **and** a Conditional Use Permit, depending on the circumstances.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.
3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairperson to act as the Board's representative.
4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval and/or for a Conditional Use Permit (for medical marijuana applicants) shall be submitted on application forms provided by the Town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board's regular scheduled meeting.
2. One copy of the plan(s), which may be reduced to 8-1/2" X 11", shall be mailed or delivered to each member of the Planning Board and the Code Enforcement Officer at least seven (7) days prior to the Planning Board's regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Public Works Department, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development and/or evaluations related to a Conditional Use Permit.
3. **Notice to Abutters:** Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall

indicate the time, date and location of the Planning Board's consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for Site Plan Review, including:
 - a. Name, address and signature of the applicant.
 - b. Name and address of the Owner of the building.
 - c. Any rental agreement or other documentation of right to use and possess the premises for which the application is being submitted if the applicant is not the Owner of the premises. In addition, an acknowledgment from the Owner that the Owner understands that the premises are going to be used for the purposes allowed in this Ordinance.
 - d. Names and addresses of all abutting owners.
 - e. The location of all setbacks.
 - f. The location, size and character of any exterior lighting.
 - g. Copies of the current deed to the premises and any existing and/or proposed easements, restrictions and covenants on the property.
 - h. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of protection services.
 - i. Evidence of adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.
 - j. For Medical Marijuana applicants, information for the Planning Board to make its findings of fact as to each of the standards in Section 8. Additional Standards for Medical Marijuana.
2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
 - a. Owner's name, address and signature.
 - b. Names and addresses of all abutting property owners.
 - c. Sketch map showing general location of the site within the Town.

- d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
- e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
- f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.
- g. The location of all building setbacks.
- h. The location, size, and character of all signs and exterior lighting.
- i. The area of the parcel and street frontage.
- j. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.
- k. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
- l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.
- m. A storm water drainage plan showing:
 - (1) The existing and proposed method of handling storm water run-off.
 - (2) The direction of flow of the run off through the use of arrows.
 - (3) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - (4) Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
- n. Location of aquifers and aquifer recharge areas, if mapped.

- o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.
 - p. Location and elevation of the 100-year flood plain.
 - q. If the development site is located in the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond the name of that watershed shall be indicated on the plan.
 - r. A utility plan showing provisions for water supply and waste water disposal.
 - s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.
 - t. For Medical Marijuana, this is also required:
 - (1) Six copies of all documentation of applicant's authorization from the State to cultivate, process, store and/or distribute medical marijuana pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S. Chapter 558-C) and 10-144 CMR Chapter 122.
 - (2) Six copies of the applicant's plans for compliance with the Maine Medical Use of Marijuana Act (22 M.R.S. Chapter 122), 10-144 CMR Chapter 122 and this Ordinance.
 - (3) Documentation of compliance with all other permits that may be required pursuant to the Ordinances of the Town or State and Federal Law (e.g., Shoreland Zoning Ordinance, sales tax, food handler's license, etc.)
 - (4) Documentation of application to the Town for a medical marijuana business license.
3. A written, narrative statement by applicant that supplies the following information and is substantiated by the appropriate documents.
- a. Evidence by the applicant of right, title or interest in the property for which the application covers.
 - b. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold.
 - c. Total floor area and ground coverage of each proposed building and structure and percent lot covered by each building or structure.

- d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.
- e. Method of solid waste disposal.
- f. Erosion and sedimentation control plan.
- g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.
- h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.
- i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin.
- j. The applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water and streets.
- k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.
- l. If public water and/or sewer are to be used, a statement from the water and sewer departments as to the availability of public water and/or sewer lines.
- m. An estimate of the date when construction will start and when the development will be completed.
- n. A description of the current or most recent use of the building or land including type of product(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours and other items as the Planning Board may find necessary.
- o. Traffic data shall include the following when required by the Planning Board:
 - (1) the estimated peak hour and average daily traffic to be generated by the proposal;
 - (2) existing traffic counts on surrounding roads;
 - (3) traffic accident data covering the most recent three-year period for which such data is available.
- p. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 2, Route 5, Route 120, Route 108, Route 232, Intervale Road, Milton Road, South Rumford Road or Wyman Hill Road.

- q. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.
 - r. If located in the direct watershed of David and Joes Ponds and the Mt. Zircon Reservoir Pond a phosphorous control plan prepared in accordance with Section 7 (A)(10)(a).
- D. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

Section 6. Application Review.

- A. **Determination of Complete Application.** Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development/use of the property.
- B. **Site Walk.** At any time during the review of the application, the Planning Board may conduct a site walk. The site walk shall be a legally advertised Planning Board meeting, at which time, the Planning Board, the Code Enforcement Officer, Fire Chief or his or her designee, the applicant and/or representatives of the applicant, and any other interested parties may examine the proposed project site. The applicant shall be responsible for notifying abutting land owners and businesses by certified mail within ten (10) days of the site walk of the date and time of the site walk.
- C. **Public Hearing.** The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in 30-A M.R.S. § 2691, Subsection 3 (A), (B), (C), (D), and (E).
- D. **Ruling.** Within 45 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
- E. Within fourteen (14) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.
- F. The Planning Board may impose conditions on any site plan approval, change of use permit and/or conditional use permit where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
- G. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly

applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

Section 7. Performance Standards.

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. **Preserve and Enhance the Landscape:** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

The Board shall assess the proposed activities impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic site, the Planning Board shall require the applicant to minimize such effects.

2. **Relationship of the Proposed Structures to the Environment:** Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse effect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.
 - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 - c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
3. **Vehicular and Pedestrian Access:** The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street

system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

a. **Vehicular Access:** The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

(1) The proposed development shall provide safe vehicular access to and from public and private streets.

(a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

2. The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

(b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curb line or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

MINIMUM SIGHT DISTANCE

Posted Speed Limit

25 mph	200'
30 mph	250'
35 mph	305'
40 mph	360'
45 mph	425'
50 mph	495'
55 mph	570'

(c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

- (d) The grade of any exit driveway of proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.
 - (e) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.
 - (f) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:
 - 1. the proposed development will generate 100 or more peak hour site trips.
 - 2. the existence of a current safety problem in the area: high accident location, confusing intersection, etc.
 - 3. current or projected capacity deficiencies near the development.
 - 4. sensitive neighborhood areas adjacent to the development.
 - 5. the proximity of site drives to other drives or intersections.
4. **Vehicular access to Route 2 & 108** shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.
- a. Where a proposed development is to be located at the intersection of Route 2 or 108 and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.
 - b. Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
 - c. The maximum number of curb cuts to a particular site shall be governed by the following:
 - 1. No low volume traffic generator shall have more than one two-way access onto a single street.

2. No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 2 or 108.
- d. Curb cut widths and design shall conform to the following standards:
1. **Low volume driveways:** Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:
 - (a) have two-way operation;
 - (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
 - (e) comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
R	15-25*	10	15-25*
W	20-30*	20	24-30*

*Upper values apply where major street speed and/or volume is high.

2. Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:
 - (a) have either two-way or one-way operation and be a minimum of 50 feet in length;
 - (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and
 - (e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
ONE WAY			
R1 (radius)	30	25	40
R2 (radius)	5	5	10
W (drive width)	20-24	20	24
TWO WAY			
R	30	25	40
WS	26-36*	24	30-40*

*Where separate left and right exit lanes are desirable.

3. High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:
 - (a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length;
 - (b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;
 - (c) be striped for 2 to 4 lanes, with each lane 12 feet wide;
 - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
 - (e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and
 - (f) comply with the following geometric standards.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
W/O			
CHANNELIZATION			
R	50	30	50
R	24	20	26

W	6	6	10
W/CHANNELIZATION			
R	100	75	100
WD	24	20	26
M	6	6	10
WR	20	16	20

*For industrial developments with a high percentage of truck traffic maximum values are desired.

- (g) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.
- (h) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 108 where full access presently exists and cannot be provided by Route 2 or 108 and/or adjacent side street.

5. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

- a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:
 - (1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
 - (2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
 - (3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
 - (4) Off-street parking spaces shall comply with the following standards.
 - (a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.
 - (b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by

fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

- (5) Off-street parking shall be provided to conform with the number required in the following:

Retail	one per 300 sq. ft. of gross floor area
Office	one per 300 sq. ft. of gross floor area
Wholesale/warehouse	one per 1,200 sq. ft. of storage or gross floor area
Industrial/manufacturing	one per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus ½ per employee
Nursing/convalescent homes	1/2 per bed
Schools	
Elementary	one per classroom
Secondary	five per classroom
Theaters/auditoria/churches	one per five seats and one space per 100 sq. ft. of area for assembly
Eating/drinking establishments	one per three seats

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

- (6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Rumford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

- (7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
- (8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

6. **Advertising Features:** The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.
7. **Special Features of the Development:** Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
8. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
9. **Municipal Services:** The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Planning Board may require the applicant to obtain, at the applicant's expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time "impact fee" may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

10. **Water Pollution:** The development will not result in water pollution. In making this determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.
 - a. Phosphorus Export. When required by the Planning Board, projects proposed within the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond shall be designed to limit phosphorous run off.
 - (1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in "Phosphorous Control in Lake

Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

- (2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

11. **Ground Water:** The development will not have unreasonable adverse effects on the quality or quantity of groundwater.
12. **Floodplain Protection:** The proposed development will avoid problems associated with floodplain development and use.
13. **Shoreland Areas:** Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Rumford, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Rumford.
14. **Water Supply:** The development shall have sufficient water available for the reasonably foreseeable needs of the development, and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
 - a. When connection to a public water supply is proposed, the water system will be designed and installed in accordance with the rules, terms and conditions of the Rumford Water District. The Planning Board shall require a statement from the Rumford water District of the conditions under which the District will supply water, and the approval of the size and location of mains, valves and hydrants proposed.
15. **Sewage Disposal:** The development shall provide for adequate sewage disposal.
 - a. In cases where municipal sewage is proposed, the system shall conform with all the standards of the Rumford Sewage Department. The Planning Board shall require a statement from the Superintendent of the Rumford Sewer Department and the Rumford-Mexico Sewer District that states whether capacity is available for the development.
 - b. Where a septic system is to be used, it shall be built in accordance with the *Maine Subsurface Wastewater Disposal Rules*.
16. **Stormwater Drainage:** Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream

water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run off waters shall be utilized to minimize discharges from the site.

