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**TOWN OF SANGERVILLE
BOARD OF APPEALS ORDINANCE**

I. GENERAL PROVISIONS:

- A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.
- B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.
- C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in a "comprehensive plan", if any, and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

II. APPOINTMENTS:

- A. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Sangerville for terms of three (3) years. The initial appointments shall be as follows: two (2) members to serve terms to expire as of the date of the Annual Town Meeting in (1996), and two (2) members to serve terms to expire as of the date of the Annual Town Meeting in (1997), and one (1) member to serve a term to expire as of the date of the Annual Town Meeting in (1998).
- B. Thereafter, all appointments to the Board shall be for terms of three (3) years.
- C. If state law permits, the municipal officers may appoint up to three (3) associate members to the Board. The chairperson of the Board shall designate which shall serve in place of the absent member.
- D. Neither a municipal officer nor his or her spouse may be a member or an associate member of the Board.
- E. Any member of the Board may be removed from the Board, for cause, by the municipal officers before the expiration of his/her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him/her. The term "for cause" shall include failure to attend 3 consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."

- F. When there is a permanent vacancy of either a full or associate member, the Secretary shall immediately notify the Town Clerk. The municipal officers shall within sixty (60) days appoint a person to serve for the expired term.

III. OFFICERS AND DUTIES:

- A. OFFICERS. The officers of the Board shall consist of a Chairperson, Acting Chairperson and Secretary, who shall be elected annually by a majority of the Board.
- B. CHAIRPERSON. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
- C. ACTING CHAIRPERSON. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.
- D. SECRETARY. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public information and may be inspected at reasonable times.

IV. CONFLICT OF INTEREST:

Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.

The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

V. POWERS AND LIMITATIONS:

- A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:
1. The Board may interpret the provisions of any applicable town ordinance which are called into question.
 2. The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable town ordinance.
 3. The Board may grant a variance only where strict application of any applicable town ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:
 - 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. The hardship is not a result of action taken by the applicant or prior owner.
 4. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefor, including, the grant, conditional grant, denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a "Decision"):
 - a. rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;

- b. rendered by the Code Enforcement Officer or Building Inspector relating to building code enforcement pursuant to any statute or Town ordinance;
- c. rendered by the General Assistance Administrator pursuant to the Ordinance for General Assistance Administration or the Maine statutes relating to general assistance;
- d. rendered by the Planning Board or the Selectmen pursuant to the Subdivision Regulations or the Maine subdivision statute;
- e. rendered by the Selectmen or the Assessors pursuant to 36 M.R.S.A. §841 and 30 M.R.S.A. §2060 (relating to the abatement of taxes);
- f. rendered by the Planning Board of the Code Enforcement Officer pursuant to the Ordinance Relating to Flood Hazard Building Permit System and Review Procedures;
- g. rendered by the Code Enforcement Office or Building Inspector pursuant to the Sanitary Code;

VI. MEETINGS

- A. The regular meeting of the Board shall be held as necessary.
- B. The annual organization meeting of the Board shall be the first regular meeting of the year.
- C. Special meetings of the Board may be called by the chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Board, the Selectmen, the planning Board and the Code Enforcement Officer.
- D. The chairperson shall call a special meeting within (10) days of receipt of a written request from any three members of the board which request shall specify the matters to be considered at such special meeting.
- E. The order of business at regular meetings of the Board shall be as follows:
 - a. roll call
 - b. reading and approval of the minutes of the preceding meeting
 - c. action on held cases
 - d. public hearing (when scheduled)

e. other business

f. adjournment

- F. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except for consultation between the board and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the town or Board at a substantial disadvantage.

VII. VOTING

- A. A quorum shall consist of (3) members of the Board.
- B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
- C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the entire membership of the board unless otherwise specified herein.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
- E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum or such matter.
- F. If the Board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is:
- a. disqualified from voting
 - b. unable to attend the hearing
 - c. absent from a substantial portion of the hearing due to late arrival

The associate member will act for the regular member until the case is decided.

- G. If the Board has no associate members, no regular member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has

familiarized himself with such matter by reading the record, he or she shall be qualified to vote.

VIII. APPEAL PROCEDURE

- A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V must file such application for appeal, in writing on forms provided within thirty (30) days of the granting or denial of a permit. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.
- B. The fee to accompany applications for appeal shall be fifteen (\$15.00) dollars. Checks are to be made payable to the Town of Sangerville.

IX. HEARINGS

- A. The Board shall schedule a public hearing on all appeals applications within (30) days of the filing of a completed appeal application.
- B. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, at least one time, the date of the publication must be at least seven (7) days prior to the hearing.

The Board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken at least twenty (20) days prior to the date of the hearing.

- C. The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial, or unduly repetitions evidence.
- D. The order of business at a public hearing shall be as follows:
 - a. The Chairperson calls the hearing to order
 - b. The Chairperson determines whether there is a quorum
 - c. The Chairperson gives a statement of the case and reads all correspondence and reports received
 - d. The Board determines whether it has jurisdiction over the appeal

- e. The Board decides whether the applicant has the right to appear before the Board
- f. The Board determines which individuals attending the hearing are "interested parties." "Interested parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board's decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers, the Planning Board, the Code Enforcement Officer shall automatically be made parties to the proceeding.

Other persons attending the hearing and federal, state, municipal, and other governmental agencies shall be permitted to make oral or written statements and to submit oral and written questions through the Chair.

- g. The appellant is given the opportunity to present his or her case without interruption.
 - h. The Board and interested parties may ask questions of the appellant through the Chair.
 - i. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.
 - j. The appellant may ask questions of the interested parties and Board witnesses directly.
 - k. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
 - l. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
 - m. The hearing is closed after all parties have been heard, If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.
 - n. Written testimony may be accepted by the Board for seven (7) days after the close of the hearing.
- E. The Board may waive any of the above rules if good cause is shown.

X. DECISIONS

- A. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.
- B. The final decision on any matter before the Board shall be made by written order signed by the chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, 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 of basis therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.
- C. The board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan (if any) and by Finding of Fact by the Board in each case.
- D. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
- E. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.
- F. Notice of any decision shall be sent by certified or registered mail or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Officer, and the municipal officers within seven (7) days of the decision.
- G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record, The date of filing of each decision shall be entered in the official records and minutes of the Board.
- H. Unless otherwise specified, any order or decision of the Board for a permitted use shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of the decision; however, the Board may extend this time an additional ninety (90) days.

XI. CONSIDERATIONS

- A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested

parties and make any change in its original decision within thirty (30) days of its prior decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VI of these By-laws. The Board may conduct additional hearings and receive additional evidence and testimony.

- B. Reconsideration should be for one of the following reasons:
- a. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - b. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XII. APPEAL TO SUPERIOR COURT

- A. The decision of the Board of Appeals may be taken, within thirty (30) days after the decision is rendered, by any party to Superior Court in accordance with the Maine Rules of Civil Procedure.

XIII. SEVERABILITY

- A. The invalidity of any section or provision of these By-laws shall not be held to invalidate any other section or provision of these By-laws.

This ordinance was certified by us to the Town Clerk on September 21, 1995.

Selectmen of the Town Of Sangerville:

Barry Carleton
Barry Carleton (1st)

Bradley Nuite
Bradley Nuite (2nd)

Lance Burgess (3rd)

"Attest: A true copy of an ordinance entitled "Town of Sangerville Board Of Appeals Ordinance" as certified to me by the municipal offices of Sangerville on the 21st day of September, 1995 .

Signature Alice Moulton
Town Clerk of Sangerville

A Community Bill of Rights Ordinance
AS AMENDED BY THE TOWN 9_18_13

ESTABLISHING A COMMUNITY BILL OF RIGHTS FOR THE PEOPLE OF SANGERVILLE WHICH PROHIBITS PRIVATE AND PUBLIC-PRIVATE TRANSPORTATION AND DISTRIBUTION CORRIDORS THAT WOULD VIOLATE THE BILL OF RIGHTS, AND WHICH PROVIDES FOR ENFORCEMENT OF THIS ORDINANCE AGAINST CORPORATIONS ENGAGED IN THE CONSTRUCTION AND OPERATION OF THOSE CORRIDORS

Whereas, this community finds that private and public-private transportation and distribution corridors are economically and environmentally unsustainable, in that they damage property values and the natural environment while failing to provide real benefits to the people of this community;

Whereas, this community finds that private and public-private transportation and distribution corridors violate the rights of Sangerville residents, including our right to make decisions about what happens to the places where we live;

Whereas, private corporations engaged in the construction and operation of those corridors are wrongly recognized by the federal and state government as having more "rights" than the people who live in our community, and thus, that recognition of corporate "rights" is a denial of the rights of the residents of Sangerville; and

Whereas, such a denial violates the Maine Constitution's Declaration of Rights, which declares that "all power is inherent in the people" and that the people have an "unalienable and inalienable right to alter, reform, or totally change government."

Therefore, We the People of Sangerville hereby adopt this Community Bill of Rights Ordinance.

Section 1—Definitions

(a) "Corporations," for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, public benefit corporation, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers.

(b) "Driveway" shall mean a place in private ownership for vehicular travel by the owner and those having express or implied permission from the owner but not by other members of the public.

(c) "Private Transportation and Distribution Corridors" shall mean any corridor which contains roadways, pipelines, or utility communication and transmission lines, and which is built, managed, owned or maintained by any private developer using private investor capital. The phrase shall not include the development of driveways or access roads to local property within the town of Sangerville, or existing utility or telecommunications agreements, as long as the development and agreements do not violate the rights secured by this Ordinance.

(d) "Public-Private Transportation and Distribution Corridors" shall mean any corridor which contains roadways, pipelines, or utility communication and transmission lines, and which is built, managed, owned or maintained by a public-private partnership using any private investor capital. The phrase shall not include the developments of driveways or access roads to local property within the town of Sangerville, or existing utility or telecommunications agreements, as long as the development and the agreements do not violate the rights secured by this Ordinance.

Section 2—Statements of Law – A Local Bill of Rights

(a) *Right to Sustainable Infrastructure.* All residents of the Town of Sangerville possess the right to infrastructure which is integrated into the community as part of the Town's planning processes, which benefits the residents of the Town, and which does not damage the natural environment.

(b) *Right to a Healthy Climate.* All residents of the Town of Sangerville, along with ecosystems within the Town, possess a right to a healthy climate, and a right to be free from infrastructure projects that significantly contribute to climate change.

(c) *Right to Clean Air and Water.* All residents of the Town of Sangerville, along with ecosystems within the Town, possess a right to clean air and water.

(d) *Right to Scenic Preservation.* All residents of the Town of Sangerville possess a right to the scenic, historic and aesthetic values of the Town, including unspoiled vistas and a rural quality of life.

(e) *Right to Self-Government.* All residents of the Town of Sangerville possess the right to a form of governance where they live which recognizes that all power is inherent in the people and that all free governments are founded on the people's consent. Use of the "Town of Sangerville" municipal corporation by the people of Sangerville shall not be deemed, by any authority, to eliminate or reduce that self-governing authority.

(f) *Rights as Self-Executing.* All rights delineated and secured by this ordinance are inherent, fundamental, and inalienable, and shall be self-executing and enforceable against both private and public actors.

Section 3—Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

(a) It shall be unlawful within the Town of Sangerville for any corporation or governmental agency to engage in land acquisition for, or engage in the construction of, any private or public-private transportation and distribution corridor.

(b) It shall be unlawful for any corporation or government to violate the rights recognized and secured by this ordinance.

(c) No permit, license, privilege, charter, or other authority issued by any State or federal entity which would violate the prohibitions of this Ordinance or deprive any Town resident of any rights secured by this Ordinance, the Maine Constitution, the United States Constitution, or other laws, shall be deemed valid within the Town of Sangerville.

Section 4—Enforcement

- (a) Any corporation that violates any prohibition of this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this Ordinance, shall count as separate violations.
- (b) The Town of Sangerville may enforce this Ordinance through an action brought in any court of competent jurisdiction. In such an action, the Town of Sangerville shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (c) Any Town resident shall have the authority to enforce this Ordinance through an action brought in any court of competent jurisdiction. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (d) Any person who brings an action to secure the rights of ecosystems shall bring that action in the name of the ecosystem in any court of competent jurisdiction. Damages shall be measured by the cost of restoring the ecosystem to its state before the injury, and shall be paid to the Town of Sangerville to be used exclusively for the full and complete restoration of the ecosystem.

Section 5—Corporate Powers

- (a) Corporations and other business entities which violate this Ordinance shall not be deemed to be "persons," nor possess any other legal rights, privileges, powers, or protections which would interfere with the enforcement of rights or prohibitions enumerated by this Ordinance. Such powers shall include the authority to assert state or federal preemptive laws against the municipality in an attempt to overturn this Ordinance, and the authority to assert that the people of the Town lack the authority to adopt this Ordinance.
- (b) All laws adopted by the legislature of the State of Maine, and rules adopted by any State agency, shall be the law of the Town of Sangerville only to the extent that they do not violate the rights or prohibitions of this Ordinance.

Section 6—Effective Date and Existing Permit holders

This Ordinance shall be effective immediately on the date of its enactment, at which point the Ordinance shall apply to any and all actions that would violate this ordinance regardless of the date of any applicable local, state, or federal permit.

Section 7—People's Right to Self-Government

Use of the courts or the legislature to attempt to overturn the provisions of this Ordinance shall require community meetings focused on changes to Town government that would secure the rights of the people, and of the Town, from interference with the right of residents to local self- government.

Section 8—Maine and Federal Constitutional Changes

The people of the Town of Sangerville call for amendment of the Maine Constitution to secure within it explicitly a community right to local self-government free from preemption by State government. The people of the Town of Sangerville also call for a state constitutional amendment, and federal constitutional changes, that explicitly elevate community rights above corporate property rights, and that recognize the rights of nature enforceable by the residents of a community.

Section 9—Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The Town of Sangerville hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 10—Repealer

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

ENACTED AND ORDAINED this 18 day of Sept., 2013, by the Town of Sangerville, Maine.

By: Thomas Carone
Thomas Carone, Chairman of Selectman

Melissa Randall
Melissa Randall, Selectman

William Rowe
William Rowe, Selectman

"Attest: A true copy of an Ordinance entitled A COMMUNITY BILL OF RIGHTS ORDINANCE which was voted on and approved at the Special Town Meeting of Sept. 18, 2013 Article #3 - and as certified to me by the Municipal Officers of Sangerville on the 19th day of September 2013."

