

**TOWN OF ANSON
ANIMAL CONTROL ORDINANCE**

ARTICLE I DOGS

Section 1: General Provisions

No dog under the control or care of any person shall be permitted to leave the property of that person unless it is led on a leash of suitable strength not more than six feet (6') in length, or is under the supervision and verbal control of any person. Any dog found which is not in either of the above categories may be impounded by the Animal Control Officer at the owner's expense including the Animal Control Officer's fee. In addition to this any dog which defecates on property other than that of the owner will be cleaned up by the person in possession of the animal.

Section 2: Licensing of Dog

Dogs shall be licensed in accordance with the statutes of the State of Maine. Anyone possessing, on the first day of January, a dog which must be licensed under the statutes of the State of Maine, and which has not been licensed prior to the first day of April, shall pay an extra fee, as provided in 7 M.R.S.A. Section 3943.

ARTICLE II ANIMALS IN GENERAL

Section 1: Animals Creating a Nuisance by Noise.

No person shall keep or harbor any dog or animal within the Town which, by frequent or habitual barking, howling, yelping, or other noises common to its species, creates unreasonably loud and disturbing noises of such a character or intensity and duration as to disturb the peace and quiet and good order of the Town. Any person who shall allow such animal to remain, or be lodged, within any dwelling, building, yard, or enclosure which he or she occupies or owns, shall be considered as harboring such an animal.

Section 2: Disposal of Dead Animals in Public Places.

No person shall deposit, place, or throw any dead, mortally ill, or injured animal or part thereof in any public or private place except as otherwise provided in Article I and II.

Section 3: Disposal of Dead Animals by Animal Control Officer or Humane Agent
When any animal is found dead or dying on the land or premises of any person not the owner or person responsible for such owner, or is so found in any public street or place, any person having knowledge of the matter shall report the facts immediately to the Animal Control Officer or Humane Agent. The officer or agent shall notify the owner at once, and the owner shall immediately cause such animal to be treated or disposed of by a veterinarian or, in the instance of a dead animal, to cause the body to be buried in a sanitary manner. If the owner is unknown, in the event of an injured animal the Animal Control Officer may dispose of the animal or cause its disposal by a veterinarian. In the case of a dead animal carcass where the owner's name is unknown the Animal Control Officer or Humane Agent shall dispose of the body by transporting it forthwith to the Town disposal area or other location for burial where such disposal can be accomplished in a neat and sanitary manner.

ARTICLE III PENALTY

Any person found in violation of this ordinance by a court shall be subject to a fine of not less than \$50.00 nor more than \$100.00. Such person shall also be liable to reimburse the Town for all costs incurred by the Town and its officials in connection with each violation, including but not limited to the Animal Control Officer, at the rate paid by the Town, including mileage expenses; the actual costs of boarding the animal in question; and reasonable attorney's fees.

Hearing Date:

Adopted: *JUNE 1, 1999*

Carol Ryan
Town Clerk

Art. 39. To see if the Inhabitants of the Town of Anson will vote to adopt the following ordinance:

AN ORDINANCE REGULATING THE CONTROL OF BARKING
DOGS IN THE TOWN OF ANSON

No person shall own, keep or harbor any dogs which by loud, frequent or habitual barking, howling or yelping, shall disturb the peace of any person or persons.

No person shall be prosecuted on this ordinance unless that person has had a written warning from a duly authorized law enforcement officer. The warning shall be made part of the complaint and shall include but not be limited to date and time the warning is issued.

Any person found guilty in a Court of Law shall be fined an amount of not more than \$25.00, recoverable by the Town of Anson or Somerset County. Voted to adopt above ordinance as written
No Recommendation

I hereby attest this is a true copy of the action taken at the Anson Town Meeting held March 9, 1981 with Patricia Begin as Town Clerk.

April 23, 1999



Carol Ryan
Town Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 607 - L.D. 858

**An Act To Strengthen the Law Regarding Dangerous Dogs and Nuisance
Dogs**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §3907, sub-§8-B is enacted to read:

8-B. Bodily injury. "Bodily injury" has the same meaning as in Title 17-A, section 2, subsection 5.

Sec. 2. 7 MRSA §3907, sub-§12-D, as amended by PL 2011, c. 100, §3, is repealed and the following enacted in its place:

12-D. Dangerous dog. "Dangerous dog" means a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog.

"Dangerous dog" does not include:

A. A dog certified by the State and used for law enforcement use;

B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or

C. A dog or wolf hybrid that inflicts serious bodily injury on or causes the death of an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, "dog or wolf hybrid owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

Sec. 3. 7 MRSA §3907, sub-§20-A is enacted to read:

20-A. Nuisance dog. "Nuisance dog" means a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises.

"Nuisance dog" does not include:

A. A dog certified by the State and used for law enforcement use;

B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or

C. A dog or wolf hybrid that inflicts bodily injury on an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, "dog or wolf hybrid owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

Sec. 4. 7 MRSA §3907, sub-§24-B is enacted to read:

24-B. Serious bodily injury. "Serious bodily injury" has the same meaning as in Title 17-A, section 2, subsection 23.