17. **Soil Erosion and Sediment:** Soil erosion and sedimentation of water courses and water bodies shall be minimized. The Planning Board shall find that the standards set forth in the *Maine Erosion and Control Handbook for Construction: Best Management Practices* (March 1991 and as amended) will be used.
18. **Exterior Lighting:** All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.
19. **Noise:** The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
 - a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)
(measured in dB(a) scale)

	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.
Residential	55	45
Commercial	65	55
Industrial	70	70

- b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institutes (ANSA SI 4-1961) "American Standard Specification for General Purpose Sound Meters."
 - c. The following uses and activities shall be exempt from the sound pressure level regulations.
 - (1) Noise created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 - (2) The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.
20. **Air Pollution:** The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.
21. **Odors:** The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.
22. **Financial and Technical Capacity:** The applicant has adequate financial and technical capacity to meet the above standards.

23. **Conformance with the Comprehensive Plan:** The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

Section 8. Additional Standards for Medical Marijuana

All operators of a facility deemed "COMMERCIAL USE" as defined in Section 12 below must meet the following standards:

- A. The applicant's use shall not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties, including, but not limited to identifying on the application the type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- B. The applicant's use shall not create unhealthful conditions because of smoke, dust or other airborne contaminants, including, but not limited to proposed ventilation/air circulating systems and methods of filtering air to reduce odor pollution if cultivation or production is involved.
- C. The applicant's use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use, including method of removal of waste material and/or trash removal services to be used. All medical marijuana waste and/or residue shall be disposed of in conformance with the Maine Medical Use of Marijuana Statutes and Regulations. Waste and/or residue shall not be placed in exterior refuse containers without first being made unrecognizable through grinding and incorporating it with non-consumable, solid wastes such as paper, plastic, cardboard, food, grease, Bokashi or other compost activators and/or soil, such that the resulting mixture is at least 50% non-marijuana waste. Composting, fermenting and/or incineration on-site is allowed if undertaken in compliance with state and local regulations.
- D. The applicant's use will not adversely affect the value of adjacent properties.
- E. The applicant's use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
- F. The applicant's use must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses to ensure the continued enjoyment of abutting uses.
- G. **Vibration.** Equipment and other activities shall not produce vibrations measured at the lot line which is perceptible without instruments. In no case shall vibration at the lot line exceed three thousandths (0.003) of one inch.
- H. **Medical Marijuana Registered Dispensary.** There shall be no more than one medical marijuana registered dispensary in the Town.
- I. **Medical Marijuana Cultivation and/or Production Facility Limit.** There shall be no more than four (4) medical marijuana caregivers allowed to operate within a single medical marijuana cultivation and/or production facility.
- J. **Proximity Limit.** Only one medical marijuana registered dispensary or medical marijuana cultivation and/or production facility shall be permitted per lot. Additionally, no medical marijuana cultivation and/or production facility shall be located on a lot that is within 250 feet of another lot on which a medical marijuana registered dispensary and/or cultivation and/or production facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the state prohibition against collectives.

- K. **Approved Locations.** A medical marijuana registered dispensary shall only be permitted in the Industrial or Business Park of the Town. Medical marijuana registered caregivers that are not located in a residence and considered to be an accessory use cannot be located in any registered historic district or within 750 feet of any registered national historic district or registered national historic building, resource protected areas in the Wellhead Protection Ordinance or Shoreland Zoning Ordinance.
- L. **Security.** Before granting an approval, the Planning Board shall ensure the applicant has reviewed the applicant's property and building security plans with the Town Police Department and ascertain that the Police Department finds the security measures are consistent with state requirements. The applicant should provide proof of this to the Planning Board.
- M. **Outside Appearance.** No signs containing the word "marijuana", "medical marijuana", "420", "710" or any other terms to indicate medical marijuana presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana registered dispensary or a medical marijuana registered primary caregiver that is not exempted above in Section 3 (A)(4)(c) above.
- N. **Odorous Air Contaminants.** It shall be unlawful for any person to cause or permit the emission of odorous air contaminants that are noxious, offensive or harmful from any source so as to create a public nuisance or hazard beyond the lot line of the parcel, an adjoining unit, lot, building or property, documented by multiple complaints. All facilities shall have a properly designed and maintained ventilation and air filtration system which takes into consideration the square footage and number of elements in the processing or cultivation process. Filters shall be checked every six months and shall be replaced as needed or based upon the manufacturer's recommended schedule, whichever is more recent.
- O. The structure where medical marijuana is grown, cultivated and/or processed shall be constructed of building materials approved by the Code Enforcement Officer and Fire Chief or their designees. If the structure is six thousand (6,000) square feet or larger, it shall be required to include an internal sprinkler system approved by the Fire Chief.
- P. **Licenses.** As a condition of use, the operator of a medical marijuana registered dispensary, medical marijuana registered primary caregiver not exempted above or a medical marijuana cultivation and/or production facility shall obtain and retain all business or other licenses required by the Town and/or State and/or Federal governments, The operator of a commercial use medical marijuana business shall obtain an annual license from the Select Board to operate in conformance with this Ordinance.
- Q. The conditional land use approval shall be considered abandoned if no license holder occupies the property for a period of two years or longer.

Section 9. Special Regulations.

The following regulations shall be complied with, in addition to the performance standards contained in Section 8 of this Ordinance.

- A. **Home Occupations:** Home Occupations which do not meet the criteria contained in Section 3 (A)(4)(c) and 3 (B)(4)(a) – (e) shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;
2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;
3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds
4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.
6. There is adequate off-street parking on the premises for customer or client use.
7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.
9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. Applications Located on Sand and Gravel Aquifers: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.
2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.
4. **Petroleum and other hazardous material storage and transfer.** A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.
5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

dry cleaners	photo processors
printers	auto washes
laundromats	meat packers/slaughter houses
salt piles/sand-salt piles	wood preservers
leather tanning	electrical equipment manufacturers
plastic/fiberglass fabricating	chemical reclamation facilities
industrial waste disposal/impoundment areas	graveyards
chemical manufacturing	pesticide/herbicide stores
metal platters	concrete/asphalt/coal companies

Section 10. Enforcement.

- A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectpersons of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.
- B. The Selectpersons are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 10 A, above, are not promptly complied with after receipt of said notices, the Selectpersons shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.
- C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than \$100.00 nor more than \$2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense. In addition, in the event of legal action being instituted, the violator shall also be responsible for the legal fees and costs of the Town for the prosecution of the violation(s).
- D. **Consent Agreements.** The Select Board, or its authorized Agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines and attorney's fees of the Town without Court action. Such agreements, however, shall not allow violations to continue.

Section 11. Appeals.

- A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board's decision. If it is shown after public hearing that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.

Section 12. Definitions.

Abutting Landowners: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Change in Use: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Home Occupation: An occupation or profession which-results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

Impervious Surface: The area of land covered by buildings, structures and paved and gravel surfaces.

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

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122), § 1.17 “Marijuana”.

Medical Marijuana: Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition.

Medical Marijuana Caregiver or Medical Marijuana Primary Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a registered medical marijuana caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

Medical Marijuana Dispensary: A dispensary shall have the same meaning as it is defined by state law.

Medical Marijuana Land Use: Any of the three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing of medical marijuana.

- (1) **Medical Marijuana Home Production (Land Use):** Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own primary year-round residence or a registered medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical marijuana caregivers who cultivate, process or store medical marijuana in a qualifying patient’s primary year-round residence for that qualifying patient’s sole use. This shall be considered an “**ACCESSORY USE**”.
- (2) **Medical Marijuana Cultivation and/or Production Facility (Land Use):** A facility used for cultivating, processing, and/or storing medical marijuana by one or more registered medical marijuana caregiver(s) at a location which is **not** the registered medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. This shall be considered a “**COMMERCIAL USE**.”
- (3) **Medical Marijuana Registered Dispensary (Land Use):** A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a “**COMMERCIAL USE**.”

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Persons: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

Substantial Enlargement: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetlands: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Section 13. Confidentiality. All applications and supporting information submitted by primary caregivers under this Ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S. § 2425(8), and the Maine Freedom of Access Act, 1 M.R.S. § 402(3)(F).

CHAPTER 54-G
Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance

ADOPTED November 8, 1994

AMENDED JUNE 10, 1997

Section 1(A) – Scotties Brook Aquifer added
AMENDED JUNE 13, 2006

Section 2(A) – last sentence deleted regarding rate of demand comparison with flow
AMENDED JUNE 13, 2006

Section 2(C) – “toxic waste pollution” deleted and replaced with “contamination”
AMENDED JUNE 13, 2006

Section 2(E) – entire language deleted and replaced with new language
AMENDED JUNE 13, 2006

Section 2(F) – Scotties Brook added and potential well points language deleted
AMENDED JUNE 13, 2006

Section 4(A) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 4(B) – “A copy” changed to “Copies” added
AMENDED JUNE 13, 2006

Section 4(C) – Scotties Brook and zones language added
AMENDED JUNE 13, 2006

Section 4(E)
DELETED JUNE 13, 2006

Section 6(A) – Language added to include the Swift River
AMENDED JUNE 13, 2006

Section 6(C) – DELETED and lettering for remaining sections re-lettered
JUNE 13, 2006

Section 6(I) – Letter changed to H for paragraph and Section 1 added for Maine licensing and to delete
“hydrogeologist” and add “Certified Geologist”
AMENDED JUNE 13, 2006

Section 11(B) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 11(F) – Effective date of July 13, 2007 for amended ordinance added
AMENDED JUNE 13, 2006

CHAPTER 33-C, Wellhead Protection for the Ellis River and Scotties Brook Aquifers,
Re-Codified as CHAPTER 54-G
JUNE 13, 2017

Section 1. Purpose

- A. To manage the groundwater recharge areas of the Ellis River and Scotties Brook aquifers in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuring a dependable water supply to the Town for the future.
- B. To protect the aquifers from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifers' high water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Rumford as well as surrounding communities to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

- A. The Town of Rumford is fortunate in that it has access to water supplies that are both plentiful and of excellent quality. From the Ellis River and Scotties Brook aquifers, the Rumford Water District draws water to serve roughly 1600 customers in Rumford. The total demand from customers is 24,000,000 gallons of water per month, a rate that is relatively consistent throughout the year.
- B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.
- C. The most likely sources of contamination are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.
- D. A report on the aquifer done in the fall of 1990 by Caswell, Eichler, and Hill entitled "Evaluation of the Ellis River Aquifer" states that "because of the likelihood of future development within the Ellis River drainage basin, the possibility exists that future water quality may be adversely affected unless timely and appropriate resource management steps are taken."
- E. Scotties Brook has been determined to be a "losing stream" meaning that water flowing in the brook enters the aquifer. The water quality of Scotties Brook can affect the water quality of the aquifer. Therefore, the water quality of Scotties Brook must also be protected.
- F. Changes in the Federal Drinking Water Standards related to the Safe Drinking Water Act require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Ellis River and Scotties Brook Aquifers will give the Rumford Water District flexibility in the future when considering options for the efficient delivery of clean drinking water as well as protect the investment which the District has already put forth for the well supplies.