Signature Alvina Church
Town Clerk of Sangerville
Alvina M. Church

Ordinance for the Control of Dogs

1. Definitions:

Terms, as used in this Ordinance, shall have the following meaning unless the conduct indicates otherwise:

A. DOG - shall be intended to mean male and/or female canies;

B. OWNER - shall mean for the purpose of this Ordinance any person or persons, firm, association or corporation owning, keeping or harboring a dog;

C. At Large - shall mean off the premises of the owner, for any cause or reason, and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog.

2. Animal Control Officer:

A. Upon complaint, or on his own the animal control officer shall seize and dog running at large and return it to the owner on the first offense, giving the owner a warning. If the owner cannot be located the dog shall be taken to Sherman's Veterinary Service. If the dog is unlicensed, he shall direct the owner to license the dog within 7 days and pay an extra \$4.00 fee. After the first occasion and warning and upon conviction of an subsequent violations within a period of six months from such warning shall be subject to a fine in accordance with Section 7..

B. The Animal Control Officer shall receive \$5.00 for each dog returned to the owner and \$10.00 for dogs delivered to Sherman's Veterinary Service. A request to Sherman's will be made to notify the animal control officer or Town Office, if the owner claims the dog, so the animal control officer can issue a summons as maybe required, for collection of fee for impoundment.

C. The Animal Control Officer shall be appointed yearly, with any limitations as required.

3. Barking or Howling Dogs:

No person shall own, keep or harbor any dog which by loud and unreasonably frequent and habitual barking, howling or yelping shall disturb the peace or tranquility of any person or persons. Any person who shall violat e the provisions of this section shall upon the first occasion thereof be given a warning and shall upon conviction of any subsequent violation within a period of six months from such warning be subject to a fine in accordance with Section 7.

For the purpose of this Ordinance, no testimony of prior

alleged violations shall be deemed inadmissible if offered to establish a pattern of loud and unreasonable frequent and habitual barking, howling, or yelping, if said alleged violation occurred within seven days (7) prior to the date of the alleged in the complaint before the Court and subsequent to the warning herein required.

4. Licensing:

Dogs shall be licensed in accordance with the State of Maine Statutes.

5. Running At Large:

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting. Dogs running at large shall fall under the requirements of Title 7, Section 3455, as defined and/or amended.

6. Enforcement:

It shall be the duty of the Animal Control Officer or Piscataquis County Sheriff's Officer to enforce all the provisions of this Ordinance. If it becomes necessary to issue Court Summons, the Animal Control Officer shall receive \$4.00 per hour for court time, plus .20 cents per mile, as incurred. No court summons to be issued except upon review by Municipal Officers.

7. Penalties:

Any owner violating any provisions of the Ordinance shall be guilty of a civil violation and upon conviction thereof, shall be punishable by a fine of not less than \$25.00 nor more than \$100.00. All fines so assessed shall be recovered for the use of the Town of Sangerville through District Court.

Adopted by the Board of Selectmen - December 1988

TOWN OF SANGERVILLE HOLDING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by the Town of Sangerville, and it is hereby enacted and ordained as follows:

SECTION 1. PURPOSE:

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of the Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

SECTION 2. DEFINITIONS:

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"AUTHORITY"

Shall mean (Selectmen) Town of Sangerville, Piscataquis County, Maine.

"HOLDING TANK"

A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

"IMPROVED PROPERTY"

Shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

"MUNICIPALITY"

Shall mean Town of Sangerville, Piscataquis County, Maine.

"OWNER"

Shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"PERSON"

Shall mean any individual, partnership, company, association, corporation, or other group or entity.

"WASTE WATER"

Shall mean 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 source of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED:

The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

SECTION 4. RULES AND REGULATIONS:

To be in conformity with applicable law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Town of Sangerville, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks can not be used for seasonal conversion, see Subsection 301.3 of the Maine Subsurface Waste Water Disposal Rules or new construction within the shoreland zone of a major water course.

SECTION 5. RATES AND CHARGES:

The Authority shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

SECTION 6. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES:

The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Authority, and the disposal thereof shall be made at such site or sites as may approved by the Maine Department of Environmental Protection.

SECTION 7. DUTIES OF OWNER OF IMPROVED PROPERTY:

The owner of an improved property that utilizes a holding tank shall:

- a) Maintain the holding tank in conformance with this or any other Ordinance of this Town of Sangerville, the provisions of any applicable law, the rules and

regulations of the Authority, and any administrative agency of the State of Maine;
and
b) Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

SECTION 8. VIOLATIONS:

Any person who violates any provisions of Section 7 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs.

SECTION 9. ABATEMENT OF NUISANCES:

In addition to any other remedies provided in this ordinance, any violation of Section 7 above shall constitute a nuisance and shall be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 10. REPEAL:

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 11. SEVERABILITY:

If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

SECTION 12. EFFECTIVE DATE:

This ordinance shall become effective five days after its adoption.

ENACTED AND ORDAINED into an Ordinance this **15TH** Day of **JUNE, 1995** of the Selectmen of the Town of Sangerville of Piscataquis County in lawful session duly assembled.

Selectmen of the Town Of Sangerville

SANGERVILLE LIVESTOCK ORDINANCE

Title

This ordinance shall be known as the "Livestock Ordinance of the Town of Sangerville" (hereinafter the "Ordinance"). The effective date of this ordinance is March 29, 2014.

Authority

The Town of Sangerville adopts this Ordinance pursuant to its home rule authority under the Maine Constitution and 30-A MRSA sec. 3001 to adopt laws for the general welfare of the inhabitants of the Town of Sangerville.

Applicability

This ordinance applies to any person who owns or keeps livestock in the Town of Sangerville.

Town Center

No person shall keep any livestock, whether for household or commercial purposes, within the radius of five (5) tenths of a mile from the Veteran's War Memorial in the Town Square with the exception of already established farms or other allowed exceptions spelled out in this ordinance.

The term "livestock" shall mean any cattle, horses, sheep, goats, swine, fowl, or any other animals as defined by 7 MRSA sec 3907.

The term "farms" above shall mean all those properties of five (5) acres or more engaged in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying, raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or horticultural commodities; or any practices on a farm that are incident to or in conjunction with these farming operations. For the purposes of this section "farms" or "farming" does not include forestry or the growing of timber.

Keeping of Domesticated Chickens

The purpose of this section is to allow for and provide standards for the keeping of domesticated chickens in the Village (within the five tenths mile protected area). It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

- A. Number and Type of Chickens Allowed.
 - 1. The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot.
 - 2. Only female chickens are allowed. There is no restriction on chicken species.
- B. Non-Commercial Use Only
Chickens shall be kept for personal use only; no person shall engage in chicken breeding or fertilizer production for commercial purposes

C. Enclosures

1. Chickens must be kept in an enclosure or fenced area (chicken pen) at all times. 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. The chicken pen must provide adequate sun and shade and must be impermeable to predators, including dogs and cats. Any henhouse shall be at least twenty-five (25) feet from any residential structure or any other premises on any adjacent lots.
2. Henhouses shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the twenty five (25) foot setback is met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home.

D. Odor and Noise Impacts

1. Odors from chickens, chicken manure or other chicken-related substances shall not be perceptible at the property boundaries.
2. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Other Prohibited Acts

No livestock of any kind shall be kept in the cellar, basement or attic of any occupied residential structure in the Town of Sangerville. The Town Health Officer shall have the authority to order removal of livestock from any premises in the Town, regardless of location whenever the Health Officer finds that the keeping of such livestock at the premises concerned threatens the public health. Any order issued by the Health Officer under this section shall be served on the owner or occupant of the premises, or on the keeper or owner of such animals, and shall allow 48 hours after service of the order for removal of the livestock concerned.

Running at Large

No person having the care of any livestock shall allow such livestock to go at large on any highway, street, road, lane, park, square or other public place in the Town of Sangerville.

Impoundment

The Health Officer, Code Enforcement Officer, or Animal Control Officer may impound any livestock kept in violation of this Ordinance. All costs shall be charged to the owner or keeper of such livestock. Livestock impounded under this section may be sold by the Town to recover the Town's costs.

Severability

The invalidity of any section or provisions of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

Sangerville Lot Size Ordinance

SECTION 1. The effective date of this Ordinance is April 23, 1987. (Revised March 29, 2008) A Certified copy of this Ordinance to be filed with the Piscataquis County Registry of Deeds.

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.

This Ordinance may be amended by a majority vote of the governing body; and said amendments shall be filed in the Piscataquis Registry of Deeds.

SECTION 2. The Purposes of this Ordinance are:

- To further the maintenance of safe and healthful conditions;
- To prevent and control water pollution;
- To conserve land and water resources;
- To protect wildlife habitat;
- To retain our Town's rural aspect;
- To conserve shore cover, visual as well as actual points of access to inland waters and natural beauty;
- To enhance the environmental quality of our town;
- To control building sites and placements of structures;
- To provide for sound economic development and prevent development that might cause an unreasonable tax burden on the people of the town;
- To remain consistent with the Town's Comprehensive plan.

SECTION 3. Applicability:

This Ordinance applies to all land areas within the Town of Sangerville. These regulations require that all newly created lots meet certain standards and that lot owners are responsible for notifying the Planning Board through the Code Enforcement Officer of new lots on forms provided for this purpose.

SECTION 4. Standards for Lot Size:

- All lots which are on public sewer shall have a minimum frontage of 75' and a lot area of 7,500 square feet.
- "All lots which have private sewage shall have a minimum frontage of 200 feet and a lot area of 60,000 square feet. All other lots shall have a road frontage at a rate of 30 % of the depth. The minimum front footage of any lot abutting a public or private road, or public or private right-of-way shall be 200 (two hundred) feet, with the exception of owned right of ways, or right of ways which shall be a minimum of fifty (50) feet.
- All lots which have private sewage and are located within shoreland zoning shall have a minimum lot frontage of 100' and a lot area of 30,000 square feet.

If more than one dwelling unit is to be located on a single parcel, the minimum lot size requirement shall be met for each additional unit.

All sanitary standards under the Maine State Plumbing Code shall be met on each lot.

(Recorded in the minutes of the Town Meeting, 1973.)

No live stock or poultry permitted within 8 tenths of a mile from the center of the town square.

SECTION 5. Administration:

The Code Enforcement Officer is responsible for enforcement after the effective date of this ordinance. Notification of new lot size forms shall be available at the town office and shall be reviewed by the Code Enforcement Officer. Any questions reference lot size would be referred to the Planning Board and acted upon within 60 days. All lots previously approved by the Planning Board are grandfathered. Any violations of this ordinance shall be deemed to be a nuisance.

It shall be the duty of the Code Enforcement Officer to notify any person in writing responsible for such violation, indicating the nature of the violation and order any corrective action. A copy of such notices shall be maintained as a permanent record.

Legal action, when the above action does not result in the corrective action of the violation, the Municipal Officers, upon notice from the Code Enforcement Officer are hereby authorized and directed to institute any and all action and proceedings, either legal or equitable, that may be appropriate if necessary to enforce the provisions of this Ordinance in the name of the municipality.

Fines: Any person who continues to violate any provisions of this Ordinance after notification by the Code Enforcement Officer of such violation shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such violations is continued is a separate offense.

SECTION 6. Variance:

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the terms of this Ordinance, if said terms would result in undue hardship to the applicant or would be in the best interest of the town; provided that the hardship is not the result of action taken by the applicant or prior owner, that the granting of the variance will not alter the essential character of the locality; that the land in question cannot yield a reasonable return unless the variance is granted; and that the need for the variance is due to unique circumstances.

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

SECTION 7. Definitions

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

Building Notice: All parties planning to make improvements of \$500 or more must file a building notice with the town. Article 44, 1984.

CEO: The Code Enforcement officer is hired by the municipal officers to oversee and enforce the ordinances of the town.

Dimensional requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area and road frontage.

Driveway: A vehicular accessory less than 500 feet in length serving 2 lots or less.

Lot Area: The area of land enclosed within the boundary lines of a lot, and areas beneath roads serving more than 2 lots.

Municipal Officers: Municipal Officers are the select people.

Non-Conforming Lot: A single lot of record which, at the effective date of adoption, (April 23, 1987) or amendment of this ordinance does not meet area, frontage or width requirements of the district in which it is located.

Principle 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.

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

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family. The term shall include modular and mobile homes, but not recreational vehicles. Apartment buildings under a common roof do not need to meet the minimum lot size per dwelling unit rule.

Right of Ways: A tract of land providing access to another or inclusive tract of land (back lots), whether owned or deeded access across another land.

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

TOWN OF SANGERVILLE
PLANNING BOARD ORDINANCE

1. ESTABLISHMENT

Pursuant to art. VIII, pt.2, Section 1 of the Maine Constitution and 30 M.R.S.A. Section 2151-A, the Town of Sangerville hereby establishes the Sangerville Planning Board.

2. APPOINTMENT

- a. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.
- b. The board shall consist of five (5) members and two (2) associate members.
- c. The term of each member shall be three (3) years, except the initial appointments which shall be for one (1), two (2) and three (3) years respectively. The term of office of an associate member shall be one year; All appointments expire at the March Town Meeting of the year of expiration of term.
- d. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town, or when a member fails to attend four (4) consecutive regular meeting, or fails to attend at least seventy-five percent (75%) of all meeting during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the planning board by unanimous vote, for cause, after notice and hearing.
- e. A municipal officer may not be a member or associate member.

3. ORGANIZATION AND RULES

- a. The board shall elect a chairperson and vice-chairperson from among its members. The board shall elect a secretary from among its members. The term of all offices shall be (1) one year with eligibility for re-election.
- b. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member's stead.
- c. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a member.
- d. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- e. The chairperson shall call at least one regular meeting of the board each month.
- f. No meeting of the board shall be held without a quorum consisting of (3) three members or associate members authorized to vote. The board shall act by majority vote, calculated on the basis of the number of members present and voting.
- g. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. DUTIES & POWERS

- a. The board shall prepare or supervise the preparation of a Comprehensive Plan as defined by 30 M.R.S.A. Section 4960-C.
- b. The board shall perform such duties and exercise such powers as are provided by Town of Sangerville ordinance and the laws of the State of Maine.
- c. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

- d. Any additional by-laws and policies deemed necessary for the proper function of the Board may be recommended by the Board and final approval of these by-laws and policies rest with a majority vote of the selectmen after a public hearing.