Section 3. Definitions

Definitions from Rumford's Shoreland Zoning Ordinance shall apply unless the definitions below are more restrictive.

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

Agriculture: The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

Animal Husbandry: Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

Aquifer: A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Ellis River Aquifer is 400 gallons per minute and over.

Automobile Graveyard: As defined by 30-A M.R.S. § 3752.

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

Car Wash: A commercial facility for the cleaning of automobiles.

Cemetery: An area for more than 10 graves.

Commercial Animal Feedlots: A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

Commercial Use: A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

Cone of Depression (or Drawdown Cone): A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

Contained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored under cover with a runoff/leachate collection system.

Demolition/Stump Dump: An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.

Drawdown: The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

Dry Cleaning Establishment: Commercial establishment for dry cleaning clothes.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

Engineered Subsurface Disposal System: A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

Forestry/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. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

Full Hydrogeological Study: A study done by a Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

Furniture Stripping: Commercial or industrial establishment involved in the stripping and refinishing of furniture.

Gas Station: Establishment involved in the storage or dispensing of petroleum fuels.

Hazardous Material: This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Home Occupation: An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.

Impervious Surface: Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

Industrial Use: A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

In-Law Apartment: A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

Junkyards: As defined by 30-A M.R.S. § 3752.

Kennels: Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

Leachable Material: Liquid from solid materials that are capable of releasing harmful contaminants.

Manufacturing: An industrial/commercial establishment which mass produces objects or materials (goods).

Metal Plating: An industrial/commercial establishment involved in the plating of metals.

Multifamily Home: A structure that houses three (3) or more dwelling units as defined.

Non-Domestic Waste Stream: Waste products not typically associated with residential use.

Open Space: Undeveloped area kept free of trees, bush and shrubs such as hayfields or meadows.

Petroleum: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

Photo Processors: Commercial establishments involved in the business of developing film.

Primary Recharge Area: The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that within the Town of Rumford identified in the Caswell, Eichler and Hill report as "Maximum Primary Recharge Area." The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 500 feet to either side of the Ellis River. The primary recharge area is defined as Zones 1 and 2 on the Wellhead Protection map.

Public Utilities: Any person, firm, corporation, municipal department, board or commission authorized to furnish electricity, communication facilities, transportation or water to the public.

Recharge Area: The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Ellis River aquifer is comprised of a primary and secondary recharge area.

Safe Yield: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

Sand & Gravel Extraction: Moving, removing or uncovering of natural resources such as sand and gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand and gravel extraction.

Sawmills or Wood Processing Plant: An industrial/commercial facility involved in the processing of raw wood.

Secondary Recharge Area: The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Ellis River in Rumford and surrounding communities as established by topographical high points, excluding the area defined as the primary recharge area. This area is identified on the Wellhead Protection - Zone 3 Boundaries plan.

Service & Repair, Boats and Motor Vehicles: Commercial facility involved in the repair of boats and motor vehicles.

Single-Family Home: A dwelling designed for or occupied exclusively by one (1) family.

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, and refuse.

Subdivision: As defined by Title 30-A of the Maine Statutes Revised.

Truck Terminal: Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

Two-Family Home: A dwelling designed for or occupied exclusively by two (2) families.

Uncontained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.

Waste Water Disposal System: Any system designed to dispose of waste or wastewater on or in the surface of the earth or in surface water bodies.

Watershed: The area of contribution to a surface water body. It is defined by topographic high points.

Section 4. District Boundaries

A. For the purposes of this ordinance, and in order to carry out its regulations, the Ellis River Aquifer Protection District shall be delineated on a map titled "Wellhead Protection: Ellis River Aquifer Protection District Map" and the Scotties Brook Aquifer Protection District shall be delineated on a map titled "Wellhead Protection: Scotties Brook Aquifer Protection District Map".

B. Copies of said maps will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. Aquifer Protection Districts:

1. The Ellis River Aquifer Protection District includes three (3) zones:

Zone 1 consists of land that is owned or fully controlled by the Water District and would be considered to be within the 200 day travel time.

Zone 2 which consists of the area depicted between the 200 day and the 2500 day time of travel.

Zone 3 which consists of the watershed of the Ellis River within the Town of Rumford and surrounding communities as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes a secondary recharge area. Zone 3 is shown on Map 2, "Wellhead Protection", Zone 3 Boundaries.

2. The Scotties Brook Aquifer Protection District includes three (3) zones:

Zone 1 consists of land that is within 300 feet of each wellhead.

Zone 2 consists of the area depicted between the 200 day and the 2500 day time of travel and a 250 foot buffer on each side of Scotties Brook and its tributaries.

Zone 3 consists of the watershed of Scotties Brook as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes the secondary recharge area.

D. Revision of Map

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.
2. No changes to the Aquifer Protection District Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Rumford and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Aquifer Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Rumford Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectpersons that the proposed Aquifer Protection Map amendment be placed on the next Town Meeting or Special Town Meeting Warrant.
3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.

Section 5. District Use and Space Standards

A. Uses of Land within Zone			
Land Use	Zone 1	Zone 2	Zone 3
1. Residential			
Accessory Uses	X	P	P
Single-family homes	X	P	P
Home occupations	X	PR	P
Two-family homes	X	P	P
Multi-family homes	X	X	PR
In-law apartments	X	P	P
2. Commercial			
Agriculture	X	P	P
Animal husbandry other than commercial animal feed lots	X	P	P
Boats and motor vehicle service & repair	X	P	P
Campgrounds	X	X	PR
Car washes	X	X	PR
Commercial uses with non-domestic waste streams	X	X	PR
Dry cleaning establishments	X	X	PR
Forestry/timber harvesting subject to the performance standards of the Town's Shoreland Zone Ordinance within 250 ft of Ellis River	X	P	P
Furniture stripping	X	X	PR
Gas Stations	X	X	PR
Kennels	X	PR	P
Photo processors	X	X	PR
Truck terminals	X	X	PR
3. Industrial			
Sand and gravel extraction	X	PR	PR

Junkyard/automobile graveyard	X	X	PR
Manufacturing	X	X	PR
Metal plating	X	X	PR
Sawmills and wood processing plant	X	X	PR
Other industrial uses with non-domestic waste streams	X	X	PR
4. Miscellaneous			
Cemetery	X	X	PR
Disposal of storage of solid waste, hazardous materials or leachate materials (unless specifically permitted within the Zone)	X	X	PR
Engineered" (wastewater disposal) system when accompanied by a full hydrogcological study and the performance standards herein meeting	X	PR	PR
Open space	P	P	P
Outdoor recreation, except those which disrupt the surfaces of hillsides or other watershed areas	P	P	P
Foot bridge and bicycle paths	P	P	P
Uncontained salt, sand/salt storage piles	X	X	PR
Wastewater disposal system	X	P	P
Use of off-road vehicles	X	P	P
Public utilities	PR	PR	PR
Contained salt, sand/salt storage piles	X	PR	PR
Roads and parking areas	X	P	P
Application of chemical fertilizers, herbicides or pesticides on more than three (3) of land	X	X	P
Application of chemical fertilizers, herbicides pesticides on more than five (5) acres of land	X	X	PR
Demolition/stump dumps	X	PR	PR

Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with Volume 2 of the code of Maine Rules, 4 th printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for ... Underground Storage Facilities	X	X	PR
Petroleum storage for commercial or industrial use	X	X	PR
Land application of manure in conformance with the handbook "Maine Guidelines for Manure Disposal on Land" published by the Maine Soil and Water Conservation Comm., July, 1972	X	P	P
Non-residential pipelines for transmission of oil, gas or hazardous materials	X	X	PR
Aerial spraying of herbicides, pesticides	X	X	PR
Operations and maintenance activities of the Rumford Water District consistent with the purposes of this ordinance and provision of a safe and adequate water supply, including but not limited to water supply exploration and well development; water system flushing and treatment; construction and maintenance of transmission and distribution lines, structures, and access roads; operation of vehicles and equipment; installation of fencing and signage; and activities necessary to comply with state and federal regulations	P	P	P
<p>X - Not permitted P - Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met). PR - Requiring Planning Board review.</p>			

Section 6. Administration and Enforcement

- A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.
- B. All activity within Zone 3 in the Town of Rumford shall meet these requirements and shall follow the guidelines set forth in this ordinance. The Rumford Water District shall be notified in writing prior to any decisions made on the activity by the CEO or the Planning Board. All activities within the Shoreland Zone of the Ellis River and Swift Rivers and their tributaries in the Town of Rumford shall require Planning Board approval. The District shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the District of these impending activities.
- C. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.
- D. If any portion of a lot is located in Zone 1 or Zone 2, all the land located in Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by the regulations for Zone 2.
- E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Rumford Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Aquifer Protection District. The CEO shall notify the Chairperson of the Planning Board and the Chairperson of the Rumford Water District Trustees of any applications for uses proposed in the Aquifer Protection District.
- F. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.
 - 1. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.
 - 2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.

3. The Board shall notify the Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.
4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.
5. The Board shall, after a public hearing with due notice, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:
 - a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;
 - b. The proposed use meets all applicable performance standards;
 - c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;
 - d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;
 - e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;
 - f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.
- G. The CEO shall enforce the provisions of the Aquifer Protection Districts. The CEO and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.
- H. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.
 1. The number, location and depth of the monitoring wells shall be determined by a Maine licensed engineer or Certified Geologist chosen or approved by the Town in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).
 2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations do not exceed ½ of any federal, state or local drinking water quality standards.

- I. For subdivisions located in the Aquifer Protection District, the Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision's impact on groundwater quality.
- J. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than \$100 and not more than \$2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.
- K. Existing and future activities of the Rumford Water District are exempt from regulation under this ordinance. This exemption is necessary to allow the District to carry out its purpose of supplying high quality water to the residents of Rumford.

Section 7. Submission Requirements.

- A. Applications for permission to carry out any activity in Zone 1 or Zone 2 shall be accompanied by and the following information.
 - 1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:
 - a. Aquifer Protection District boundaries if they cross the parcel.
 - b. Boundaries of the property and abutting streets.
 - c. Outlines of all buildings.
 - d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
 - e. Location of all petroleum storage tanks.
 - f. Location of buffers, landscaping, and existing vegetation which may be retained.
 - g. Location and description of storage areas and types of materials to be stored.
 - h. Location of wastewater disposal systems or public sewer facilities.

- i. Location of all public and private water supplies on the property and abutting properties.
- B. A description of the manner in which the applicant shall meet all applicable Performance Standards.
- C. Where Applicable
 - 1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.
 - 2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.
 - 3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200).
- D. If required by the Planning Board
 - 1. A map showing groundwater contours of the seasonal high water table.
 - 2. A hydrogeological study of the proposed use's impact on groundwater quality.
 - 3. Water quality data from on-site monitoring wells.
 - 4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards. All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection Districts shall conform to use and space standards contained in the Ordinance and the following minimum levels of performance.

- A. General Standards
 - 1. All such proposals shall be consistent with the need to protect the quality and quantity of Rumford's groundwater supply.
 - 2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.
 - 3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating

winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control

1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices, 1991.
2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Oxford County Soil and Water Conservation District shall be submitted by the applicant.

C. Home Occupations

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.
2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.
3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.
4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.
6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

D. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for predevelopment and post-development runoff for the site for a 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.
2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

G. Subsurface Waste Disposal Systems

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.
2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.
3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro-geological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than one half of the Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.

2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.
3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.
4. No hazardous materials shall be used, stored or deposited within the excavation area.
5. Access roads into and around the pit shall not be oiled, salted, or paved.
6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.
8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.
9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Non-Conformance

- A. Structures, uses and lots which were legally existing as of **November 8, 1994** (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.
- B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance.
- C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance.

Section 10. Appeals

A. Administrative Appeals

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or CEO in writing to the Board of Appeals, within 30 days of the Planning Board's or the CEO's decision. The Board of Appeals may reverse the Planning Board's or the CEO's decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of 30-A M.R.S. § 2691 as amended. Administrative appeals shall be administered according to the provisions of the Rumford Shoreland Zoning Ordinance.
2. If the Planning Board disapproves an application for subdivision approval which is subject to the provisions of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the *Maine Rules of Civil Procedure*.

B. Variances

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of an undue hardship, as defined in 30-A M.R.S. § 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Rumford Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority

This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the **Wellhead Protection Ordinance for the Ellis River and Scotties Brook Aquifers.**

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

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

E. **Separability**

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

F. **Effective Date**

The effective date of this ordinance is **September 14, 1994.**

The effective date of amended ordinance to include permitting section is **September 10, 1997.**

The effective date of the amended ordinance to include Scotties Brook is **July 13, 2007.**

CHAPTER 54-H

Wind Energy Facility Ordinance

ADOPTED JUNE 14, 2016

CHAPTER 33-D, Wind Energy Facility Ordinance, Re-Codified as CHAPTER 54-H
JUNE 13, 2017

Section 1. Title. This Ordinance shall be known as the Wind Energy Facility Ordinance for Rumford.

Section 2. Authority. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, *et seq.*

Section 3. Purpose. The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Rumford, subject to reasonable conditions that will protect the public health, safety, and welfare.

Section 4. Definitions.

Applicant is the legal entity, including successors and assigns, that files an application under this Ordinance.

Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.

Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Historic Area means a Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified

and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.

Municipal Reviewing Authority means the municipal planning board, agency or office, or if none, the municipal officers.

Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Non-Participating Landowner means any landowner, other than a Participating Landowner whose land is located within Rumford.

Occupied Building means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Person means an individual, corporation, partnership, firm, organization or other legal entity.

Planned Residence means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Protected Location means any location that is:

- 1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;
- 2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;
- 3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

Residence means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Scenic Resource means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

Short Duration Repetitive Sounds means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

Sight Line Representation means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer's eye to the lowest point visible on a proposed Tower.

Significant Wildlife Habitat means a Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B (10).

Substantial Start means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

Tower means the free-standing structure on which a wind measuring or energy conversion system is mounted.

Turbine Height means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

Wind Energy Facility means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

Wind Energy Facility, Type 1A means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

Wind Energy Facility, Type 1B means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

Wind Energy Facility, Type 2 means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the

Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

Wind Energy Facility, Type 3 means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, *et seq.*

Wind Turbine means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

Section 5. Applicability.

- 5.1 This Ordinance applies to any Wind Energy Facility proposed for construction in Rumford after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Rumford, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.
- 5.2 A Wind Energy Facility that is the subject of an application determined to be complete by the Planning Board prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.

Section 6. Conflict and Severability.

- 6.1 If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Rumford ordinance, the provision of this Ordinance shall apply.
- 6.2 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 7. Effective Date. This Ordinance becomes effective on June 30, 2016.

Section 8. Classification of Wind Energy Facilities.

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

**Table 1
Classification of Wind Energy Facilities and
Corresponding Local Review and Approval Authority**

Facility Type	Aggregate Capacity	Turbine Height	Max. # of Turbines	DEP Site Location Permit Required	Local Review and Approval
1A	<100 kW	< 80'	1	No	Code Enforcement Officer
1B	<100 kW	> 80'	NA	No	Planning Board
2	≥100 kW	NA	NA	No ¹	Planning Board
3	≥ 100 kW	NA	NA	Yes ²	Planning Board

1 Per 35-A M.R.S. § 3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.

Section 9. Administration.

9.1 Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.
2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

9.2 Permit Required

1. No Wind Energy Facility shall be constructed or located within Rumford without a permit issued in accordance with this Ordinance.
2. 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.

9.3 Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:
 - a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.
 - b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with the *Schedule of License, Permit and Application Fees*.
 - c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.
2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

- a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.
- b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

9.4 Permit Application Procedures

1. Type 1A Wind Energy Facility Application

- a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.
- b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.
- c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

- a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance's provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

- b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.
- c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.
- d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.
- e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12, 13, and 14.
- f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.

**Table 2
Procedural Time Frames**

Facility Type	Application Completeness	Public Hearing	Final Decision
1A	<10 days ¹	NA	<30 days ²
1B	<30 days ¹	<30 days ²	<60 days ²

2	<30 days ¹	<60 days ²	<90 days ²
3	<30 days ¹	<60 days ²	<90 days ²

1 Days after receipt of the application by the Code Enforcement Officer

2 Days after the application is determined to be complete

9.5 Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

9.6 Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.
2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

9.7 Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full estimated cost, which the municipality shall place in an escrow account. The municipality shall pay the attorney or consultant from the escrow account and reimburse the Applicant if funds remain after payment.

9.8 Expiration of Permits

Permits shall expire: 1) two years after the date of approval unless a substantial start on construction has occurred and; 2) three years after the date of approval unless construction of the Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan. Upon the Applicant's written request, the municipal entity responsible

for review and approval of the application under section 9.1 may extend either or both expiration time limits by one year.

9.9 Access

The Code Enforcement Officer shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

9.10 Enforcement

1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued under the Ordinance, or to cause another to violate or fail to comply or take any action which is contrary to the terms of the Ordinance or any permit under the Ordinance.
2. If the Code Enforcement Officer or other Person charged with enforcement of municipal laws determines that a violation of the Ordinance or the permit has occurred, the Code Enforcement Officer shall provide written notice to any Person alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Code Enforcement Officer and the alleged violator shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation and, with the consent of the alleged violator, may be extended.
3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by the alleged violator, the Code Enforcement Officer determines, in the Officer's reasonable discretion, that the parties have not resolved the alleged violation, the Code Enforcement Officer may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

9.11 Appeals

Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 37, Board of Appeals.

Section 10. Application Submission Requirements.

10.1 General Submission Requirements

1. A completed application form including:
 - a. The Applicant and Participating Landowner(s)' name(s) and contact information.
 - b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.
 - c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating

Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

- d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any
2. Receipt showing payment of application fee in accordance with the *Schedule of License, Permit and Application Fees*.
3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.
4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.
5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.
6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
 - a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.
7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.
8. 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.
9. Description of emergency and normal shutdown procedures.
10. Photographs of existing conditions at the site.
11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer's specifications or, c) prepared and stamped by a Maine-licensed professional engineer.
12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:
 - a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant's obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;

- b. a written request for review under section 14.1 along with information required under Section 15, subsection 15.2 (Submissions).
- 13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:
 - a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.
 - b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.
 - c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).
- 14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:
 - a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. § 481, *et seq.* ;
 - b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and
 - c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.2 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

- 1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.
- 2. Decommissioning plan in conformance with Section 16.
- 3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.

4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.
5. Visual impact assessment, if required pursuant to section 14.5.
6. Stormwater management plan stamped by a Maine-licensed professional engineer.
7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.
8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.
9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

Section 11. Meteorological Towers (MET Towers).

Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

Section 12. General Standards.

12.1 Safety Setbacks

Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

12.2 Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

12.3 Building Permit

All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

12.4 Overspeed Controls and Brakes

Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for

review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

12.5 Electrical Components and Interconnections

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

12.6 Access

All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

12.7 Blade Clearance

The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

12.8 Signal Interference

The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

12.9 Structure Type

With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

12.10 Erosion Control

Erosion of soil and sedimentation shall be minimized by employing "best management practices" in the *"Maine Erosion Control Handbook for Construction: Best Management Practices"*, March 2003.

12.11 Building-Mounted Wind Turbines

Building-mounted Wind Turbines are not permitted.

12.12 Visual Appearance

1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.
2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.
3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

12.13 Visibility of Wind Turbine

The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:

1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.

2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

Section 13. Special Standards for Type 1A and Type 1B Wind Energy Facilities.

13.1 Noise emanating from a Type 1A or Type1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site .
2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.
3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:
 - a. At a Protected Location with no living and sleeping quarters:

55 dBA during the Protected Location's regular hours of operation

- b. At a Protected Location with living and sleeping quarters:

1. Area(s) within 500 feet of living and sleeping quarters:

42 dBA between 7:00 p.m. and 7:00 a.m.

55 dBA between 7:00 a.m. and 7:00 p.m.

2. Area(s) more than 500 feet from living and sleeping quarters:

55 dBA at all times.

- c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:

75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the

- pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.6.
5. The Code Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
 - a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
 - b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) "American Standard Specification for General Purpose Sound Level Meters" and shall have been calibrated at a recognized laboratory within the past year.
 - c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.
 6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant's expense and in accordance with the Rumford Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:
 - a. modification or limitation of operations during certain hours or wind conditions;
 - b. maintenance, repair, modification or replacement of equipment;
 - c. relocation of the Wind Turbine(s); and,
 - d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

13.2 Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant's expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

Section 14.0. Special Standards for Type 2 and Type 3 Wind Energy Facilities.

14.1 Control of Noise

Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Section 15.

If there is a conflict between a provision of Section 15 and another provision of this ordinance, the provision of Section 15 shall apply.

14.2 Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within Rumford to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.
2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

14.3 Warnings

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

14.4 Artificial Habitat

To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

14.5 Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted

to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.
3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
 - a. The significance of the potentially affected Scenic Resource;
 - b. The existing character of the surrounding area;
 - c. The expectations of the typical viewer;
 - d. The Type 2 or Type 3 Wind Energy Facility's purpose and the context of the proposed activity;
 - e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public's continued use and enjoyment of the Scenic Resource; and
 - f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

14.6 Shadow Flicker

Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner's property.