This ordinance was certified by us to the Town Clerk on September 21, 1995.

Selectmen of the Town Of Sangerville:

Barry Carleton
Barry Carleton (1st)

Bradley Nuite
Bradley Nuite (2nd)

Lance Burgess (3rd)

"Attest: A true copy of an ordinance entitled "Town of Sangerville Planning Board Ordinance" as certified to me by the municipal offices of Sangerville on the 21st day of September, 1995.

Signature Alice Moulton
Town Clerk of Sangerville

TOWN OF SANGERVILLE

PROPERTY MAINTENANCE ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to set a minimum standard for the maintenance of the grounds of property in order to protect public health, public safety, and to prevent nuisance conditions.

SECTION 2. AUTHORITY

This ordinance is enacted pursuant to State Law, Title 30-A Section 3001.

SECTION 3. REQUIRED MAINTENANCE

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions, and to avoid any adverse effect on the adjoining properties. Some farm equipment may be excluded.

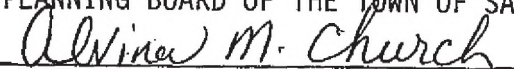
SECTION 4. ENFORCEMENT

The Code Enforcement Officer (CEO) of the town of Sangerville shall enforce the provisions of this ordinance. Allowing no more than 30 days for the completion of corrective action. The CEO with the Town Manager may offer one special extension per person/incident of up to 60 days to violators under hardship circumstances. Cases of disability or financial hardship shall also be grounds for the consideration of an extension.

SECTION 5.

This ordinance shall be effective upon adoption by the Town of Sangerville and may be amended in accordance with town requirements for amending ordinances.

ATTEST: A TRUE COPY OF AN ORDINANCE ENTITLED: "PROPERTY MAINTENANCE ORDINANCE VIA PLANNING BOARD OF THE TOWN OF SANGERVILLE".


ALVINA M. CHURCH, TOWN CLERK

TOWN OF SANGERVILLE PUBLIC INDECENCY ORDINANCE

Purpose. The two purposes of this ordinance are (1) to prohibit certain acts of commercial exploitation of human sexuality in commercial or business establishments within the Town of Sangerville in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places, and (2) to protect the health, safety, welfare and morals of the community by using the government's recognized and traditional police power to protect societal order, morality and physical and emotional health in public places without infringing on protected First Amendment rights.

Definitions. For the purpose of this section, the following definitions apply:

1. Sexual intercourse means any penetration of the female sex organ by the male sex organ. Emission is not required.
2. Sexual act means any act of sexual gratification between 2 persons involving direct physical contact between the sex organs of one and the mouth or anus of the other or direct physical contact between the sex organs of one and the sex organs of the other, or direct physical contact between the sex organs of one and the hand of another, or between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegation or proof of penetration.
3. Sexual contact means any touching of the genitals, directly or through clothing, other than as would constitute a sexual act for the purpose of arousing or gratifying sexual desire.
4. Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
5. Public place means a place to which the public at large or a substantial group has access, including but not limited to commercial or business establishments, public ways, schools, government owned facilities, and the lobbies, hallways, and basement portions of apartment houses, hotels, motels, public buildings and transportation terminals, as well as non-profit recreational facilities and clubs, including, but not limited to, health clubs, gymnasiums, spas, hot tub centers, swimming pools, open to members of the public.

6. Public indecency means knowing or intentional commission of an act of sexual intercourse, a sexual act, sexual contact, or nudity in a public place.
7. Commercial or business establishments include but are not limited to: Companies, firms, corporations, stores, shops, malls, markets, bars, saloons, restaurants or dining facilities, swimming pools, gymnasiums, health clubs, spas, hot tub centers, relaxation centers, etc.

Public Indecency Prohibited.

1. Engaging in public indecency is prohibited.
2. Encouraging or permitting another person or persons to engage in an act or acts of public indecency by the person who or entity which owns, leases, or otherwise controls a premises on which the act or acts of public indecency occur(s) is prohibited.

Sexual Contact for Pecuniary Benefit Prohibited.

Definitions. For the purpose of this section, the following definitions apply:

1. Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for pecuniary benefit to be received by the person engaging in the sexual contact or by a third person is prohibited.
2. 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 third person is prohibited.
3. 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 third person is prohibited.
4. Leasing or otherwise permitting a place controlled by the defendant in any action to force this ordinance, alone or in association with other, to be used as a site for sexual contact for a pecuniary benefit to any person is prohibited.

Penalties. The violation of any provision of this ordinance shall be punished by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) 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 ordinance by appropriate action, including but not limited to revocation of any town license for a premises or commercial or business establishment in which the violation of this ordinance took place it must be awarded its reasonable attorney fees, expert witness fees and costs, unless extraordinary

circumstances make the award of these fees in just.

Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or 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.

Nursing Women. Notwithstanding any ordinance to the contrary, no Town ordinance shall prohibit, or be interpreted or construed to prohibit or regulate, women from nursing or breast-feeding in public or private.

Effective Date. This ordinance will become effective on the date of approval by the special Town meeting.

ADOPTED AT SPECIAL TOWN MEETING October 27, 2010

Road Addressing Ordinance 9.1.1 System

On all roads that serve two or more addresses, all owners shall display and maintain in a conspicuous place on the structure the assigned number(s) if within 50 feet of the road right of way. If the structure is over 50 feet from the road right of way, the assigned number shall be placed on a post, fence, mail box, wall or on some structure at the property adjacent to the walk or access drive to the residence. The number(s) must be at least 4" high and can be read from either direction from the road. The number(s) shall be visible from the road and of a color that does not blend with the structure that the number(s) is displayed on. Proceeding from the lower numbers to the higher, odd numbers shall be on the right side of the road and even numbers on the left side of the road every 50 feet.

The center point of the Town for the 9.1.1 system shall be the Emery Bridge over the Manhanock/Carleton Stream. It is Main Street through Town going south on to this bridge and then turns to the North Dexter Road. This is shown on map number 10 of the GIS Enhanced 9.1.1 Maintenance Map Book.

Approved on September 17, 2015 at a Special Town Meeting as Warrant Article 12.

Town of Sangerville, Maine

Shoreland Zoning Ordinances

Adopted Date of Ordinance: March 30, 1991

Amended: March 2000

Attested:

GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

PREFACE: The Mandatory Shoreland Zoning Act, 38 M.R.S.A., Section 435-449, requires all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, and tidal waters; and within 75 feet of streams as defined. The Act also requires the Board of Environmental Protection to establish minimum guidelines for such ordinances. This document, adopted by the Board on February 14, 1990 and amended July 14, 1992, August 7, 1994, February 6, 1999, and February , 2000 contains those guidelines for municipal shoreland ordinances. The Act requires that municipalities adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines.

Municipalities need not adopt this guideline ordinance word for word. In fact, the Department of Environmental Protection (Department) encourages municipalities to consider local planning documents and other special local considerations, and to modify this ordinance into one that meets the needs of the particular community. Municipalities may wish to adopt more stringent ordinances, or ordinances which are completely different from the guidelines, provided that such ordinances, are equally or more effective in achieving the purposes of the Act. In addition, coastal communities must address the coastal management policies cited in 38 M.R.S.A., Section 1801.

When a municipality determines that special local conditions within portions of the shoreland zone require a different set of standards from those in the minimum guidelines, the municipality shall document the special conditions and submit them, together with its proposed ordinance provisions, to the Department for review and approval. No amendment to an ordinance which effects the shoreland zone is valid without the approval of the Commissioner of the Department.

Neither this "Preface" nor the "Notes" contained in this model ordinance are official parts of the ordinance and should not be incorporated into a municipality's locally adopted ordinance. The Preface and Notes are provided for explanatory purpose only.

Municipalities must be aware that in addition to the requirements of the Mandatory Shoreland Zoning Act, the requirements of the Comprehensive Planning and Land Use Regulation Act (30-A M.R.S.A., Chapter 1878, Sections 4312-4349) will be an integral part of a municipality's overall strategy for managing future development. For example, parts of a municipality's shoreland area may be designated as an area for growth while others will be designated as rural or slow growth areas.

In many situations, the shoreland zoning ordinance will be an effective tool for implementing the goals and policies of a municipality's comprehensive plan. A municipality may choose to integrate the shoreland zoning requirements into a town-wide zoning ordinance or choose to have a separate shoreland zoning ordinance. Regardless, the shoreland zoning provisions should form an integrated approach to managing growth as well as fulfilling the requirements of the Mandatory Shoreland Zoning Act.

For more information on the Growth Management Program, please contact your regional council or the State Planning Office, 38 State House Station, Augusta, Maine 04333.

For more information on the shoreland zoning law, please contact the Department of Environmental Protection's Shoreland Zoning Unit, 17 State House Station, Augusta, Maine 04333.

GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

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Shoreland Zoning Ordinance for the Municipality of
Sangerville

Section 1. Purposes. The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts 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, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or 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 or located beyond the normal high-water line of a water body or within a wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance. This Ordinance, which was adopted by the municipal legislative body on March 30, 1991, shall not be effective unless approved by the Commissioner of the department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on June 26, 1974, is hereby repealed.

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

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. If the

Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development
- (5) Stream Protection

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be lineated and a legend indicating the symbols for each district shall be placed on the map.

NOTE: Because of map scale or other reason, a municipality may have a series of maps depicting its shoreland zone.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map. If the 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 centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance.

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

B. General

(1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

(2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

(1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such additions or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.

(b) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

(i) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in subsection 2 Relocation, below;

(ii) The completed foundation does not extend beyond the exterior dimensions of the structure; and

(iii) The foundation does not cause the structure to be elevated by more than three (3) additional feet.

(2) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback

requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrate that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

- (3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement 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 non-conformity.

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

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

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

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 commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12 (C) (1) (a) above.

- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, then the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

- (1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be build 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 size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the 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 non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wasterwater 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 non-conforming, 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 subparagraph 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, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.
- (2) Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

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 discernible 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.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

NOTE: See definition of "great pond classified GPA" in Section 17.

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, river or saltwater body, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform 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 - Requires permit issued by the Planning Board

CEO – Requires permit issued by the Code Enforcement Officer

LPI – Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP – Resource Protection

GD – General Development

LR – Limited Residential

LC – Limited Commercial

SP – Stream Protection

SANGERVILLE SHORELAND ZONING ORDINANCE
TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	SP	RP	LR	LC	GD	CFMA
1. Non-Intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes	Yes	Yes	Yes
4. Timber harvesting	Yes	CEO ¹	Yes	Yes	Yes	Yes
5. Clearing of vegetation for approved construction and other allowed uses	CEO	CEO ¹	Yes	Yes	Yes	Yes
6. Fire prevention activities	Yes	Yes	Yes	Yes	Yes	Yes
7. Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes
8. Soil and Water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes
9. Mineral exploration	No	Yes ²	Yes ²	Yes ²	Yes ²	Yes ²
10. Mineral extraction including sand and gravel extraction	No	PB ³	PB	PB	PB	PB
11. Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes	Yes
12. Emergency Operations	Yes	Yes	Yes	Yes	Yes	Yes
13. Agriculture	Yes	PB	Yes	Yes	Yes	Yes
14. Aquaculture	PB	PB	PB	Yes	Yes	Yes
15. Principal structures and uses						
A. One and two family residential	PB ⁴	PB ⁹	CEO	CEO	CEO	No
B. Multi-unit residential	No	No	PB	PB	PB	No
C. Commercial	No	No	No	PB	PB	PB ⁵
D. Industrial	No	No	No	No	PB	PB ⁵
E. Governmental and Institutional	No	No	No	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature Interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	Yes	Yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB	PB ⁵
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	No
19. Home occupations	PB	No	PB	CEO	Yes	Yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁵
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	No	No ⁷	PB	PB	PB	No
26. Road & driveway construction	PB	No ⁸	PB	PB	PB	PB ⁵
27. Parking facilities	No	No ⁷	PB	PB	PB	PB ⁵
28. Marinas	PB	No	PB	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	Yes	Yes	Yes	Yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
31. Signs	Yes	Yes	Yes	Yes	Yes	Yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

¹In RP not permitted within 75 feet 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 permitted in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page)

⁶See further restrictions in Section 15(L)(2) on page 20.

⁷Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB

⁸Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16E, Special Exceptions. Two-family residential structures are not permitted.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- C. Any construction or alteration of any permanent structure.

Section 15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

Section 15. Land Use Standards

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200
(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 or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified CPA, and seventy-five (75) feet 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. 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.

In addition:

- (a) The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - (b) All principal structures along Significant River Segments as listed in Title 38 M.R.S. A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Steam 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 first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
 - (4) The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers which do not flow to great ponds classified GPA.
 - (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, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.
- (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 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) Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38M.R.S.A., Section 480-C.

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 from the normal high-water line of a great pond classified GPA, and seventy-five (75) feet 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 permitted 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 from the normal high-water line of a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified CPA:

- (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 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 may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately 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 from the normal high-water line of a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exist. The Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

- (2) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

- (3) New permanent roads are not permitted within the shoreland zone along Significant River Segments except:
- (a) To provide access to structures or facilities within the zone; or
 - (b) The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (5) Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
- (6) Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- (7) In order to prevent road surface drainage from directly entering water bodies, roads 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. Road 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.
- (8) 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 in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
- (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - (c) On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (9) 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.

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 and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
- (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 permitted 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 permitted without restriction.
- (6) No sign shall extend higher than (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 stormwaters.
- (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 (Rules).
 - (a) The minimum setback for new subsurface sewage systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
 - (b) Replacement systems shall meet the standards for replacement systems as contained in the rules.
- (2) Owners of all properties located within the Shoreland Zone (as defined in Section 3) and having or requiring Subsurface Wastewater Disposal Systems shall:
 - (a) Provide documentation that the existing system was installed after July 1, 1975 or provide a certificate of approval which shows that the system is substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or;
 - (b) Install a new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

Failure to comply with this section shall constitute a violation of the Sangerville Shoreland Zoning Ordinance and will be subject to enforcement action in accordance with Section 16-1.