14.7 Relationship to DEP Certification and Permitting

1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP's issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.
2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by

35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP's issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

14.8 Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).
2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.
3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

14.9 Liability Insurance

The Applicant or an Applicant's designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

14.10 Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

14.11 Public Inquiries and Complaints

1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.
2. The Applicant or its designee shall make reasonable efforts to respond to the public's inquiries and complaints and shall provide written copies of all complaints and the company's resolution or response to the Code Enforcement upon request.

14.12 Decommissioning

The Applicant shall prepare a decommissioning plan in conformance with Section 16.

Section 15.0. Control of Noise.

15.1 Applicability

Pursuant to section 14.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

15.2 Sound Level Limits

(1) **Sound Level Limits for Routine Operation of Wind Energy Facilities**

The sound levels resulting from routine operation of a wind energy facility measured in accordance with the measurement procedures described in subsection G shall not exceed the following limits:

- (a) 75 dBA at any time of day at any property line of the wind energy facility or contiguous property owned or controlled by the wind energy applicant, whichever is farther from the proposed wind energy facility's regulated sound sources; and
- (b) 55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime limit"), and 42 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime limit") at any protected location.

(2) **Tonal Sounds**

For the purposes of this subsection, a tonal sound exists if, at a protected location, the 10 minute equivalent average one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

- (a) When routine operation of a wind energy facility produces tonal sounds, a 5 dBA penalty shall be arithmetically added to each average 10 minute sound level ($Leq_{A 10\text{-min}}$) measurement interval in which a tonal sound occurs.

(3) **Short Duration Repetitive Sounds ("SDRS")**

For the purposes of this subsection, SDRS is defined as a sequence of repetitive sounds that occur within a 10-minute measurement interval, each clearly discernible as an event resulting from the facility and causing an increase in the sound level of 5 dBA or greater on the fast meter response above the sound level observed immediately before and after the event, each typically ± 1 second in duration, and which are inherent to the process or operation of the facility.

- (a) When routine operation of a wind energy facility produces short duration repetitive sound, a 5 dBA penalty shall be arithmetically added to each average 10-minute sound level ($Leq_{A 10\text{-min}}$) measurement interval in which greater than 5 SDRS events are present.

(4) **Sound from Construction of Facilities**

- (a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

- (1) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

- (2) If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

- (3) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by:

- a. the Code Enforcement Officer when the duration of the nighttime construction activity is less than or equal to 90 days,
 - b. the Code Enforcement Officer and the Planning Board when the duration of the nighttime construction activity is greater than 90 days.

- (b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

Duration of Activity	Hourly Sound Level Limit
12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA
1 hour or less	105 dBA

- (c) All equipment used in construction on facility sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(5) Sound from Maintenance Activities

- (a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection B (1 through 3).
- (b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection B (4). If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection B(4).

(6) Compliance with the Sound Level Limits

Compliance of a wind energy facility with the sound level limits set forth in subsection B (1 through 3) shall be determined in accordance with the following:

- (a) Sound level data shall be aggregated in 10-minute measurement intervals within a given compliance measurement period (daytime: 7:00 am to 7:00 pm or nighttime: 7:00 pm to 7:00 am) under the conditions set forth in subsection G.
- (b) Compliance will be demonstrated when the arithmetic average of the sound level of, at a minimum, twelve, 10-minute measurement intervals in a given compliance measurement period is less than or equal to the sound level limit set forth in subsection B (1through 3).
- (c) Alternatively, if a given compliance measurement period does not produce a minimum of twelve, 10-minute measurement intervals under the atmospheric and site conditions set forth in subsection G, the wind energy facility may combine six or more contiguous 10-minute measurement intervals from one 12-hour (7:00 am to 7:00 pm daytime or 7:00 pm to 7:00 am nighttime) compliance measurement period with six or more contiguous 10-minute intervals from another compliance measurement period. Compliance will be demonstrated when the arithmetic average of the combined

10-minute measurement intervals is less than or equal to the sound level limit set forth in subsection B (1 through 3).

15.3 Submissions

(1) **Facilities with Minor Sound Impact**

An applicant for a proposed facility with minor sound impact may choose to file as part of the wind energy facility application a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of these standards, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under subsection B. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) **Other Facilities**

Technical information shall be submitted describing the wind energy applicant's plan and intent to make adequate provision for the control of sound. The wind energy applicant's plan shall contain the following:

- (a) A map depicting the location of all proposed sound sources associated with the wind energy facility, property boundaries for the proposed wind energy facility, property boundaries of all adjacent properties within one mile of the proposed wind energy facility, and the location of all protected locations located within one mile of the proposed wind energy facility;
- (b) A description of the major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed wind energy facility;
- (c) A description of the equivalent noise levels expected to be produced by the sound sources at protected locations located within one mile of the proposed wind energy facility. The description shall include a full-page isopleths map depicting the modeled decay rate of the predicted sound pressure levels expected to be produced by the wind energy facility at each clearly identified protected location within one mile of the proposed wind energy facility. The predictive model used to generate the equivalent noise levels expected to be produced by the sound sources shall be designed to represent the "predictable worst case" impact on adjacent properties and shall include, at a minimum, the following:
 - 1. The maximum rated sound power output (IEC 61400-11) of the sound sources operating during nighttime stable atmospheric conditions with high wind shear above the boundary layer and consideration of other conditions that may affect in-flow airstream turbulence;
 - 2. Attenuation due to geometric spreading, assuming that each turbine is modeled as a point source at hub height;
 - 3. Attenuation due to air absorption;
 - 4. Attenuation due to ground absorption/reflection;
 - 5. Attenuation due to three dimensional terrain;
 - 6. Attenuation due to forestation;
 - 7. Attenuation due to meteorological factors such as but not limited to relative wind speed and direction (wind rose data), temperature/vertical profiles and relative humidity, sky conditions, and atmospheric profiles;

8. Inclusion of an “uncertainty factor” adjustment to the maximum rated output of the sound sources based on the manufacturer’s recommendation; and
 9. Inclusion, at the discretion of the Planning Board, of an addition to the maximum rated output of the sound sources to account for uncertainties in the modeling of sound propagation for wind energy facilities. This discretionary uncertainty factor of up to 3 dBA may be required by the Planning Board based on the following conditions: inland or coastal location, the extent and specificity of credible evidence of meteorological operating conditions, and the extent of evaluation and/or prior specific experience for the proposed wind turbines. Subject to the Planning Board’s discretion based on the information available, there is a rebuttable presumption of an uncertainty factor of 2 to 3 dBA for coastal facilities and of 0 to 2 dBA for inland facilities.
- (d) A description of the protected locations near the proposed wind energy facility.
 - (e) A description of proposed major sound control measures, including their locations and expected performance.
 - (f) A comparison of the expected sound levels from the proposed facility with the sound level limits of these standards.
 - (g) A comparison of the expected sound levels from the proposed facility with any quantifiable noise standards of any neighboring municipality which may be affected by the noise.
 - (h) A description and map identifying one or more compliance testing locations on or near the proposed wind energy facility site. The identified compliance testing locations shall be selected to take advantage of prevailing downwind conditions and be able to meet the site selection criteria outlined in subsection G(4)(b).
 - (i) A description of the compliance measurement protocol as required by subsection G below.
 - (j) A description of the complaint response protocol proposed for the wind energy facility. The complaint response protocol shall adequately provide for, at a minimum:
 1. A 24-hour contact for complaints;
 2. A complaint log accessible by the Planning Board;
 3. For those complaints that include sufficient information to warrant an investigation, the protocol must provide for an analysis as set forth in (a) through (c) below. Sufficient information includes, at a minimum: the name and address of the complainant; the date, time and duration of the sound event; a description of the sound event, indoor or outdoor, specific location and a description of any audible sounds from other sources outside or inside the building of the complainant. Analysis of the complaint by the permit holder must include:
 - (a) documentation of the location of the nearest turbines to the complaint location and ground conditions in the area of the complaint location;
 - (b) weather conditions at the time of the complaint and surface and hub height wind speed and direction;
 - (c) power output and direction of nearest turbines; and
 - (d) notification of complaint findings to the Planning Board and the complainant;
 4. A plotting of complaint locations and key information on a project area map to evaluate complaints for a consistent pattern of site, operating and weather conditions; and
 5. A comparison of these patterns to the compliance protocol to determine whether testing under additional site and operating conditions is necessary and, if so, a testing plan that addresses the locations and the conditions under which a pattern of complaints had occurred.

The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the Planning Board from requiring an applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Planning Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the applicant has made adequate provision for the protection of wildlife.

15.5 Waiver from Sound Level Limits

A waiver may be granted by the Planning Board if: (1) a facility is deemed necessary in the interest of national defense or public safety and the applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the Planning Board that the proposed facility will not have an unreasonable impact on protected locations. The Planning Board shall consider the request for a waiver as part of the review of a completed wind energy facility application. In granting a waiver, the Planning Board may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

15.6 Definitions

Terms used herein are defined below for the purpose of this noise ordinance.

- (1) **AMBIENT SOUND:** At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.
- (2) **CONSTRUCTION:** Activity and operations associated with the development or expansion of a facility or its site.
- (3) **EMERGENCY:** An unforeseen combination of circumstances which calls for immediate action.
- (4) **EMERGENCY MAINTENANCE AND REPAIRS:** Work done in response to an emergency.
- (5) **ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section B (1 through 3).]
- (6) **EXISTING FACILITY:** A facility constructed or approved under a pertinent ordinance prior to the effective date of this ordinance or a proposed facility for which the permit application is complete for processing on or before the effective date of this ordinance. Any development with a permit approval which has been remanded to the Planning Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to

the effective date of this ordinance shall not be deemed an existing facility and this ordinance shall apply to the existing noise sources at that facility.

- (7) **EXISTING HOURLY SOUND LEVEL:** The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.
- (8) **EQUIVALENT SOUND LEVEL:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

NOTE: For convenience, a one-hour equivalent sound level should begin approximately on the hour.

- (9) **HISTORIC AREAS:** Historic sites administered by the Bureau of Parks and Recreation of the Maine Department of Agriculture, Conservation and Forestry, with the exception of the Arnold Trail.
- (10) **HOURLY SOUND LEVEL:** The equivalent sound level for one hour measured or computed in accordance with this ordinance.
- (11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA:** Any site or area designated by Rumford for passive recreation that is open and maintained for public use and which:
 - (a) has fixed boundaries,
 - (b) is owned in fee simple by Rumford or is accessible by virtue of public easement,
 - (c) is identified and described in the Rumford comprehensive plan, and
 - (d) has been identified and designated at least nine months prior to the filing of the applicant's permit application.
- (12) **MAXIMUM SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: L_{AFmax} .
- (13) **MAXIMUM SOUND:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).
- (14) **RESIDENCE:** A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.
- (15) **PRE-DEVELOPMENT AMBIENT:** The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.
- (16) **PROTECTED LOCATION:** Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site

at the time a permit application is submitted; or any location within a State Park, Baxter State Park, National Park, Historic Area, a nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy, The Appalachian Trail, the Moosehorn National Wildlife Refuge, federally-designated wilderness area, state wilderness area designated by statute (such as the Allagash Wilderness Waterway), or locally-designated passive recreation area; or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands of the Maine Department of Agriculture, Conservation and Forestry as a protected location.

At protected locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Planning Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Planning Board may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

- (17) **QUANTIFIABLE NOISE STANDARD:** A numerical limit governing noise from developments that has been duly enacted by ordinance by a local municipality.
- (18) **ROUTINE OPERATION:** Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.
- (19) **SHORT DURATION REPETITIVE SOUNDS:** A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in

duration, and which are inherent to the process or operation of the development and are foreseeable.

- (20) **SOUND COMPONENT:** The measurable sound from an audibly identifiable source or group of sources.
- (21) **SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.
- (22) **SOUND PRESSURE:** Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).
- (23) **SOUND PRESSURE LEVEL:** Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.
- (24) **TONAL SOUND:** for the purpose of this ordinance, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

NOTE: Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:

ANSI S12.9-1988 - American National Standard Quantities and Procedures for Description and Measurements of Environmental Sound, Part 1;

ANSI S3.20-1973 - American National Standard Psychoacoustical Terminology;

ANSI S1.1-1960 - American National Standard Acoustical Terminology.

15.7 Measurement Procedures

These procedures specify measurement criteria and methodology for use with wind energy facility applications, compliance and complaint response. They provide methods for measuring the sound from operation of the wind energy facility and set forth the information to be reported.

(1) **Measurement Criteria**

(a) **Measurement Personnel**

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the Planning Board.

(2) **Measurement Instrumentation**

- (a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 0 or 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - (b) An integrating sound level meter (or measurement system) shall also meet the Type 0 or 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 61672-1 and ANSI 1.43.
 - (c) A filter for determining the existence of tonal sounds shall meet all the requirements of the American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11 and IEC 61260, Type 3-D performance.
 - (d) The acoustical calibrator used shall be of a type recommended by the manufacturer of the sound level meter and one that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - (e) The microphone windscreen used shall be of a type recommended by the manufacturer of the sound level meter.
 - (f) Anemometer(s) used for surface (10 meter (m)) (32.8 feet) wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in one second integrations and 10 min. average/maximum values for the evaluation of atmospheric stability.
 - (g) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp.
- (3) **Equipment Calibration**
- (a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Institute of Standards and Technology.
 - (b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.
 - (c) Anemometer(s) and vane(s) shall be calibrated annually by the manufacturer to maintain stated specification.
- (4) **Compliance Measurement Location, Configuration, and Environment**
- (a) Compliance measurement locations shall be at nearby protected locations that are most likely affected by the sound from routine operation of the wind energy facility subject to permission from the respective property owner(s).
 - (b) To the greatest extent possible, compliance measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 75-foot radius around the sound and audio monitoring equipment.
 - (c) To the greatest extent possible, meteorological measurement locations shall be at the center of open flat terrain, inclusive of grass and a few isolated obstacles less than 6 feet in height for a 250-foot radius around the anemometer location. The meteorological data measurement location need not be coincident with the sound and audio measurement location provided there is no greater than a 5 mile separation between the data collection points and the measurement locations have similar characterization, i.e. same side of the mountain ridge, etc.
 - (d) Meteorological measurements of wind speed and direction shall be collected using anemometers at a 10-meter height (32.8 feet) above the ground. Results shall be reported, based on 1-second integration intervals, and shall be reported synchronously with hub level and sound level measurements at 10-minute measurement intervals. The wind speed average and maximum shall be reported.

- (e) The sound microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.
 - (f) When possible, measurement locations should be at least 50 feet from any sound source other than the wind energy facility's power generating sources.
- (5) **Compliance Data Collection, Measurement and Retention Procedures**
- (a) Measurements of operational, sound, audio and meteorological data shall occur as set forth in subsections G (5)(g through j).
 - (b) All operational, sound and meteorological data collected shall be retained by the wind energy facility for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.
 - (c) All audio data collected shall be retained by the wind energy facility for a period of four weeks from the date of collection unless subject to a complaint filed in accordance with the complaint protocol approved by the Planning Board and is subject to inspection by the Planning Board and submission to the Planning Board upon request. Specific audio data collected that coincides with a complaint filed in accordance with the approved complaint protocol shall be retained by the wind energy permit holder for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.
 - (d) Written notification of the intent to collect compliance data must be received by the Planning Board prior to the collection of any sound level data for compliance purposes. The notification shall state the date and time of the compliance measurement period.

NOTE: *Notice received via electronic mail is sufficient regardless of whether it is received during business hours.*

- (e) Compliance data from the operation of a wind energy facility shall be submitted to the Planning Board, at a minimum:
 - (1) Once during the first year of facility operation;
 - (2) Once during each successive fifth year thereafter until the facility is decommissioned;
 - (3) In response to a complaint regarding operation of the wind energy facility as set forth in subsection C (2)(j) and any subsequent enforcement by the Code Enforcement Officer; and
 - (4) For validation of an applicant's calculated sound levels when requested by the Planning Board.
- (f) All sound level, audio and meteorological data collected during a compliance measurement period for which the Planning Board has been notified that meets or exceeds the specified wind speed parameters shall be submitted to the Planning Board for review and approval. All data submittals shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data.
- (g) Measurement shall be obtained during weather conditions when the wind turbine sound is most clearly noticeable, generally when the measurement location is downwind of the wind energy facility and maximum surface wind speeds < 6 miles per hour (mph) with concurrent turbine hub-elevation wind speeds sufficient to generate the maximum continuous rated sound power from the nearest wind turbines to the measurement location. A downwind location is defined as within 45° of the direction between a specific measurement location and the acoustic center of the five nearest wind turbines.

NOTE: *These conditions typically occur during inversion periods usually between 11 pm and 5 am.*

- (h) In some circumstances, it may not be feasible to meet the wind speed and operations criteria due to terrain features or limited elevation change between the wind turbines and monitoring locations. In these cases, measurement periods are acceptable if the following conditions are met:
 - (1) The difference between the L_{A90} and L_{A10} during any 10-minute period is less than 5 dBA; and
 - (2) The surface wind speed (10 meter height) (32.8 feet) is 6 mph or less for 80% of the measurement period and does not exceed 10 mph at any time, or the turbines are shut down during the monitoring period and the difference in the observed L_{A50} after shut down is equal to or greater than 6 dBA; and
 - (3) Observer logs or recorded sound files clearly indicate the dominance of wind turbine(s).
 - (i) Measurement intervals affected by increased biological activities, leaf rustling, traffic, high water flow, aircraft flyovers or other extraneous ambient noise sources that affect the ability to demonstrate compliance shall be excluded from all compliance report data. The intent is to obtain 10-minute measurement intervals that entirely meet the specific criteria.
 - (j) Measurements of the wind energy facility sound shall be made so as to exclude the contribution of sound from other facility equipment that is exempt from this ordinance.
- (6) **Reporting of Compliance Measurement Data**
- Compliance Reports shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data or upon request by the Planning Board and shall include, at a minimum, the following:
- (a) A narrative description of the sound from the wind energy facility for the compliance measurement period result;
 - (b) The dates, days of the week and hours of the day when measurements were made;
 - (c) The wind direction and speed, temperature, humidity and sky condition;
 - (d) Identification of all measurement equipment by make, model and serial number;
 - (e) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations;
 - (f) All A-weighted equivalent sound levels for each 10-minute measurement interval;
 - (g) All L_{A10} and L_{A90} percentile levels;
 - (h) All 10 minute 1/3 octave band linear equivalent sound levels (dB);
 - (i) All short duration repetitive events characterized by event amplitude. Amplitude is defined as the peak event amplitude minus the average minima sound level immediately before and after the event, as measured at an interval of 50 milliseconds ("ms") or less, A-weighted and fast time response, i.e. 125 ms. For each 10-minute measurement interval short duration repetitive sound events shall be reported by number for each observed amplitude integer above 5 dBA.
 - (j) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp. Should any sound data collection be observed by a trained attendant, the attendant's notes and observations may be substituted for the audio files during the compliance measurement period;

- (k) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present; and
- (l) All other information determined necessary by the Planning Board.

Section 16. Decommissioning Plan

Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.
2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.
4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.

CHAPTER 54-I
Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs
in the Town of Rumford, Maine

ADOPTED
JUNE 13, 2017

Section 1. Authority. This ordinance is enacted pursuant to the *Marijuana Legalization Act*, 7 M.R.S. c. 417; and the *Municipal Home Rule Authority*, Maine Constitution, Article VIII, Part Second; and 30-A M.R.S. § 3001.

Section 2. Definitions. For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S. § 2442.

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

- (A) Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.
- (B) No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S. § 2442.
- (C) Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S. chapter 558-C.

Section 4. Effective Date; Duration. This Ordinance shall take effect retroactively to November 4, 2016 unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties. This Ordinance shall be enforced by the Select Board or its designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.

CHAPTER 55
**Ordinance Governing the Large Scale Extraction of Ground Water by Aquifer-
Dependent Industries from Aquifers within the Town of Rumford, Maine**

ADOPTED
JUNE 13, 2017

Section I – Purpose

The purpose of the Ordinance Governing the Large Scale Extraction of Ground Water, by Aquifer-Dependent Industries from Aquifers within the Town of Rumford, Maine (“the Ordinance”) is to protect the quality and quantity of ground water located wholly or partially within the Town of Rumford (“the Town”), to insure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town, and generally to protect the health, safety and welfare of persons dependent upon such water supplies.

Section II – Authority

This Ordinance is adopted and enacted pursuant to the Maine Constitution, Article VIII, Part Second, Section 1, 30-A M.R.S. §§ 3001 *et seq.* (“Municipal Home Rule”), and all other applicable State laws and Town ordinances.

Section III – Definitions

Words and phrases, unless their context requires otherwise, shall be defined as follows: first, as set forth below; second, in accordance with their generally accepted technical meaning within the involved scientific disciplines; third, as defined by Maine Statutes; and fourth, their common dictionary definition.