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 is not permitted 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 permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following condition:

- (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 paragraph 4 below.
- (2) Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, and within seventy-five (75) feet 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 seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two to one (2:1) slope or flatter.
 - (c) The top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do

not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.
- (4) There shall be no tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

- (1) In a shoreland area zoned for resource protection abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - (b) Beyond the 75 foot 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 4 ½ inches in diameter at 4 ½ 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 ½ feet above ground level on any lot in any ten year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified CPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut 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 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 shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All 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) 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. The provisions of this paragraph apply to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing of Vegetation for Development

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

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

- (2) Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (a) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.
 - (b) Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a great pond classified GPA, or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches)	Points
2 – 4 in.	1
> 4 – 12 in.	2
> 12 in.	4

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

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

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

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points ($21 - 12 = 9$) may be removed from the plot provided that no cleared openings are created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- (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.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees for four (4) inches or more in diameter, measured 4 ½ 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 development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development District.

- (4) Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
- (5) Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

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 man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

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.

T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

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 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 permit is not required for the replacement of an existing road culvert as long as:

- (1) The replacement culvert is not more than 25% longer than the culvert being replaced;

- (2) The replacement culvert is not longer than 75 feet; and
- (3) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

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. Fees-\$10.00 plus \$1.00 per thousand estimated value over \$10,000 in project cost.
- (2) All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (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 sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;

- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with flood plain development and use; and
- (8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exceptions. In addition to the criteria specified in Section 16.D. above, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) The proposed location of all 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 and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.
- (4) The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the 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. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

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 appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
- (b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be permitted 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) The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 5443 and the term “structures necessary for access to or egress from the” dwelling is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
 - (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure 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 all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

(3) 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. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
 - (ii) Such appeal 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 it 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 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.

- (iv) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- (b) Decision by Board of Appeals
 - (i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - (ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - (iii) The person filing the appeal shall have the burden of proof.
 - (iv) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (v) 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 therefor, and the appropriate order, relief or denial thereof.
- (4) Appeal to Superior Court. 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.
- (5) Reconsideration. The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

I. Enforcement

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) Code Enforcement Officer
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he 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 Quality Control within the Department of Environmental Protection.
- (3) **Legal Actions.** When the above 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 orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 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 \$5000.

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 of lease, or 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 ½ 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.

Coastal wetland – all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

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

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 conditions 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 hundreds (500) feet in length serving two lots or less.

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

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

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

Expansion of use – the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family – one or more persons occupying a premises and living as a single housekeeping unit.

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

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

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

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 including but not limited to basements, slabs, sills, posts or frostwalls.

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, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond – any inland body of water which in a natural stat had a surface area in excess of ten acres, and any inland body or water artificially formed or increased which has a surface area in access 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.

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 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 or wetland than the closest portion of the existing structure from that water body 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 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.

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

Marina – A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

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

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

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

Minimum lot width – The closest distance between the side lot lines of a lot.

Multi-unit residential – A residential structure containing three (3) or more residential dwelling units.

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 permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of 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. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

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

Piers, docks, wharves, bridges and other structures and uses extending over or 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 flood plain soils – The following soil series as described and identified by the National Cooperative Soil Survey:

Freyburg	Haley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

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

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

Replacement system – A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

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. The term shall include mobile homes, but not recreational vehicles.

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.

Salt marsh – Areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow – Areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

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 to the nearest part of a structure, road, parking space or other regulated object or area.

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

Shoreland zone – The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Significant River Segments – See Title 38 MRSA Sec. 437.

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

Structure – Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks 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- A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, and surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope – A Change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting – The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream – A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge – The boundary between upland and wetland.

Vegetation – All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

Velocity zone - An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

Water body - Any great pond, river, stream or tidal area.

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

Wetland - A freshwater or coastal 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.

Town of Sangerville
Solid Waste Ordinance

PURPOSE

It is hereby determined by the Inhabitants of the Town of Sangerville that it is wise and prudent to provide for efficient solid waste management. It is therefore the policy of the Town of Sangerville to reduce overall liability, to control solid waste costs, reduce pollution and degradation, to encourage recycling to the maximum extent possible and by closing the current landfill. It is therefore our decision to join in a regional concept for disposal of our solid waste, by signing a contract to use the Dover-Foxcroft Transfer/Recycling Facility and adopting said Ordinance to govern our overall waste management system. Adoption of this Ordinance and its implementation shall repeal and replace all prior solid waste ordinances or policies.

SECTION I.

Definitions: For the purpose of this Ordinance, the following terms shall have the meaning ascribed to them in this section.

1) Administrator - Administrator is the Dover-Foxcroft municipal officer who has final responsibility for administration of the solid waste facility.

2) Ashes - Ashes shall mean residue of the combustion of solid fuels.

3) Contractor - Contractor shall mean individual, firm, corporation, partnership or other entity or their employees who have a current contract with the Town of Dover-Foxcroft to maintain and operate the Dover-Foxcroft Transfer/Recycling Facility and who are present at the facilities.

4) Department - The State Department of Environmental Protection.

5) Garbage - Garbage means all petrescible animal or vegetable wastes resulting from handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, restaurant, building or institution.

6) Hazardous Waste - Hazardous waste means a substance designated by the Department of Environmental Protection.

7) Hot Load - Any load of solid waste that are on fire, smoldering or are potentially flammable by spontaneous combustion. Hot loads include wood, stove ashes, cigarette tray residue, coal ashes and clinkers, residue from a fire, etc.,.

8) Household Wastes - Household waste shall mean mixed refuse, ashes and bulk refuse originating in and around private dwellings, multiple dwellings, fraternity houses, living quarters or dining facilities located in schools, colleges or universities.

9) Inert Material - Inert material means solid waste that does not react with other substances under ordinary conditions, including but not limited to concrete, rocks, bricks, plaster, contaminated fill, building construction wastes, etc.,.

10) Junk - Junk means old, worn out, or unserviceable plumbing or heating supplies, household appliances and furniture, scrap, scrap copper, brass, rope, rags, batteries, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material or parts thereof.

11) Landfill, Sanitary - Sanitary landfill means a disposal facility for solid waste on land designed to protect the environment.

12) Landscape Refuse - Landscape Refuse means leaves, garden strubble, lawn rakings, weeds and other materials that can be composted and reused as a soil conditioner.

13) Litter - Litter means any wastes as defined by the Maine State Litter Law that have collected or scattered in an unplanned manner in any location other than the area designated for appropriate handling. For this definition litter may include manure.

14) Operator - The Town employee at the Transfer/Recycling Facility in charge of its operation and maintenance.

15) Refuse - Refuse shall mean mixed garbage and rubbish placed and stored together in a standard refuse container.

16) Resource Recovery - Resource recovery means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

17) Rubbish - Rubbish means all cardboard, plastic, metal or glass food containers, waste paper, rags, sweepings, small pieces of wood, excelsior, rubber, leather, and similar waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous waste, industrial waste, or building waste resulting from the operation of a contractor.

18) Salvaging - Salvaging is the controlled removal or reusable discarded solid waste.

19) Septage - Septage means waste, refuse effluent, sludge and any other materials for septic tanks, cesspools, or any other similar facility.

20) Solid Waste Facilities - means all facilities owned by the Town used to collect, transport or dispose of solid waste, to include sanitary landfills, solid waste equipment, etc. .

21) Solid Waste Management - solid waste management means purposeful systematic, and unified control or the collection, storage, transportation, processing, salvaging, and disposal of solid waste.

22) Solid Waste - solid waste means unwanted or discarded solid materials with sufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, junk, refuse, inert household wastes materials, landscape refuse, wood wastes, white goods, but shall not include sludge, septage, hazardous wastes, agricultural or industrial wood by products.

23) Special Wastes - special wastes include that fraction of solid waste and other wastes designated by the Administrator to be handled stored or disposed of separately. Special wastes include but are not limited to white goods, tires, inert fill, hot loads, wood wastes, carrion, asbestos, oil, fuels, paints, ash, recyclable materials, etc.,.

24) Storage - storage means the containment of any waste that is not hazardous for a period of less than one year in such a manner as not to constitute disposal.

25) Sludges - sludges means the concentration of solids resulting from the treatment of liquid wastes such as sewage, industrial wastes, commercial wastes, etc.,.

26) Tires - tires shall include all tires, tubes, and rubber protection flaps. Tire rims are not included under this definition.

27) Transport - transport means the movement of solid waste from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

28) Vector - vector means a carrier, usually an insect, bird or rodent, that is capable of transmitting a pathogen from one organism to another or from one place to another.

29) White Goods - white goods means large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

30) Wood Wastes - wood wastes means dry waste made of wood to include trees, stumps, brush, slabs, edgings and pallets.

31) Person - person shall mean any individual, firm, corporation, partnership or association or other entity.

SECTION II

Responsibility:

The Inhabitants of Sangerville assume responsibility for the transportation and proper disposal of wastes delivered to the Dover-Foxcroft Transfer/Recycling Facility.

The administrator of this ordinance and overall supervisor of solid waste facilities is the Town Manager of the Town of Sangerville or Dover-Foxcroft, as appropriate.

The Town of Dover-Foxcroft is responsible for the day to day operation and maintenance of the solid waste facilities.

It shall be the duty of any appropriate law enforcement agency and the operator of the Dover-Foxcroft Transfer/Recycling Facility to strictly enforce this ordinance and to see that any and all violations are promptly abated and violators prosecuted.

Other responsibilities and duties shall be as outlined in Solid Waste Facility Operational and Maintenance Manual or as designated by the Administrator.

The Board of Selectmen of the Town of Sangerville or Dover-Foxcroft may, after public hearing, adopt such rules or regulations not inconsistent with the terms of this Ordinance to promote the general purpose of the Ordinance and any amendments thereto.

SECTION III.

Management: Solid Waste Disposal

All solid waste must be disposed at the Town of Dover-Foxcroft's Solid Waste Facility unless a permit is obtained to do otherwise as discussed in Section VIII.

No person or persons shall at any time throw or deposit any solid waste or litter within the limits of any streets, highways, passageway or over any bridge, or into the waters or onto the ice of any lake, pond or river within the Town of Dover-Foxcroft or the Town of Sangerville.

SECTION IV.

Solid Waste Transportation:

All solid waste transportation within the Town of Sangerville or Dover-Foxcroft must be placed in covered containers securely fastened to the vehicle to prevent spillage and litter.

SECTION V.

Usage of Solid Waste Facilities:

Solid waste facilities owned, operated and maintained by the Town of Dover-Foxcroft shall be for the disposal of solid waste produced within the boundaries of the Town of Sangerville as per contract.

No person shall be permitted to dispose of, at the Dover-Foxcroft solid waste facility, any solid waste produced outside the Town of Dover-Foxcroft unless such waste is transported from a town that holds a current contract to use the Town of Dover-Foxcroft Transfer/Recycling Facilities. In the event such solid waste may have been unloaded by such a person, such person shall be required to remove such solid waste immediately or be prepared to pay the Town of Dover-Foxcroft \$100.00 minimum fine. ONLY USERS SHOWING A VALID PERMIT ISSUED BY THE TOWN CLERK OF SANGERVILLE SHALL BE ALLOWED TO USE THE TRANSFER/RECYCLING FACILITIES.

SECTION VI.

Operation of Solid Waste Facilities:

Any individual from contracting municipalities shall comply with all regulations or ordinance requirements when using the Dover-Foxcroft Transfer/Recycling Facilities. Any waste materials disposed of at a facility operated by the Town of Sangerville shall comply with this Ordinance and all regulations, or policy for operation for that site.

SECTION VII.

Salvage:

As per regulations, or ordinance established by the Town of Dover-Foxcroft for the use of the Transfer/Recycling Facilities.

SECTION VIII.

Solid Waste Separation:

The Town of Dover-Foxcroft's solid waste facilities will dispose of all solid waste and special wastes. Special wastes must be separated by the user and disposed in areas designated by the administrator.

Solid waste shall be separated into normal household wastes, white goods, tires (without rims), recyclable material and other wastes designated for separation by the administrator. The Town of Dover-Foxcroft facilities will not accept building debris, wood wastes, inert material, and hot loads; these materials shall be disposed of at a site designated by the Town of Sangerville.

The operator is authorized to inspect all solid waste before it is disposed of to ensure proper separation. Users found depositing unseparated waste at the transfer facility shall be in violation of this Ordinance. Users refusing to allow inspection of their solid waste shall be denied use of the solid waste facilities.

The following solid waste shall be considered unacceptable for disposal in the Town of Dover-Foxcroft's solid waste facilities.

1) All hazardous wastes and substances such as poisons, acids, caustics, infected materials, oil, explosives, flammable liquids, and wastes of unknown origins.

2) Any quantity of materials resulting from the construction or wrecking of buildings and structures or that may result from industrial or agricultural processes or landscape refuse.

Recycling:

A) It is hereby declared that recycling is a wise and prudent solid waste management technique that saves tipping fees, saves energy, reduces pollution and environmental degradation, keeps useable manufacturing material in the economy, and promotes a developing sense of waste awareness. It is therefore the policy of the Town of Sangerville and the Town of Dover-Foxcroft to encourage recycling to the maximum extent possible.

B) All solid waste shall have the following commodities separated out and in a readily handleable form, as may be required by the operator, when brought to the facility:

(6)

1. Glass - all glass, beverage glass, bottles, jars, or other forms shall be separated and delivered to the facility and shall be deposited into bins according to color - green, brown, and clear. All containers shall be rinsed clean and free of caps, covers, metal and plastic.

2. Aluminum Beverage Cans - all aluminum cans shall be separated and delivered to the facility in an easily handleable form. All cans shall be rinsed clean.

3. Newspaper - color printed will be separated from black & white and shall be securely bundled in bundles not to exceed 40 pounds in weight.

4. Magazines - not recycled at this time. To be placed in the transfer station.

5. Computer paper - shall be handled separately the same as newspaper.

6. Corrugated Cardboard - all cardboard shall be delivered, boxes broken down flat and deposited in designated area.

7. Furniture - shall be disassembled. All metal plates, arms, supports, levers, etc, shall be removed and wooden members will be placed with demolition lumber.

8. Demolition Lumber - shall be cut into manageable lengths and placed in the designated area. Lumber shall be free of nails, metal and shingles.

9. Mattresses & Bedsprings - shall be disassembled and springs removed for separate placement in the white goods area.

10. Steel, aluminum, copper, brass - items shall be separated by material type and placed in proper designated area.

11. Tires - shall be placed in designated area. Rims shall be removed from all tires.

12. Plastic Containers - including, but not limited to, milk jugs, oil cans, detergent bottles, etc., shall be washed clean and deposited in the designated area at the facility.