- (A) **Aquifer** means an underground body of earth, sand, gravel, or rock that contains sufficient saturated permeable material to conduct and yield economically significant quantities of ground water to wells and springs. The term “aquifer” as used in this Ordinance includes all areas specifically mapped or identified on Maine Geological Survey Significant Sand and Gravel Aquifer Maps, as ground water aquifers.
- (B) **Aquifer-dependent industry** means a commercial or industrial water extraction facility and water bottling facility that involves the extraction of ground water in an amount greater than 5,000 gallons in any day and is subject to the provisions of 35-A M.R.S. § 6109-B. The term “aquifer-dependent industry” as used in this Ordinance includes, but is not limited to, accessory uses such as wells, springs, water storage tanks, water treatment, packaging and shipping, piping, and pumping stations, and all structures and utilities needed to house or accommodate such accessory uses for the purpose of the resale of water outside the municipal boundaries of Rumford.
- (C) **Extraction** (or “water extraction” or “extraction of water”) means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps or similar.
- (D) **Extraction point or extraction facility** means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.
- (E) **Ground water** means underground water located in an aquifer or unconsolidated sediment or rock below the water table.

- (F) **Large scale water extraction** means extraction of water from ground water sources, aquifers, springs, wells or similar resources in a total daily amount on any given day of 5000 gallons or more, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized, for the purpose of the resale of water outside the municipal boundaries of Rumford.
- (G) **Reviewing authority** (or “reviewing agency,” “Selectboard” or “Board”) are used interchangeably in this Ordinance and have the same meaning, all referring to the Municipal Officers (Selectboard) of the Town of Rumford, Maine.
- (H) **Water bodies or surface water(s)** means lakes, ponds, river, streams, wetlands and similar.
- (I) **Water table** means the underground water surface at which the pressure is equal to that of the atmosphere. The water table changes throughout the year in response to precipitation recharge and the level of nearby surface waters. The water table fluctuates naturally in response to recharge by precipitation and discharge to surface water.
- (J) **Zone of contribution** means that area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation). It is bounded by the ground water divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a ground water flow divide, a contact with till or bedrock, or a recharge boundary).

Section IV – Large Scale Water Extraction by Aquifer-Dependent Industries

(A) Permit Required

The daily (meaning on any given day) extraction of more than 5000 gallons of ground water by an aquifer-dependent industry, regardless of the number of extraction facilities utilized, shall require a written permit issued by the Selectboard under this Ordinance, whose jurisdiction and authority shall be exclusive with respect to the issuance or denial of any such permit, including permit conditions pertaining to such extraction and/or transport of water so extracted within the geographic limits of the Town of Rumford, after public hearing and opportunity for public comment. This permit can be issued for any area or areas within the Town of Rumford, subject to other Town ordinances.

(B) Inapplicability

The requirement of review and approval under this Ordinance shall not apply to extraction of water which is to be used within the Town of Rumford for: (1) standard agricultural purposes; (2) drinking water and domestic water supply to private residences; (3) public facilities; (4) fire suppression; or (5) any other domestic, sanitary, commercial, and industrial purpose within the Town of Rumford to the limit of historical use which exist as of the date of the adoption of this Ordinance.

(C) Application Requirements

The application shall be in writing and be accompanied by site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional. Any application shall be accompanied by an application fee payable to “Town of Rumford” for each proposed extraction point, in accordance with the following schedule:

- i. Initial application = \$500.00

ii. Amended application = \$250.00

The application shall include:

- (1) Evidence of the Applicant's right, title, and interest in and to the property(ies) from which the water is to be extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the Oxford County Registry of Deeds, the entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract, or otherwise establishing right, title, and interest shall be submitted with the application.
- (2) A statement of the total maximum daily quantity of water to be extracted, from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities.
- (3) The location(s) of the points of extraction.
- (4) The method(s) of extraction.
- (5) The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, sales, or other similar activities are located outside the Town of Rumford.
- (6) A copy of all required state and federal permit applications, when filed, including, but not limited to, permit applications as required by 22 M.R.S. §§ 2660 *et seq.* (transport of water for commercial purposes) and under applicable Department of Human Services and Department of Environmental Protection rules and regulations. A copy of these applications will be submitted at least thirty (30) days prior to a public hearing being held by the Selectboard on the application. Any approval by the Board shall include a condition requiring compliance with all requirements of all required state and federal permits.
- (7) A written hydrogeologic investigation report stamped by a Maine-Certified Geologist or Maine Registered Professional Engineer. The report shall be based on a hydrogeologic investigation of sufficient detail to provide the following information:
 - a. A map of the entire topographic drainage basin upgradient of the water extraction site(s) showing the basin boundaries, sub-basin boundaries that may be of significance to the recharge of the water extraction site(s), and the location of the extraction site(s).
 - b. Two maps of the aquifer as specified below showing the spring(s), well(s), or excavation(s) from which water is to be extracted; and wetlands, and surface water bodies within 2,000 feet of the extraction site(s). These maps shall be at an appropriate scale to depict topographic contours at an interval of twenty (20) feet or less. The two maps shall show the following information, respectively: 1) water table contours under ambient conditions, and 2) water table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on water table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include estimated surface water elevations for more distant locations. Nothing in this paragraph shall require an applicant to include other than public information for land not owned by the Applicant.
 - c. A map showing the long-term zone of contribution to the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water.
 - d. Two scaled geologic cross-sections showing geologic characteristics of the aquifer and ground

water and surface water elevations at and adjacent to the water extraction site(s).

- e. Predictions of the effects of long-term water extraction on: local and regional ground water levels; wetlands; pond or lake levels; base flow in streams; and any water quality changes in ground water and in surface water due to the proposed use.
- f. The aquifer characteristics including a detailed description of geologic materials, hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates.

(8) Traffic.

- a. A statement of the estimated number (for the AM and PM peak hours) and loaded weight of all truck trips, including but not limited to empty and loaded vehicles transporting bulk or bottled water and packaging materials.
- b. A statement of the estimated number (for the AM and PM peak hours) of all non-truck trips.
- c. A statement of the hours during which vehicular traffic is expected and how traffic volume is anticipated to vary by time of day and season.
- d. A reasonable projection of all anticipated routes (Town and State) of all vehicles transporting bulk or bottled water.
- e. A copy of the Traffic Movement Permit application filed under Chapter 305 of the Maine Department of Transportation Regulations (“Rules and Regulations Pertaining to Traffic Movement Permits”); such application shall include those studies and reports required under Chapter 305 and prepared, certified, and sealed by a Maine traffic engineer, including those applicable requirements set forth in Section 7 of Chapter 305, as may be amended. Where Chapter 305 provides discretion to the MDOT to waive submittal requirements, the Selectboard shall, after conferring with its traffic consultant, determine whether it will require the submittal.

(9) A written statement of sound from routine operations, maintenance operations, and construction (both daytime and nighttime), expected to be generated by the proposed use, and an assessment of the anticipated noise levels at property lines.

(10) A statement of the artificial lighting anticipated for the proposed use, and an assessment of the impact of lighting at property lines.

The application shall also be accompanied by:

(1) Written notification of the application and an explanation of the intent, scope, and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, to the following:

- a. The owners of record of all parcels of land lying on or within 500 feet of the long-term zone of contribution to the extraction site(s) cited in the application.
- b. For purposes of these notification requirements an applicant is entitled to rely on the information on file at the Rumford Town Office as represented by its most recent assessors’ maps and the mailing addresses maintained by the Town as to the owners of the affected parcels shown thereon. Actual posting of the certified mail notices is not required until the application is declared or deemed to be complete.

(2) A small scale site plan depicting at least the following:

- a. The limits (outside perimeter) of the aquifer or other water source cited in the application, and the bounds of the land used by the Applicant.
- b. The location of the extraction site(s).
- c. The existing network of public or private roads leading to or by the extraction point(s).
- d. Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads.
- e. Any existing or proposed utility lines to be utilized in the extraction operation(s).
- f. The location and type of monitoring and test wells.
- g. Any existing or proposed pipes, roads, highways, easements or rights of way, pipelines, aqueducts or similar infrastructure that are intended to facilitate transport of extracted water from the extraction point(s) towards the intended end user, if any part of the extracted water is ultimately to be transported outside the geographic limits of the Town of Rumford. To the extent any proposed transport of extracted water will utilize, cross, or merge with state highway, town roads, or public easements, a detailed disclosure of the traffic routes to be employed, the types of vehicles to be utilized, the loaded weight of the vehicles to be used, and the number of daily vehicle trips (both arrivals and departures at any load out station(s)) shall be included on the plan, or appended to the plan in a narrative or tabular format as appropriate.
- h. Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners, or the public from developing a full understanding of the scope and impact of the proposal.

(3) A large scale site plan depicting at least the following:

- a. A detailed plan of the extraction point(s) including, without limitation, well heads, pumping facilities, monitoring or test wells, buildings, sheds, paving, vehicular drives, parking and turn around, utility lines, fencing, access roads or driveways, elevation and contour lines.
- b. Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.

(D) Application Process

(1) Five (5) copies of the entire application, including studies, reports, site plans and all other items referred to in Article IV (C) above shall be submitted to the Selectboard.

(2) The Selectboard shall have thirty (30) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this Ordinance. For good cause shown, and upon receipt of confirmatory independent technical advice, the Selectboard may waive one or more of the application details upon a determination that such details are unnecessary, unobtainable as a practical matter, or duplicative and that such waiver would not tend to hinder the ability of the Board, affected landowners, or the public from developing a full understanding of the scope and impact of the proposal.

- (3) If within said thirty (30) day period the Selectboard deems the application incomplete in any material or relevant respect it shall so inform the Applicant by the best practical means, either by writing or verbally at a regularly scheduled meeting of the Board at which the Applicant or its duly authorized representative is present, after which the Applicant shall have a period of time not to exceed sixty (60) days to complete its application in accordance with this Ordinance, upon failure of which the application shall be deemed withdrawn.
- (4) If by the end of said thirty (30) day period for review for completeness the Selectboard has not informed the Applicant the application is incomplete it shall as a result be deemed complete, in which case the Board shall schedule a public hearing on the application at a date not later than sixty (60) days from the date the application was originally submitted, or not later than sixty (60) days from the date a supplemented application originally deemed incomplete, was reviewed for completeness and declared (or deemed by the passage of a thirty (30) day period) complete.
- (5) Any review of the application by the Selectboard or its agents for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested rights upon the Applicant or under the application. Substantive review shall not be deemed to occur until the convening of a public hearing on the application under this Ordinance.
- (6) The Applicant's obligations of written notification via certified mail of property owners as set forth above shall not accrue until the application is declared or deemed complete under this Ordinance.