13. Compost - All vegetable matter including lawn, leaf and garden wastes, wet paper, pet litter, and all similar waste that will decompose to an organic/inorganic soil mixture shall be deposited in the designated area.

C. Refrigerators, stoves, freezers and other metal items shall be placed in the area designated for white goods.

D. Large tree trunks and stumps will not be accepted at the Dover-Foxcroft Facility and shall be disposed of at a site designated by the Town of Sangerville.

E. Tree limbs, branches, brush and clean wood will not be accepted at the Dover-Foxcroft Facility and shall be disposed of at a site designated by the Town of Sangerville.

F. The operator is authorized to inspect all solid waste before it is disposed of to ensure proper separation. Users found depositing unseparated waste at the transfer facility shall be in violation of this Ordinance and shall be penalized or fined as provided in Section X hereof. Users refusing to allow inspection of their waste shall be denied use of the solid waste facilities.

G. Portable radios, televisions, and other electronic equipment shall be placed in the demolition area as designated by the Town of Sangerville.

H. The following solid waste shall be considered unacceptable for disposal in the Town of Dover-Foxcroft waste facilities:

1. Large tree stumps, tree limbs, branches brush and wood.
2. Portable radios, televisions and other electronic equipment.
3. All hazardous wastes and substances such as poisons, acids, caustics, infected materials, oils, explosives, flammable liquids, and wastes of unknown origins.
4. Material resulting from the construction or wrecking of buildings and structures or that may result from industrial or agricultural processes.
5. Landscape or yard wastes.

SECTION IX.

Private Disposal Sites:

It shall be unlawful for any person, firm, corporation to dispose of solid waste at any location within the Town of Sangerville, other than town operated facility.

SECTION X.

Penalties and Fines:

A. The following fees shall be assessed by and paid to the operator for the benefit of the Town at the time of drop-off if the solid waste deposited by any person has not been properly separated according to the provisions of this Ordinance:

- | | |
|--|------------------|
| 1. Passenger vehicle | \$5.00 |
| 2. 3/4 ton truck or less | \$20.00 |
| 3. more than 3/4 ton | \$30.00 |
| 4. Commercial Hauler and
Private Contractor | \$50.00 per trip |

B. Any person or persons, firm or corporation who violates any of the other provisions of this Ordinance shall upon conviction be fined not less than fifty (\$50.00) dollars, nor more than Five Hundred (\$500.00) dollars for each offense, and each day's continuance or failure to comply herewith shall constitute a separate and distinct offense for each of said days and shall be punishable as such.

C. In addition to the foregoing, any person who violates any provisions of this Ordinance may be evicted from the transfer/recycling facility and future admittance until authorized by the administrator. Such person may also be sued for trespass by the municipality.

SECTION XI.

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 this Ordinance.

SECTION XII.

Effective Date:

The effective date of this Ordinance shall be the commencement of use of the Dover-Foxcroft Transfer/Recycling Facility. The first 30 days being a grace period for appropriate separation of solid waste products as outlined herein. The Board of Selectmen shall determine the exact effective date consistent with the provisions of the Ordinance.

This Ordinance was duly adopted at a Special Town Meeting conducted July 13, 1993, under Article 2.

SUBDIVISION REGULATIONS
FOR THE
TOWN OF SANGERVILLE, MAINE
EFFECTIVE ~~JANUARY 1~~, 1990
JUNE 6,

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SECTION I
INTRODUCTIONS

ARTICLE 1.

A. AUTHORITY:

These regulations have been prepared in accordance with the provisions of Title 30A, M.R.S.A., Section 4401, subsection 2.

B. TITLE

These regulations shall be known as "Subdivision Regulations of the Town of Sangerville".

C. PURPOSE

The purpose of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Sangerville, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sangerville, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30A M.R.S.A. 4401, Section 3. The subdivision:

1. will not result in undue water or air pollution. In making this determination, the Board shall at least consider elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;
2. has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. will not cause an unreasonable burden on an existing water supply, if one is utilized;
4. will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that dangerous or unhealthy conditions may result;
5. will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;
6. will provide for adequate solid and sewage waste disposal;

7. will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized;
8. will not have an undue adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shore line;
9. is in conformance with the duly adopted subdivision regulations or ordinance, comprehensive plan, development plan or land use plan, if any.
10. the subdivider has adequate financial and technical capacity to meet the above stated standards.
11. whenever situated in whole or in part, within 250 feet of any pond, lake, river, or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water;
12. will not alone or in conjunction with existing activities, adversely affect the quality or quantity of the ground water;
13. all principal structures within the subdivision shall be constructed with their lowest flood, including the basement, at least one foot above the 100 year flood: elevation.

D. JURISDICTION

The ordinance shall pertain to all land within the boundaries of the Town of Sangerville.

E. DEFINITIONS

The words and terms of the definitions used in these regulations shall have their dictionary meanings. Certain words and terms have been clarified and are as follows:

Authority: The power granted to the Town of Sangerville to formulate this ordinance under M.R.S.A. Title 30-A 2151-A and in concert with the Sangerville Comprehensive Plan.

Board: The Sangerville Planning Board, formed in 1987 as the Municipal reviewing authority for the Town of Sangerville under Maine State Law, Title 30.A M.R.S.A. 1917.

Bog: As described under the Natural Resource Protection Ordinance as Wetlands that are ten contiguous acres or larger.

==

Cluster Subdivision: A subdivision in which the lot sizes may be reduced in order to preserve open spaces and natural landscaping characteristics and are owned in common by the subdivision association or management.

Completed Application: An application submitted to the Board is complete when all materials required by the Board pursuant to this ordinance have been met when all fees due the Town of Sangerville and the Planning Board have been paid.

Comprehensive Plan: The master plan for the future of the Town of Sangerville, also an overall plan for land use regulation policy and development.

Contiguous Lots: Lots which adjoin at any point or lots that are separated by a body of water less than fifteen feet in width.

Development: An area that has site improvements, including the following: buildings, landscaping, roads, streets, parking areas.

Driveway: An access for vehicles serving two or less units of housing or areas contemplated for housing.

Dwelling: A building used for habitation which is separated and distinct from other buildings and contains living areas, kitchen areas, or a section used for cooking, bathing and sanitary facilities.

Final Plan: The final plan and drawings which are presented to the Board for their approval and are to be used for filing the subdivision with the Registry of Deeds.

Flood, 100 Year: The highest level of water that on average will occur every 100 years and has a 1% chance every calendar year.

Normal High Water Mark: The line on the shore or bank on wetland water areas that is apparent due to the changing soils and vegetation associated with the area and fitting the criteria as wetland vegetation which includes but is not limited to the following herbage, wild rice, cranberries, red maple, pines, cedars, alders, oaks, upland grasses, marsh grasses, water lilies, pond lilies, cattail, wintergreen, lady slippers. In areas where the determination of the high water line can not be clearly determined due to erosion or other causes to mask clearly the water line, it may be estimated in the determination of the plant life.

Industrial Park: An area zoned for development of industry and that is managed as an area with provisions for common services for all units of the development.

Land Subdivision: A subdivision as defined by Title 30 A.

Monument: A marker to determine the lot boundaries, made from granite, iron pin or wood.

Net Residential Acreage: The total acreage available for the subdivision as shown on the proposed subdivision plan, less the area for roads and streets.

Net Residential Density: The average number of dwelling units per net residential acre.

Person: Means any natural person or persons an association, organization, partnership, trust corporation, or any other legal entity..

Planned Housing Development: Any development where housing is to be included as part of the whole of the subdivision.

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

Recording Plan: A copy of the final plan that is to be recorded at the Piscataquis Registry of Deeds and information that is relevant to the transfer of interest of the property or parts thereof, such as water lines, sewer lines, culverts and building lines.

Re-Subdivision: The division of an existing subdivision or any change or changes in the plan for an approved subdivision which affects the lot lines.

Solar Energy Systems: A design or an assembly consisting of a solar energy collector, energy storage and components thereof for the distribution of energy gathered from the sun.

Street: Public or Private ways such as roads, avenues, streets, highways and all other rights-of-way.

subdivision: The division of a tract or parcel of land into three or more lots within any five-year period, which begins after September 22nd, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a subdivision accomplished by a devise, condemnation, order by a court, gift to a relative by blood or marriage or adoption, unless the intent or transfer of any interest in land to the owner of the abutting thereon, shall not be considered to create a lot or lots for the purpose of these regulations.

Subdivision Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed road.

Subdivision Minor: Any subdivision containing four lots or dwelling units or less, and in which no road is proposed to be constructed.

Three To One Rule: For each one foot of lot frontage, there may not be more than three feet distance in depth.

Tract: All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or a non-navigable stream, or private road established by the abutting landowner.

SECTION II GENERAL PROVISIONS

ARTICLE 2.

A. ADMINISTRATIVE REGULATIONS

1. The Planning board of the Town of Sangerville, hereinafter called the Board, shall administer this ordinance.
2. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall apply in writing to the Board for approval of such subdivision.
3. No transfer of ownership shall be made of any land in a proposed subdivision until a Final Plan of such subdivision has been approved by the Board nor until a duly approved copy of such Final Plan has been filed with the Town Clerk.
4. Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of land and a subdivision plan is substantially in conformity with the requirements of this ordinance the Board may consider waiver of some aspects of this ordinance provided that the spirit of the regulations and the public convenience, health, and welfare will not be adversely affected. A vote on any waiver of the requirements of these regulations shall be taken, stating the specific reason(s) for the same.

5. No utility installations, no grading or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the land or lots within a subdivision until a Final Plan of such subdivision shall be duly prepared, submitted, reviewed, approved and endorsed as provided in these regulations, nor until an attested copy of a final plan so approved and endorsed has been duly recorded in the Piscataquis County Registry of Deeds.

6. Whenever the Planning Board finds it necessary to hire professional consulting services to assist in its review of an application for a Minor Subdivision Final Plan or a Major Subdivision Preliminary Plan, the applicant shall pay a reasonable fee necessary for such services. The board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee and its approximate amount. The applicant will be given an opportunity to be heard on the purpose and amount of the fee before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals. Irrespective of any other provision of these ordinances or the Sangerville Land Use Ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee or appeal the fee determination. If the applicant appeals payment of the fee to the Board of Appeals, that Board shall decide whether the fee is reasonable for the purpose found necessary by the Planning Board. The fee shall be placed in an interest bearing account in the Town's name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within 30 days after the Planning Board issues its final decision.

B. PENALTIES:

Any person who conveys or agrees to convey any land by reference to a plot which has not been approved as required by this ordinance and recorded by the proper register of Deeds, shall be punished by a fine of not less than \$100. and not more than \$2,500. for each lot conveyed or agreed to convey, for each day on each plot, except that nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations.

SECTION III
PRELIMINARY AND FINAL PLAN

ARTICLE 3

A. PRELIMINARY PLAN

1. A tentative request for approval of a subdivision shall be accompanied by a Preliminary Plan which shall show existing streets and boundary lines and shall be at a scale of not more than 100 feet to the inch (100'/''). except that a supplementary map showing the relationship of the parcel of land to be subdivided to other properties and roads may be at a scale of not more than 500 feet to the inch (500'/''). If, in the opinion of the Board, a topographic map is necessary for determining the most suitable layout of the tract to be subdivided such a topographic map may be required by the Board, with appropriate cost paid by the developer.
2. An application for approval of a Preliminary Plan shall be considered at a regular meeting of the Board within 30 days of receipt of such application. The Board shall after such consideration and within 30 days of receipt of an application and Preliminary Plan, issue a written statement informing the subdivider or his agent of approval, disapproval or conditional approval and of any changes required and the character and extent of required public improvement.
3. Within not more than 12 months after issuance of such preliminary approval the subdivider or his agent shall submit a Final Plan and street profiles.
4. Application for approval for the Final Plan shall be submitted in writing to the Planning Board at least seven days prior to the meeting at which it is to be considered.

B. FINAL PLAN

1. A request for final approval of a subdivision shall be accompanied by a Final Plan of such subdivision legibly and clearly drawn in ink at a scale of one hundred feet to the inch (100'/'') on a stable base material suitable for reproduction and four dark line copies. Size of sheets shall not measure more than two feet by three feet (2' x 3'). A Final Plan shall show:

a) Identification:

The name of the subdivision, location and boundaries of the land to be subdivided, scale, north arrow, date, name and address of the record owner, subdivider, designer and Book _____ and Page _____.

b) Lines: =

Street lines, lot lines and reservations for public purposes including public utilities, drainage and other easements. Bearings on all lot lines and monuments on all corners or angle points of lots. All lines shall be blazed.

c) Dimensions:

All dimensions in feet and decimals of feet.

d) Lots:

Lines and dimensions, with numbers and lot letters in accordance with the prevailing policy on existing tax maps.

e) Monuments:

Reference monuments on all street corners and angles and street lines wherever, in the opinion of the Board such monuments are necessary to properly determine the location on the ground.

f) Parks and Open Spaces:

Designation of the location, size planting and landscaping of such parks, esplanades and open spaces as are required by the Board.

g) Certification:

The seal of a licensed engineer or certificate by a land surveyer attesting that such Final Plan is substantially correct.

h) Topographic Map:

Based on datum plane established by United States Geodetic Survey at contour interval required by the Planning Board, if required by the Planning Board.

i) Streets:

Names, cross-sections at 100-foot stations or as required by the Planning Board and profile at center line and side lines, all elevations based on datum plane established by U.S.G.S.

Street widths of right-of-way and pavement, radii of all curves, walks, curbs, gutters, culverts, etc.

j) Drainage, Existing and Proposed:

1. Kind
2. Location
3. Profile, cross-sections and invert elevations.

k) Sanitation, Existing and Proposed:

1. Location, size, profile, cross-sections, elevations and inverts of sanitary sewers, or
2. Description, plan, location and dimensions of other means of sewage disposal, with evidence of soil suitability, including percolation tests and classification of soil types suitable for on-site sewage disposal.

l) Water Supply and Other Utilities:

On and adjacent to the tract showing location, proposed connections, types and size of water and gas lines, locations of fire hydrants, electric and telephone poles and conduits and street light standards.

m) Location of Special Features:

Natural and man-made, affecting the subdivision or giving it character, such as bodies of water, streams and water courses, swamps and marshes, wooded areas, specimen preservable trees, houses, barns, shacks and other significant features.

n) Sites:

Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

o) Sites:

Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

p) Proposed Public Improvements:

Highways or other major public improvements planned by public authorities for future construction on or near the site.

q) Site Data:

Including number of residential lots, typical lot size and acres in parks, etc.

- =
- r) The Final Plan shall have specific section for a heading for Planning Board approval and signature. It shall be labeled FINAL PLAN, SANGERVILLE PLANNING BOARD, APPROVAL DATE and space for five signatures.
2. A final Plan shall be accompanied by certification either by a duly authorized engineer or by the Building Inspector of the Town of Sangerville or both, as required by the Board, that the design of the sewer and water facilities and streets and utilities in the proposed subdivision conform to the requirements of this ordinance. The cost of the inspection shall be borne by the developer or subdivider.
3. The subdivider shall file with the Board at the time of submission of the Final Plan. 1) a bond in an amount sufficient to cover the cost of the construction of streets, approved as to form and surety by the Sangerville Town Attorney, and conditioned upon the completion of such streets within two years of the date of such bond. 2) or, cash placed in escrow for the above as the Planning Board shall require.

The Board may at its discretion waive the above requirements to post bond or cash in escrow and grant conditional approval providing that no lots shall be sold until specified streets together with the necessary sanitary improvements are satisfactorily constructed within three years of the date of such conditional approval. A release of conditions shall be executed and delivered to the subdivider following satisfactory completion of the specified streets and other required improvements.

4. The Final Plan shall be accompanied by the following required documents:
- a) Warranty Deed:
- Conveying to the Town all streets, right-of-way, and any sites for public use in fee simple, free from all encumbrance.
- b) Protective Covenants:
- In form for recording.
- c) A statement from the Appropriate Water Department:
- Outlining the basis on which the Department will supply water and approving the size and location of mains, valves, and hydrants proposed.

d) A Statement from the Guilford and Sangeville Sewer Board: Spelling out conditions for provision of sanitary or storm sewers required of the subdivider and the acceptability of the subdivider's sewer plans.

e) Written Approval of the Fire Chief:

Of the number, size and location of the hydrants proposed.

f) Fees:

The basic fee of \$200.00 up to three lots, then \$50.00 per lot up to a total of 50 acres. All land area over 50 acres will be charged at \$10.00 per acre.

g) Other Data:

The approval of a Final Plan shall be attested on the original and one copy by signature of a majority of members of the Board. Additional copies as requested by the Board at the developers expense.

5. The Board shall consider a Final Plan at a regular meeting within thirty days of the submission of such Final Plan.
6. The Board may before final approval or disapproval of a Final Plan hold a public hearing on such a plan.
7. The approval of a Final Plan shall be attested on the original and one copy by signature of a majority of members of the Board. Additional copies as requested by the Board at the developers expense.
8. Failure of the Board to issue approval or conditional approval within forty five days constitutes disapproval.
9. One copy of the Final Plan shall be retained by the Board. The original shall be recorded in the Piscataquis County Registry of Deeds by the developers and a copy of the recorded plan shall be returned to the Town at the developers expense. Any subdivision plan that is not recorded in the Piscataquis County Registry of Deeds within 60 days of signing of the final plan shall be null and void.

SECTION IV
GENERAL REQUIREMENTS AND DESIGN STANDARDS
FOR SUBDIVISION PLAN

ARTICLE 4

A. GENERAL REQUIREMENTS

1. Subdivision Plan shall conform to Comprehensive Plan and Zoning Ordinance.

Any proposed subdivision shall conform to the substance and intent of the Town's Comprehensive Plan and to the Town's Zoning Ordinance.

2. Retention of Proposed Public Sites

When a proposed public building, site, park, playground, or other land for public use is located in whole or part in the subdivision, the Planning Board may require that, as a prerequisite to plan approval, such sites shall be preserved by the subdivider for acquisition by the appropriate public agency.

4. Preservation of Natural Features

The Planning Board may require that a proposed subdivision plan preserve such natural features as trees, streams, water courses and scenic views. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

5. Land Not Suitable for Housing

Land susceptible to flooding and land not suitable for housing or street development and land which may be hazardous to life, health or property shall not be accepted as part of a subdivision for residential purposes, but may be used with the approval of the Board for parks, playgrounds or other open-space uses.

6. Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural water course, drainage way, channel or stream there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm-water can be disposed of properly. Parallel streets or parkways may be required in connection therewith.

7. Additional Requirements

Street trees, esplanades and open green spaces may be required at the discretion of the Planning Board, Where such improvements are required, they shall be incorporated in the Final Plan and execute by the subdivider as construction of the Subdivision progresses.

*level open space
Roadway.*

Article 4

B. STORM DRAINAGE CONSTRUCTION

1. Requirements, The Sangerville Planning Board will not approve any Subdivision Plan unless the proposed road and drainage system have been approved I/A/W the herein specifications. Any approval of the final plan including the enclosed regulations and specifications shall not constitute nor be evidence that the municipality will accept any road or easement.
2. Developers shall submit to the Board detailed construction drawings, as a part of the Final Plan, showing the proposed roads in both a plain view as well as cross sections of all proposed roads and any existing roads within 250 feet of any and all intersections. The plan submitted shall also include but is not limited to the following information.
 - a) Date
 - b) Scale of map as well as magnetic North.
 - c) Roadway and right of way limits, including the edge of surface, edge of shoulder, curbing and all sidewalks.
 - d) Center line gradients.
 - e) Cross section and all existing proposed drainage systems and structures as well as their proximity to brooks and streams as well as run-off areas that connect to brooks and streams and natural watercourses. This must include an in depth ascertainment as to the possibility of pollution to the water from the proposed roads.
 - f) Horizontal and vertical curve data as well as turning radii and center line gradients.
 - g) All overhead as well as underground utilities must be shown as well as their locations and shall include telephone, electric, sewer and water.

- h) When it is the responsibility of the developer to work on Town of Sangerville roads, all plans for improvements must be submitted to the Selectmen, Planning Board Road Commissioner and the Code Enforcement Officer. The expenses connected to the road improvements are the responsibility of the developer and contractual work performed on Sangerville roads shall be designated by the Sangerville Board of Selectmen.
- i) When the final plan is submitted to the Planning Board, the developer shall have stated in the following language on the plan recorded at the Piscataquis Registry of Deeds the following, "All roads located within the subdivision are to remain private roads and shall be maintained by the lot owners or the developer and shall not be accepted by the Town of Sangerville".
- j) Upon a request of a developer to have the Town accept a road as a municipal road, the Board shall immediately forward all plans and requests to the Selectmen and Road Commissioner for their review.

C. STORM WATER RUN-OFF DESIGN STANDARDS.

1. Purpose: To insure that adequate storm drainage and water run-off from the subdivisions shall not impair nor cause damage to both existing roads as well as all proposed roads within the subdivision. There must be provisions within the subdivision to prevent pollution to any streams, brooks or wetland areas and to insure that aquatic life shall not be harmed.
2. Adequate provisions shall be made for the proper disposal of all storm water generated within the subdivision and any drained ground water throughout a management system of swales, culverts, underdrains as well as storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
3. Where a subdivision is traversed by a brook, stream or any water course or surface water drainway, or where the Board feels that the surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights of ways with swales, culverts, underdrains or catch basins or other means of channeling the water within the subdivision as well as other properties. The stormwater drainage system shall be designed by a registered professional engineer.
4. Drainage easements for existing water courses or proposed drainage ways shall be provided at a minimum of 30 feet wide conforming substantially with the lines of natural drainage.

5. All components of the storm water management system shall be designed to limit peak discharge to pre-developmental levels for every storm between 2 year and 25 year, 24 hour duration frequencies, based upon the rainfall data for Bangor, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from pre-developmental levels, provided downstream drainage structures are suitable.
6. The minimum allowable pipe size for any storm drain shall be 12 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus 2 feet. All pipes shall be bedded in a fine granular material containing no stones larger than 3 inches, lumps of clay or other organic material, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above the top of the pipe.
7. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned development not yet built and shall include a surplus design capacity of 25% for any potential increase in upstream runoff.
8. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The developer shall be responsible for financing any and all improvements to existing drainage systems required to handle the increase in storm flows.
9. Catch basins shall be installed as necessary and shall be installed along all curb lines and other places deemed necessary by an engineer.
10. All outlets shall be stabilized against soil erosion by stone, riprap or other tile system to reduce storm water velocity. Whenever the storm drainage system is not within the right of way of a public road, perpetual easements shall be provided to the Town of Sangerville or the Water Board allowing maintenance and improvements to the system.
11. Where the soils are of the type that require a subsurface drainage system, the drains shall be installed and maintained separately from the storm drainage system.

D. STORM MANAGEMENT DRAINAGE CONSTRUCTION STANDARDS:

1. Materials:

- a) Asbestos Cement Pipe: Asbestos cement pipe shall meet the requirements of ASTM Designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or an approved pre-formed plastic sleeve type.
- b) Corrugated Metal Pipe: Corrugated metal pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for Iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and a type of bituminous coating. Pipe gauge shall be as required to meet soil and traffic loads with a deflection of not more than 5%.
- c) Reinforced Concrete Pipe: Reinforced Concrete pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe class shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a class B bedding. Joints shall be the rubber gasket type meeting ASTM Designation C443-70, or of an approved performed plastic joining material. Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for all appropriate diameters.
- d) ABS Pipe: ABS composite pipes and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
- e) Corrugated Metal Pipe: Corrugated metal pipe shall conform to AASHTO M 252.
- f) Manholes: Manholes shall be of pre-cast concrete, truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction, meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place utilizing 3000 PSI 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops, shall conform to the requirements of AASHTO M 103 for carbon steel casings. AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade "B" or better) for structural steel.

g) Catch Basins: Catch basins shall be of pre-cast truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirement of ASTM Designation C 139, Radial Type. Casting shall be set in a full mortar bed with tops shall conform to the requirements of AAASHTO M 103 for carbon steel casings, AASHTO M 105, Class 30 for Gray Iron castings or AASHTO M 183 (ASTM A 283 Grade "B" or better) for structural steel.

2. Drain Alignment: Drain inlet alignment shall be straight in both the Horizontal and Vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Planning Board, after a consultation with an engineer.

3. Manholes: Manholes shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400' intervals.

4. Completion: Upon completion, each catch basin or manhole shall be cleaned of debris and matter and shall be kept clean until final inspection.

E. ROAD DESIGN STANDARDS:

1. The standards set fourth shall be met by all roads within the subdivision and shall include, Drainage Systems, Roads, Culverts, Road Shoulders, Curbing and other appurtenances.
2. All roads shall be designed as to discourage through traffic on minor streets within a subdivision designated for residential use.
3. Any subdivision that is located near an area that is zoned for commercial/industrial use in conformity with the Sangerville Comprehensive Plan, the road right-of-way and width of road shall be increased on each side by 1/2 the amount necessary to bring into conformity that road for the standards set fourth for commercial or industrial roads.
4. Any subdivision that is expected to generate an average daily traffic count of 200 trips per day shall have a minimum of 2 road connections with existing town of Sangerville roads.
5. The following design criteria and standards apply to road classifications.

ROAD DESIGN STANDARDS II

ROAD TYPE	MINOR	MAJOR	PRIVATE MINOR	PRIVATE MAJOR
AVERAGE DAILY TRAFFIC	0 - 250	250+	0 - 100	100+
RIGHT OF WAY WIDTH	50'	60'	50'	50'
PAVEMENT WIDTH	20'	22'	18'	20'
SHOULDER WIDTH	2'	4'	2'	2'
AGGREGATE SUBBASE REQUIRED(compacted)	18"	24"	16"	16"
HOT BITUMINOUS PAVEMENT	2"BASE 1"SURFACE	2"BASE 1"SURFACE	N/A N/A	2"BASE 1"SURFACE
ROADWAY CROWN	1/4 PER FT.	1/4 PER FT.	1/2 PER FT.	1/4 PER FT.
MAXIMUM GRADE	8%	6%	8%	6%
MINIMUM ANGLE AT INTERSECTION	75°	90°	75°	90°
MINIMUM CENTER LINE RADIUS AT CURVES	150'	220'	150'	200'
MINIMUM TANGENT LENGTH BETWEEN CURVES	100'	100'	50'	100'

TRIP GENERATION RATES

The following chart shall be used to determine the anticipated daily traffic (ADT) levels of the proposed residential development.

HOUSING TYPE	AVERAGE WEEKDAY TRIP GENERATION
Single Family Detached	10 Trips per Dwelling Unit
Duplex (Twin) Multiplex	8 Trips per Dwelling Unit
Apartments	8 Trips per Dwelling Unit
Mobile Home	8 Trips per Dwelling Unit
Retirement Village	3 1/2 Trips per Dwelling Unit

DESIGN CRITERIA & STANDARDS

ROAD CLASSIFICATION

Description	Private				
	Aterial	Collector	Minor	of Way	Ind. Comm
Minimum Right-of Way Width	80'	50'	50'	50'	60'
Minimum Pavement Width	44'	24'	20'	18'	30'
Sidewalk Width	8'	5'	5'	N/A	8'
Minimum Grade	5%	.5%	.5%	N/A	.5%
Maximum Grade*	5%	6%	8%	10%	5%
Minimum Center line Radius	500'	230'	150'	N/A	400'
Minimum Tangent Between Curves of Reverse Alignment	200'	100'	50'	N/A	200'
Roadway Crown	1/4 ft	1/4 ft	1/4 ft	N/A	1/4 ft
Minimum Angle Road Intersection	90°	90°	75°	N/A	
Max Grade within 75' of Intersection	2%	2%	2%	N/A	2%
Minimum Row Radli at Intersection	20'	10'	10'	10'	20'
Minimum Curb Radli at Intersections	30'	20'	15'	N/A	30***
Min Width of Shoulders(both sides)	5'	3'	3'	3'	9'

- * Maximum Grade may be exceeded for 100' or less.
- ** Road intersection angles shall be as close to 90 as possible, but less than the above listed angle.
- *** Should be based on turning radli of expected commercial traffic, but in no case less than 30 feet.