(E) Review Process; Hearing Process

- (1) The completed application shall be reviewed by the Selectboard at a public hearing convened for that purpose, pursuant to fifteen (15) days' published notice in a newspaper of general circulation within the Town of Rumford and posting of notice at three (3) conspicuous public places within the Town, and upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners as previously set forth in this Ordinance.
- (2) The Selectboard shall be entitled to adopt whatever procedural rules for the hearing, including the imposition of reasonable time limits for the presentations of the Applicants, opponents, and the general public deemed appropriate, fair, and reasonably calculated to afford full consideration of the issues pertaining to the application.

(F) Extension or Modification of Time Limits

For good cause shown, the Selectboard may extend or modify any of the deadlines or timelines above so as to reasonably accommodate the demonstrated needs of the Applicant, intervenors, opponents, the public, or the Board, so long as such extension or modification does not materially prejudice the substantial rights or interests of any person or aquifer-dependent industry applicant.

(G) Selectboard's Decision

Upon the adjournment of the public hearing the Selectboard shall schedule a public session of the Board, to occur not later than thirty (30) days from the final adjournment of the public hearing, to deliberate and render a decision.

The Selectboard's decision may be:

- (1) To approve the application;

- (2) To deny the application; or
- (3) To approve the application conditionally, with conditions or stipulations upon the satisfactory completion of which the application will be finally approved, provided however, any approval (conditional or unconditional) shall require the Board's determination that the Applicant has satisfied all of the performance standards set forth below, and shall further be subject to any alert levels and action levels as determined in the section immediately following.
- (4) Any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity set forth in the application, nor exceeding the specified aggregate monthly and annual total calculated thereby, and any increase in such daily totals or aggregate monthly and annual totals shall require further application and review in accordance with this Ordinance.
- (5) The Board shall issue a written decision with findings of fact and rulings and conclusions not later than thirty (30) days from the date on which it votes at a public session to approve, deny, or approve with conditions, and a copy of such written decision shall thereupon promptly be provided to the Applicant, and otherwise be available publicly.

(H) Action and Alert Levels

Any approval issued hereunder must contain action level(s), to be based on the best hydrogeologic monitoring analysis and modeling available at the time of approval. Permit holders under this Ordinance must share all hydrogeologic monitoring data, analysis, and modeling of water extraction activities with the Town of Rumford, both before and after the issuance of a permit.

The action levels shall, where possible, define hydrogeologic standards at two levels: "alert" and "action."

- (1) "Alert levels" shall be those hydrogeologic conditions as indicated by monitoring data and visual observation from monitoring wells, stream gauges, and lake and pond gages which indicate a developing or impending adverse effect on the aquifer from which the water is, or is to be, extracted, or affected surface water bodies in the vicinity. Upon reaching an alert level the Board, through its designated technical representative, shall require the Applicant to provide more frequent and intensive monitoring activities than may be originally contemplated by the application or any original approval thereof.
- (2) "Action levels" shall be those hydrogeologic conditions as indicated by monitoring data and visual observation from monitoring wells, stream gauges, and lake and pond gauges which indicate that an adverse effect on the aquifer from which the water is, or is to be, extracted, or affected surface water bodies in the vicinity, or which establishes an imminent threat to private water wells in the vicinity. Upon reaching an action level the Board, upon advice of its designated technical representative, shall order all pumping and extraction activities to be reduced or ceased until such time as the Board deems that hydrogeologic conditions creating the descent to action levels have been or will be rectified, and that any threat or risk of harm to the aquifer, surface water bodies, and/or private wells has abated.
- (3) The setting of "alert levels" and "action levels" with respect to a given water extraction activity will normally be developed and refined through the ongoing monitoring regime specified in this Ordinance or any permit issued hereunder. The Board reserves the right, as such monitoring data becomes available for evaluation and correlation, to impose, amend or revise alert and action levels, after notice to any applicant or permit holder, with an opportunity to be heard, as an addendum/addenda to any permit. Notwithstanding the foregoing, in the event existing monitoring data or monitoring data developed during any pre-extraction test phase, or other established hydrogeologic conditions developed or existing prior to the undertaking of sustained extraction activities under any permit issued hereunder, adequately support the establishment of pre-pumping alert levels or action levels the Board may impose

them, either as part of any original permit, or as an amendment to any issued permit – with opportunity for notice and hearing for the permit holder – and in such case where an action level is reached prior to pumping or the commencement of sustained extraction activities, then in such case no pumping or extraction shall commence in the first place until such time as the Board deems that hydrogeologic conditions safe for extraction have been or will be restored.

Section V – Performance Standards

No approval shall be granted any application until and unless the reviewing authority shall have affirmatively found that each of the following performance standards has been or will be met, the burden of establishing and demonstrating compliance with which is solely the Applicant's. The Applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

- (A) The quantity of water to be taken from a ground water source will not substantially lower the water table beyond the property lines, cause unreasonable impacts to ground water flow patterns, or cause unreasonable ground subsidence beyond the property lines.
- (B) Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/ground water. This includes any impacts to the upwelling of a natural spring, ground water source, aquifer recharge area, or wetlands.
- (C) Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- (D) The proposed use shall require preparation of a stormwater management plan prepared and stamped by a professional engineer registered in the State of Maine detailing with both construction and long-term controls.
- (E) The proposed extraction site is not within the ground water recharge area of contribution of a community, non-transient public water supply, as defined under Maine Drinking Water Program rules, unless notice is given to the operator thereof and the Selectboard has considered any information supplied by the operator and finds that no unreasonable adverse effect on a public water supply will result under current and expected future demands on such community, non-transient public water supply.
- (F) The operator shall make operating records of the quantity of water extracted, stored, and removed from the site available to the Selectboard or a designee upon request.
- (G) Nothing in this procedure, and no decision by the Selectboard, shall be deemed to create ground water rights other than those rights which the Applicant may have under Maine law.
- (H) Any permit issued by the Selectboard shall state the maximum daily, monthly, and annual quantity of ground water that may be extracted, which amount shall not exceed the amount specified by the Applicant in its application. The maximum daily, monthly, and annual ground water extraction limit shall be an amount determined by the Selectboard to be consistent with this Ordinance, and based on the evidence presented at the Selectboard's public hearing.

Section VII – Independent Expert Assistance

If the reviewing authority reasonably determines it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application at a public hearing, or in developing appropriate conditions of approval, or with respect of any ongoing monitoring regime, or impact on Town infrastructure under this Ordinance, it may engage the services of such expert assistance, to serve as the reviewing authority's own expert. To the extent the projected or

estimated cost of such assistance exceeds the existing town appropriation for such assistance, if any, the Applicant shall be required to pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the reviewing authority from scheduling any public hearing until such payment is made in full. With respect to such costs and expenses anticipated to continue beyond any initial approval of extraction, such as services related to any monitoring regime, or assessment of infrastructure impacts, requirements for payment of such shall be inserted in any approval as an ongoing condition of that approval.

Section VIII – Concurrent Jurisdiction

As applicable, and subject to the provisions of this Ordinance, jurisdiction of the Selectboard under this Ordinance is concurrent with such jurisdiction as may be vested in the Rumford Planning Board, the Rumford Board of Appeals, and the Rumford Code Enforcement Office, and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein. Moreover, this Ordinance is not meant to replace or supplant the requirements and authority granted the Town in the Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance. However, should any conflict arise between this Ordinance and the Wellhead Protection Ordinance, the provisions of this Ordinance control.

Section IX – Enforcement

This Ordinance may be enforced by the municipal officers of the Town of Rumford, or at their direction, by the Rumford Code Enforcement Officer, pursuant to 30-A M.R.S. § 4452, the fines and penalties set forth therein to apply hereto.

The Selectboard may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that the Applicant has failed to comply with any conditions of approval.

Any appeal of any denial, suspension, or revocation of a permit shall be to the Maine Superior Court pursuant to Maine Rule of Civil Procedure 80B.

Section X – Severability

Should any section or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate or affect the enforcement of any other section or provision of this Ordinance.

Section XI – Effective Date

This Ordinance and any amendments thereto shall become effective immediately upon adoption and enactment by vote of the legislative body of the Town of Rumford at Town Meeting.

CHAPTER 56
Local Food and Community Self-Governance Ordinance

ADOPTED JUNE 12, 2018

Section 1. Title. This ordinance, adopted by the Town of Rumford, (hereinafter “the Town”), shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance”.

Section 2. Preamble.

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

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

Section 3. Purpose. It is the policy of this state to encourage food self-sufficiency for its citizens. The purpose of the Local Food and Community Self-Governance Ordinance is to:

- A. Through local control, preserve the ability of individuals and communities to save and exchange seed, to produce, process, sell, purchase, and consume locally produced foods;
- B. Ensure the preservation of family farms and traditional food-ways through small-scale farming, food production, and community social events;
- C. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through unimpeded access to wholesome, nutritious foods by encouraging ecological farming;
- D. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families;
- E. Enhance rural economic development and the environmental and social wealth of rural communities; and
- F. Protect access to local food through direct producer-to-consumer transactions

Section 4. Definitions. As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:

- A. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** A face-to-face transaction of local food or food products within a local food system between a producer or processor and a patron by barter, trade, or purchase at the site of production of those food or food products.
- B. **LOCAL FOOD SYSTEM:** A food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional food-ways to enhance the environmental, economic, social, and physical health of the municipality and its residents.

- C. **LOCAL FOOD:** Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons in a face-to-face transaction at the site of production of those or food products.
- D. **PATRON:** An informed individual who acquires local food directly from a processor or producer.
- E. **PROCESSOR:** An individual who processes or prepares products of the soil or animals for food or drink.
- F. **PRODUCER:** A farmer or gardener who grows or raises any plant or animal for food or drink.
- G. **TRADITIONAL FOODWAYS:** The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

Section 5. Authority. This ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

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

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

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

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

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

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

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

Section 6. Statement of Law.

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

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

C. Exemption from Licensure and Inspection. The producers and processors of local food intended for direct producer-to-consumer transactions in the Town governed by this ordinance shall be exempt from state licensure and inspection. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce those state food laws, rules, or regulations with respect to those transactions as defined in Section 3 above. The transactions enumerated in Section 3 are governed by this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act.

D. Meat and Poultry. This ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program pursuant to the requirements of 7 M.R.S § 285.

Section 7. Civil Enforcement. Any individual citizen of the Town shall have standing to enforce any rights secured by this ordinance which have been threatened or contested by any person, whether natural or juridical, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 8. Effect. This ordinance shall be effective immediately upon its enactment.

Section 9. Severability Clause. To the extent any provision of this ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed and the balance of the ordinance shall remain valid.