6. The center line of the roadway shall be the center line of the right-of-way.
7. Dead End Roads: All dead end roads shall be constructed to provide a cul-de-sac turn around with the following requirements for radli. Property line 65', outer edge of pavement, 50', inner edge of pavement, 30'. Where cul-de-sac is located in a wooded natural area, there shall be left a stand of trees within the center of the cul-de-sac. In addition the Planning Board may require a reservation of a 20' easement in line with the road to provide for the continuation of pedestrian traffic and utilities to the next street. The Planning Board may also require the reservation of a 50' easement in line with the strept in order to provide a continuation of the road where a future expansion of a subdivision is possible.
8. Site Distances, Intersections and Grades: The grades of all roads shall generally conform to the grade of the terrain, in order to minimize cut and fill while maintaining the standards set forth in Art.10.4,E.

9. All changes in grade shall be connected in verticle curves to provide ~~to provide~~ the following minimum stopping sight distances based on the road design speed.

Design Speed (Mph)	20	25	30	30
Stopping Sight Distance(ft)	125	150	200	250

Stopping distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

10. Where a new road intersection or driveway curb-cut are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and shall conform to the table in this section. Sight distances shall be measured from the drivers seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10' behind the curblin or the edge of the shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.

Posted Speed Limits(Mph)	20	25	30	30
Sight Distance(ft)	125	150	200	250

Where necessary, corner lots shall be cleared of all growth and all sight obstructions, including ground excavation, to achieve the required visibility.

11. Cross road intersections shall be avolded whenever possible, the exception to this is shown in the Sangerville Comprehensive Plan.

12. Sidewalks: Sidewalks shall be installed in subdivisions within the towns designated Urban Compact Area, per Sangerville's Comprehensive Plan and shall meet the following minimum requirements.

a) Bituminous Sidewalks:

- 1) The crushed aggregate base course shall be no less than 8" thick.
- 2) The Hot Bituminous pavement surface shall be no less than 2", after compaction.

b) Portland Cement Concrete Sidewalks:

- 1) The sand base shall be no less than 6" thick.
- 2) The Portland Cement Concrete shall be reinforced with 6" square, number 10 wire mesh and shall be no less than 4" thick.

- c) Granite Curbing: Granite curbing shall be installed on a thoroughly compacted gravel base of 6" minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.

F. ROAD CONSTRUCTION STANDARDS:

1. Preparation:

- a) Before any clearing has started on the road right-of-way, the center lines of the new road shall be staked at 50' intervals.
- b) Before grading has begun, the entire right-of-way shall be cleared of all stumps, roots, brush, bushes and any other unacceptable material. All large boulders and ledge shall be removed from the right-of-way.
- c) All organic material shall be removed from a depth of 2' below the subgrade of the road. On soils that have been identified as not suitable for a roadway, the subsoil shall be removed from the road site to a depth of 2' below the subgrade and replaced with material meeting the specification for gravel aggregate sub-base below.
- d) Except in a ledge cut, side slopes shall be not steeper than a slope of 3' horizontal to 1' vertical and shall be graded, loamed, limed, fertilized and seeded according to the specification
- e) All underground utilities shall be installed prior to any paving to avoid cuts in the pavement. All sewer lines, water service connections and other underground utilities shall be installed to the edge of the right-of-way prior to any paving.

G. BASES AND PAVEMENT:

1. Bases

- a) The aggregate sub-base course shall be sand or gravel of hard durable particles, free from any vegetative matter, lumps of clay and other non conforming substances. The gradation of the part that passes a 3" square mesh sieve shall meet the following requirements.

SIEVE DESIGNATION

PERCENTAGE OF WEIGHT PASSING SIEVES

1/4 INCH	25-70%
NO. 40	0-30%
NO. 200	0- 7%

Aggregate base course shall be sanded or graveled or hard durable particles, free from vegetative matter, lumps of clay and other unacceptable materials. The gradation of the part that passes a 3" square mesh sieve shall meet the following requirements.

<u>SIEVE DESIGNATION</u>	<u>PERCENTAGE BY WEIGHT PASSING SIEVES</u>
1/2 INCH	45-70%
1/4 INCH	30-55%
NO. 40	0-20%
NO. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding 2" in any dimension.

2. Pavement

- a) Pavement Joints: When pavement joins an existing pavement, the existing pavement shall be cut smooth along the line and form a neat even vertical joint.
- b) A minimum base layer of pavement shall meet the Maine Department of Transportation specifications for plant mix Grade B with an aggregate size no greater than 1".
- c) Minimum standards for the surface layer shall meet the Maine Department of Transportation specifications for plant mix Grade C with an aggregate size no greater than 3/4".

SECTION V UTILITIES

Article 5

A. UTILITIES

1. Easements

Easements for utilities across lots, centered on road or side lot lines, either within or beyond the subdivision, as may be necessary, shall be provided where necessary and shall be at least twelve feet (12') wide.

2. Water Systems

- a) Where possible, water service with fire hydrants shall be obtained from the appropriate public water department.
- b) The minimum water main shall be recommended by the water district and the developer shall be responsible for the cost of installation and supervision by the district to accepted standards.

3. Sanitary Sewerage System

a) Connection with Public Sewerage Systems

Where the public sanitary line is located within 1500 feet of a proposed subdivision at its nearest point, the subdivider shall connect with such sanitary sewer line with a main not less than 8 inches in diameter.

b) Standards

- 1) Any lot within a subdivision shall follow all applicable requirements of the State of Maine, Subsurface Wastewater Disposal Rules. Each such lot shall have a soils test which meets the current requirements under the code.
- 2) Any structure to be erected shall follow all applicable rules under the State of Maine, Internal Plumbing Rules.

3. Electric Power and Telephone System

Whenever practicable the subdivider shall be encouraged to install under ground conduits and other necessary subsurface structures to provide underground power and phone service throughout the subdivision in order to eliminate unsightly utility poles. Such underground structures shall be constructed according to the requirements of the utility company involved.

SECTION VI LOTS

Article 5

A. LOTS

1. Subdividers should review and plan lots under the requirements specified in the Sangerville Lot Size Ordinance.
2. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for the off-street service and parking facilities for vehicles required by the type of use and development contemplated.
3. Subdividers should consider enlargement of corner lots.
4. All lots in proposed subdivisions shall be provided reasonable access to a public way.
5. Side lot lines shall be substantially at right angles or radial to street lines.

6. Large Lots or Parcels

If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future resubdivisions.

B. PUBLIC SITES AND OPEN SPACES

Where deemed essential by the Planning Board, upon consideration of the type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Board may require the dedication or preservation of such areas or sites of a character, extent and location suitable to the needs of the development for limited commercial use and of the Town for schools, parks, playgrounds and other neighborhood purposes. Article 4:7
LARGE SCALE DEVELOPEMENT

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community, or neighborhood unit, or other major development which, in the judgement of the Planning Board provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such coveants or other legal provisions as will assure conformity and achievement of the plan. The developer shall be responsible for any consulting services to review such development as per Article 2, Section A.6.

SECTION VII RELEASE OF BOND

Article 7

A. RELEASE OF BOND

Before voting to release the subdivider's check or performance bond, the Board of Selectmen shall determine to its satisfaction, in part by a written certification of the Planning Board Chairman and the Building Inspector, that there have been submitted to them by the subdivider or his agents written statements signed by:

1. A registered professional engineer, paid for by the subdivider, stating that all permanent bounds and monuments on street lines and on lot lines have been accurately installed in the locations designated on the final plan.

2. The Trustees of the appropriate Water Board state that the water mains and hydrants have been installed in a properly operating condition and are in accordance with the Final Plan diagram and all applicable standards and requirements.

3. The Building Inspector or Town Engineer states that

- a) The streets and storm drainage have been constructed and completed in conformance with the Final Plan diagram and requirements.
- b) The sanitary sewer and other means of sewage disposal have been constructed and are in place in conformance with the Final Plan diagrams and all applicable standards and requirements.

SECTION VIII
ADMINISTRATIVE POSITIONS

ARTICLE 8

A. PLANNING BOARD TO ADMINISTER SUBDIVISION REQUIREMENTS

The Planning Board of the Town of Sangerville hereinafter called the Board, shall administer these regulations.

B. PLAN APPROVAL AND RECORDING REQUIRED

After these regulations shall have been adopted, any subdivision that fails to meet the requirements herein shall be disapproved by the Planning Board. The Register of Deeds shall not record any plan of a proposed subdivision until it has been approved by the Planning Board and the approval noted on the Plan. The recording of a Plan without the approval required by this subsection is void.

C. MODIFICATIONS OR ADDITIONAL IMPROVEMENTS

Where the subdivider can show to the Planning Board's satisfaction that strict adherence to these regulations would cause unnecessary hardship and where, because of topography or other conditions peculiar to the site, in the opinion of the Planning Board, a departure may be made without destroying the intent of these provisions, the Board may authorize a modification.

Likewise, because of peculiar conditions or circumstances relative to a particular subdivision the Board may require the installation of other improvements.

Any modification thus authorized or additional improvements thus required shall be stated in writing in the minutes of the Planning Board with the reasoning on which the modification or addition was justified set forth.

SECTION IX
LEGAL PROVISIONS

ARTICLE 9

A. EFFECTIVE DATE

These regulations shall become effective upon their official adoption by the Planning Board and shall apply thereafter to all subdivisions within the Town of Sangerville, as defined in these regulations, except that they shall not apply to subdivisions for which plans are on file in the office of the Selectmen and which have been approved by the Board of Selectmen and Planning Board under the ordinance in force at the time of such approval, for a period of 12 months from such date to the adoption of these regulations. At the expiration of 12 months from such date of adoption, all plans on file shall become null and void as to all portions of said plans not executed; no lots have been sold, and no streets have been constructed; and new plans conforming to these regulations must be filed as provided herein.

B. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances inconsistent with or contrary to the provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effectiveness.

C. SEVERABILITY

Should any section or part of a section of these regulations be declared by the courts to be unconstitutional or invalid such declaration shall not affect the validity of the remainder of these regulations.

TOWN OF SANGERVILLE

TRAFFIC CONTROL AND PARKING ORDINANCE

CHAPTER 1: PARKING

Section 1. Stopping not to obstruct public way or crosswalk.

- a. No vehicle shall stop in such a way as to obstruct any public way or crosswalk except for the purpose of taking on or letting off a passenger, or for loading or unloading freight, for a period of up to ten (10) minutes, or except in case of accident, or when to do so by a police officer. Also exempt are any emergency vehicle on an emergency call, or any authorized construction vehicle involved in actual construction, repair or re-paving.
- b. The parking of a motor vehicle in such a manner as to obstruct traffic or block a driveway or sidewalk is prohibited. Such vehicles may be removed or towed at owner's expense.
- c. No vehicle shall stop or park within the intersection of any streets or within twenty (20) feet of a street corner or as posted, nor within ten (10) feet of any hydrant wherever located; provided, however, that the foregoing provisions of this section shall not apply to the United States mail, emergency and public utility vehicles.

Section 2. Nighttime parking; exceptions.

- a. No vehicle shall be parked in any street or municipal parking lot in the town for a longer period than one (1) hour, between 12:00 a.m. and 5:00 a.m.
- b. This section shall not apply to physicians on professional calls, or to fire, police, or public utility vehicles.
- c. No vehicle with a gross vehicle weight in excess of fifteen thousand (15,000) pounds shall be parked for a period longer than one (1) hour in any street between the hours of 10:00 p.m. and 7:00 a.m. except on permit granted by the municipal officers or by the Piscataquis County Sheriff's Office.

Section 3. Parking not to hinder snow removal.

No person shall park or permit a vehicle to remain parked in any public way from November 15 to May 15, since such parking or remaining parked may interfere with snowplowing or the loading or removal of snow from such public way.

Section 4. Parking close to fires.

- a. No person shall park a vehicle, with or without occupants, other than a fire or police vehicle or an ambulance, on a public way within one hundred (100) yards of a fire in which fire personnel are engaged.

- b. If a vehicle parks more than one hundred (100) yards from the fire and within one-quarter mile thereof, it shall park on the right-hand side of the highway and parallel to and within two (2) feet of the curb or edge of the highway.

Section 5. Exceptions to parking regulations for regular worship services.

Parking shall be allowed in the immediate area of places of worship one-half (½) hour before services until one-half (½) hour after services on all town streets except for on State Numbered Routes where parking is prohibited, on crosswalks, within ten (10) feet of any fire hydrants or within a "Fire Zone".

Section 6. Schedule of no parking, restricted parking areas.

- a. *Church Street:*
No parking on the north side of Church Street.
No parking on the south side of street during any snow storm. (Winter Ban).
This does not apply to vehicles parked for worship one-half hour before and one-half hour after service.
- b. *Douty Hill Road:*
No parking either side of street starting at the intersection of Main Street, easterly to the top of the hill for a distance of three hundred (300) feet.
- c. *Haley Court:*
No parking either side of street from the intersection of Pleasant Avenue, northerly one hundred fifty (150) feet.
- d. *Hunnewell Avenue:* No parking either side of street during any snow storm. (Winter Ban)
- e. *Main Street:*
No parking either side of street starting at the intersection of School Street, northerly to the intersection of Mill Street except as designated otherwise.
No parking on the west side of street starting at the intersection of School Street, southerly to the intersection of Hunnewell Avenue.
- f. *Maple Street:*
No parking either side of street during any snow storm. (Winter Ban)
- g. *School Street:*
No parking on the south side of street from the intersection of Main Street, westerly to the municipal parking lot, this will be labeled as "No Parking Fire Zone".
- h. *McPhetres Road:*
No parking either side of street starting at the intersection of Pleasant Avenue, westerly one hundred fifty (150) feet.

i. *Mill Street:*

No parking either side of street during any snow storm. (Winter Ban)

j. *Pleasant Avenue:*

No parking either side of street starting at the intersection on Main Street, westerly to the intersection of Maple Street.

No parking on the north side of Pleasant Avenue opposite the Irving Station between the two No Parking Signs.

k. *Abbie Fowler:*

Cars parked in the Abbie Fowler lot must move them to the opposite side to allow for plowing after a snow storm.

l. *Driveway between Town Hall and Fire Station:*

No parking at any time in the Fire Lane.

m. *Boat Ramps:*

No parking in the access areas to the Manhanook and Edgerly Municipal Boat Ramps

n. *Town Hall Parking Lot:*

No overnight parking is permitted in the Town Hall Parking lot and violators are subject to having their car towed at the owner's expense.

Section 7. Municipal Parking Lots

All Municipal Parking Lots are for the sole use of licensed, registered and inspected automobiles. Unregistered vehicles parked in municipal parking lots will be towed away at the owner's expense.

Section 8. Handicapped Parking at the Town Hall

The Town of Sangerville provides a handicapped parking space adjacent to the parking lot entrance of the Town Hall. Any vehicle parked in such a space that does not have a special registration plate or placard issued under M.R.S.A. Title 29, Section 252, or a similar plate issued by another state, shall be cited for a fine of two hundred dollars (\$200.00) and towed away at the owner's expense.

Section 9. Penalties for Unlawful Parking

The Town of Sangerville shall recover from the owner or operator of any vehicle unlawfully parked and contrary to Section I of this Ordinance, the sum of \$25.00 for each violation thereof to be paid to the Treasurer of the Town who will place such monies in the Town of Sangerville revenue account. Failure to pay the penalty within 30 days of the parking ADOPTED BOARD OF SELECTMEN MONTH DAY< 2016 violation will result in a civil action in the Maine District Court at Dover-Foxcroft for collection of

the penalty due plus any court costs or attorney fees. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

CHAPTER 2: DRIVEWAY PERMIT.

Section 1. Requirements

Any person, firm, corporation or district desiring to construct a driveway on any local public street shall first obtain a driveway permit from the Public Works Director. All such permits are issued in accordance with 23 M.R.S.A. §~3354.

Section 2. Approval

The Public Works Director shall approve the construction schedule for all driveway permits.

Section 3. Culverts

The owner is responsible for the first pipe or culvert and the first installation and the town is responsible for all future maintenance of the culvert. See Culvert Policy dated April 28, 2015.

Section 4. Drainage

- a. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.
- b. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
- c. Where a drainage culvert is required to maintain roadside drainage, the Public Works Director must approve the pipe diameter/length and type of pipe material prior to installation. In most cases the pipe size shall be at least 15 inches in diameter and 20 feet in length. No concrete culverts allowed.

Section 5. Construction

- a. The Owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right of Way.
- b. The entire portion of any entrance within the limits of the Right of Way shall be constructed with gravel material acceptable to the Public Works Director.
- c. The Owner is responsible for any damage to the town way.

Section 6. Exemptions. A permit is not required for the following:

- a. Any existing driveway, entrance or approach unless its grade or location is changed.
- b. A driveway on to a road subject to MaineDOT Highway Driveway and Entrance Rules.

Section 7. Permit Application

Project location: Map ____ Lot ____ Street Address _____

Owner Information:

Name: _____

Street: _____

City: _____ State: _____ Zip: _____

Daytime telephone: _____

Contractor name: _____

Contractor daytime telephone _____

Public Works Director shall specify culvert size: diameter: _____ length: _____

Final PWD Inspection: _____

PWD Signature: _____

Date _____

CHAPTER 3: ONE WAY STREETS

It shall be unlawful to enter any roadway designated by a sign as "Wrong Way," "Do Not Enter" or by the international "Wrong Way" sign. The Sangerville Road Commissioner, with the approval of the Board of Selectmen, shall designate by appropriate signs other roadways as "One Way" which in their judgment are dangerous if two-way traffic is allowed.

CHAPTER 4: STOP SIGNS

It shall be unlawful to enter any roadway controlled by a "Stop" sign erected by the Town of Sangerville, through the Sangerville Road Commissioner; without first coming to a complete stop. The Sangerville Road Commissioner, with approval of the Board of Selectmen, is authorized to erect such "Stop" signs wherever in their judgment it is dangerous to enter a roadway without first coming to a complete stop.

CHAPTER 5: DEPOSITING SNOW ON STATE-AID AND TOWN ROADS AND SIDEWALKS

It is unlawful to deposit snow within the limits of any Town or State-aid roads or sidewalks in the Town of Sangerville. In addition to the penalty provided in Chapter 5, the Town shall recover, by way of civil court action, the actual cost of removing snow unlawfully deposited.

CHAPTER 6: PENALTIES

The penalty for violation of any section of this Ordinance other than Parking Control sections shall be the same as authorized by Maine Revised Statutes for traffic infractions as are in effect at the time of the infraction and shall be enforced by the Piscataquis County Sheriff or other contracted police agencies by use of the same citations and procedures as are lawful for State of Maine Traffic Infractions.

CHAPTER 7: TAMPERING WITH SIGNS

No person shall maliciously tamper with, deface, alter, remove or destroy any traffic or parking sign, printing or painting posted by the Town of Sangerville.

CHAPTER 8: GRAFFITI

Defacing, marking, graffiti, painting, drawing on town ways is prohibited and violators are subject to civil penalty as prescribed by law.

CHAPTER 9: ATV's on PUBLIC WAYS

ATV's on permitted ATV Access Routes shall follow the rules of the road as required of motor vehicles. ATV's on ATV Access Routes are permitted from April 15 until December 1 and only between 7 a.m. and dusk and only if the Access Route has been properly signed according to MaineDOT rules and as approved by the Town Manager. ATV's must also have a current registration sticker.

CHAPTER 10: POSTED SPEED LIMITS

Speed limits on state, state-aided and town ways are determined by the MaineDOT with the approval of the Chief of the State Police. The general rule is 25 mph in a business or residential area or built-up portion and 45 mph on all other public ways. The speed limits in Sangerville are posted as approved by MaineDOT.

CHAPTER 11: CROSSWALKS

Crosswalks are to be painted once a year to maintain their visibility.

CHAPTER 12: RESTRICTING VEHICLE WEIGHT on POSTED WAY

Adopted January 14, 2014

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Sangerville, Maine which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the travelling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their

maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

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

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

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers and/or the road commissioner. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (MaineDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and as amended, is incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4-A)

Section 5. Permits

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

- a. No other route is reasonably available to the applicant;
- b. It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge; and
- c. The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

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

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

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

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

CHAPTER 12: MAILBOXES Amended January 14, 2014

Section 1: Preface

The convenience and practicality, mailbox installations have been allowed within the right-of-way of Maine's public highways; however, it is important to recognize that such installations have two very important conditions:

- a. The mailbox must be installed in accordance with applicable standards to ensure that mail can be delivered and that the mailbox does not create an obstacle or safety hazard to those that use or maintain the highway, and
- b. The mailbox is installed entirely at the owner's risk. In other words, if the mailbox incurs damage during any sort of highway operations or maintenance, the property owner is not entitled to replacement or

compensation. In fact, if the mailbox was not installed in accordance with the applicable standards as stated above, the owner may even be held liable for injuries or damages that may have been incurred as a result.

Mailbox design and installation standards are available from several sources, and mailbox owners are expected to consult this information prior to undertaking any mailbox installation or replacement. The following standards have nationwide relevance and were developed in cooperation with one another:

a. The United States Postal Service (USPS) Mailbox Guidelines. The USPS defines the standards for mailbox construction, as well as the placement tolerance that must be met to accommodate postal operations. Specifics may be obtained from your local post office or online at

<http://www.usps.com/manage/known-mailbox-guidelines.htm>

b. American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. The AASHTO Roadside Design Guide, Chapter 11: *Erecting Mailboxes on Streets and Highways* deals with the safety and construction of privately owned mailboxes, mailbox supports, and mailbox turnout designs and is less focused on postal operations. This publication may be obtained online through the AASHTO Bookstore at:

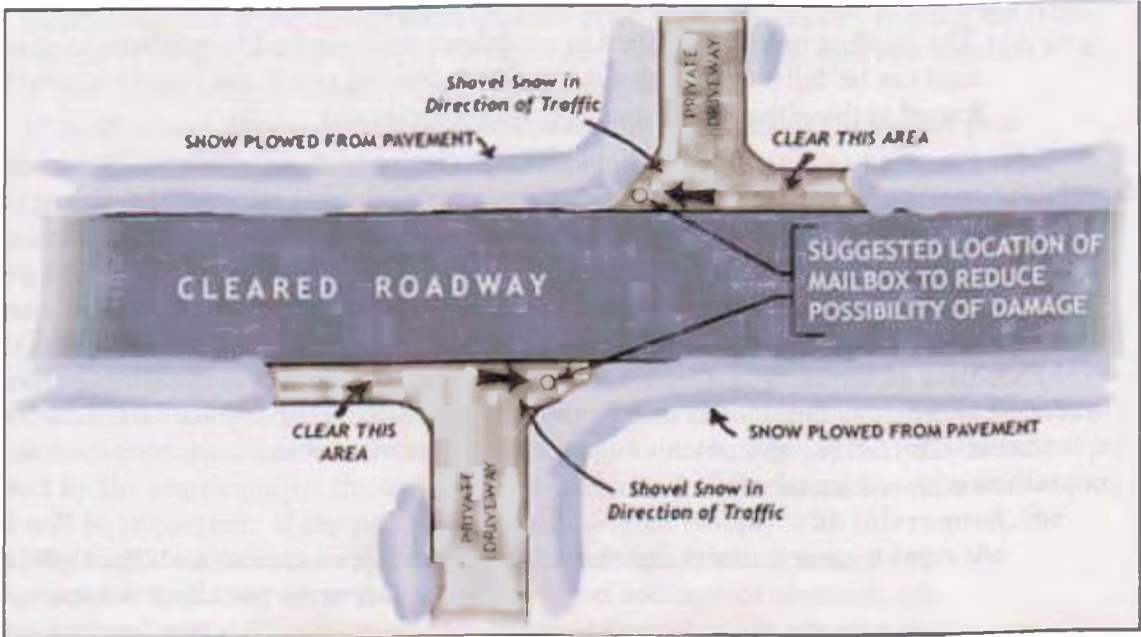
http://bookstore.transportation.gov/item_details.asp?id=1807

Sangerville has adopted this ordinance to promote compliance with these national standards and help further clarify the expectations and responsibilities of Maine mailbox owners to improve the safety of our roads. The following pages further specify the details associated with the mailbox height, location, offset, and post type to minimize the potential hazards associated with mailbox installations and to reduce the opportunities for damage to mailboxes.

Mailbox Installation Standards

Section 2: General Location

Whenever possible, your mailbox should be located after your driveway opening. This location placement improves visibility, minimizes the amount of snow that comes off the snow plow, and improves the approach for your mail carrier. The diagram below further clarifies his preferred placement:



Section 3: Mailbox Support Design

It is best to use an extended arm type of post with a free-swinging suspended mailbox. This allows snowplows to sweep near or under boxes without damage to supports and provides easy access to the boxes by carrier and customers. The following picture shows a free-swinging suspended mailbox:



Section 4: Offset

Mailboxes should be set back from the edge of the shoulder – regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least one foot (1') back from the edge of the normally plowed surface of the highway or the face of curb. Greater offset distances are encouraged whenever possible to allow the mail carrier to get further out of traffic and to further minimize potential damage to your mailbox. The following picture shows a mailbox with a reasonable offset:



Section 5: Height

According to USPS standards, a mailbox must be installed with the bottom of the mailbox located between 41" and 45" high above the surface of the highway shoulder. We recommend that this height be closer to the 45" measurement to minimize conflict with the height of the plow truck wing when snow is being pushed back during, or between, winter storms. The following picture further clarifies the height considerations:

Section 6: Post Size, Type and Embedment

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather conditions; however, they cannot be so rugged that they present a hazard to vehicles that inadvertently leave the road. If a mailbox support is struck by a vehicle, it must easily break away. Therefore, the following types of posts are deemed acceptable:

- a. 4" x 4" wooden posts embedded 2 feet into the ground. Larger wooden posts may be used only if the post is drilled through with an appropriate spade bit to create a shear plane that is no higher than 6" above the surface of the surrounding ground. The number and size of the drilled holes depends upon what is necessary to bring the cross-section of the larger post down to the equivalent cross-sectional area of a standard 4" x 4" post. (Maine DOT Standard Specification 606.06)
- b. 1" to 2" round diameter steel or aluminum pipe or standard U-channel post embedded 2 feet into the ground.
- c. Unacceptable mailbox supports include: anything that is filled with concrete, masonry and stone structures, heavy steel structures, and most objects that were intended for other uses (e.g. antique plows, I-beams, and various other household tools and objects).

Section 7: Notice

Mailboxes, attachments or support systems not consistent with this policy are considered "Deadly Fixed Objects" (aka. "DFO's") and are in violation of 23 MRSA §1401-A on state and state aid roads. On local roads, they can be considered as "obstructions" and a number of statutes relate to these obstructions. As such, when these installations are recognized by the municipality, the owner will be informed of the hazard and immediate removal will be requested. If the property owner does not comply with this request, the municipality may elect to remove the installation and seek reimbursement from the property owner for all costs incurred.

CHAPTER 14: SIDEWALKS

Sidewalks are to be cleared of snow by the Town's Public Works Department within 48 hours of clearing the town ways and parking lots. The town is only responsible for clearing the snow and is not responsible for icy conditions nor is the town liable for such accidents or injuries that may occur from walking on sidewalks. Residents are permitted to take sand/salt from the Public Works Garage to spread on sidewalks in front of their residence at their own risk. The sidewalks to be cleared are the following:

- a. Main Street from the Post Office to the intersection of Pleasant Avenue
- b. Pleasant Avenue from Main Street uphill to McPhetres Road
- c. Main Street from Mill Street to the intersection of Douty Hill Road
- d. Douty Hill Road both sides of the road across the bridge to Numberall Co.

CHAPTER 15: AMENDMENTS

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

CHAPTER 16. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer] who then notifies the appropriate law enforcement agency.

CHAPTER 17. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

CHAPTER 18: SEVERABILITY & EFFECTIVE DATE

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

The Traffic Control and Parking Ordinance described above, adopted and implemented this Xth day of MONTH 2016.

Melissa Randall, Chairman

Thomas Carone

Dale Gray

September 12, 2016

Ordinance Restricting Vehicle Weight on Posted Way

Adopted February 11, 2014

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Sangerville, Maine which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the travelling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A § 3009 and 29-A M.R.S.A. § 2395 as in effect of this date.

Section 2. Definitions

Terms and words used in this ordinance shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

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

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

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers and/or the road commissioner. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person other than the road commissioner or municipal officers may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (Maine DOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, is incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing

well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4-A)

Section 5. Permits

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

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

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

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

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

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

Section 6. Administration and Enforcement

This Ordinance shall be administered by the municipal officers and may be enforced by a duly authorized law enforcement officer.

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

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

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

Approved by Sangerville Board of Selectmen February 11, 2014

Thomas Carone

Melissa Randall

William L. Rowe