Sec. 5. 7 MRSA §3922, sub-§5, as amended by PL 1997, c. 704, §9, is further amended to read:

5. Form of license. The license must state the breed, sex, color and markings of the dog, whether the animal is a dog or wolf hybrid, whether the dog has been determined by

Sec. 8. 7 MRSA §3942, first ¶, as amended by PL 2015, c. 223, §11, is further amended to read:

Municipal clerks shall issue dog licenses in accordance with chapter 721, receive the license fees and pay to the department \$10 for dogs capable of producing young and \$3 from each license fee received for dogs incapable of producing young. The clerks shall keep a record of all licenses issued by them, with the names of the owners or keepers of dogs licensed and the sex, registered numbers and description of all dogs except those covered by a kennel license and whether the dogs have been determined by a court of competent jurisdiction to be dangerous dogs or nuisance dogs. The clerks shall make a monthly report to the department on a department-approved form of all dog licenses issued and fees received.

Sec. 9. 7 MRSA §3947, first ¶, as amended by PL 2009, c. 343, §20, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3948, 3950, 3950-A, ~~3952~~ 3952-A and 4041 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an animal control officer as long as the person meets the qualifications and training requirements of this section.

Sec. 10. 7 MRSA §3948, sub-§4 is enacted to read:

4. Reporting. By January 31st of each year, a municipality shall report to the animal welfare program of the department all complaints related to animal control incidents for the prior calendar year. The report must include the number and type of animal complaints received and responded to by municipal animal control officers, law enforcement officers or municipal officials and the outcomes of each investigation. The reports must be on forms provided by the department.

Sec. 11. 7 MRSA §3952, as amended by PL 2011, c. 559, Pt. A, §4, is repealed.

Sec. 12. 7 MRSA §3952-A is enacted to read:

§3952-A. Keeping a dangerous dog or a nuisance dog

A person who owns or keeps a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog commits a civil violation for which the court shall adjudge a fine of not less than \$250 and not more than \$5,000, plus costs, none of which may be suspended. All fines, other than costs, must be paid to the municipality where the dog resides pursuant to section 3910-A and be placed in the municipality's animal welfare account established in accordance with section 3945.

1. Procedure. A person who is assaulted or threatened with bodily injury by a dog or a person witnessing such an assault or threatened assault against a person or domesticated animal or a person with knowledge of such an assault or threatened assault

a court of competent jurisdiction to be a dangerous dog or a nuisance dog and the name and address of the owner or keeper. If the person applying for a license declares that the dog is a wolf hybrid, the license must state that the dog is a wolf hybrid. The license must be issued in triplicate and the original must be given to the applicant and the remaining 2 copies must be retained by the municipal clerk or dog recorder.

Sec. 6. 7 MRSA §3923-A, sub-§5 is enacted to read:

5. Dogs determined to be dangerous dogs or nuisance dogs by the court. The owner or keeper of a dog determined by a court of competent jurisdiction to be a dangerous dog shall pay a fee of \$100 to the municipal clerk or a dog licensing agent. The municipal clerk or dog licensing agent shall retain a \$1 recording fee, deposit \$98 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$1 to the department for deposit in the Animal Welfare Fund.

The owner or keeper of a dog determined by a court of competent jurisdiction to be a nuisance dog shall pay a fee of \$30 to the municipal clerk or a dog licensing agent. The municipal clerk or dog licensing agent shall retain a \$1 recording fee, deposit \$28 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$1 to the department for deposit in the Animal Welfare Fund.

A dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog does not qualify for the exemptions from fees under subsection 3.

An owner or keeper of a dog determined by a court of competent jurisdiction to be a dangerous dog applying for a license for that dog after January 31st shall pay to the municipal clerk, dog licensing agent or dog recorder a late fee of \$150 in addition to the annual license fee paid in accordance with this subsection.

An owner or keeper of a dog determined by a court of competent jurisdiction to be a nuisance dog applying for a license for that dog after January 31st shall pay to the municipal clerk, dog licensing agent or dog recorder a late fee of \$70 in addition to the annual license fee paid in accordance with this subsection.

The clerk, dog licensing agent or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

Sec. 7. 7 MRSA §3925 is enacted to read:

§3925. Dog licensing database

The department shall develop and implement a dog licensing database in coordination with any electronic dog licensing project implemented pursuant to section 3923-G. The database must track all dog licensing throughout the State and allow municipalities and animal control officers to reunite lost dogs with owners and track dogs that have been determined by a court of competent jurisdiction to be dangerous dogs and nuisance dogs pursuant to chapter 727. The department shall provide all municipalities and dog licensing agents with access to the database at no cost.

(2) The dog is securely muzzled with a basket-style muzzle, restrained by a leash not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog owner or keeper;

F. Order the dog to be securely muzzled with a basket-style muzzle, restrained by a leash not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog owner or keeper whenever the dog is off the owner's or keeper's premises;

G. Order the dog to be spayed or neutered;

H. Order the dog to be microchipped within 60 days of the court order;

I. Order the owner or keeper of the dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;

J. Order the owner or keeper of the dog to have the dog evaluated by a certified canine behaviorist or certified dog trainer and to attend dog training classes; and

K. Order the owner or keeper of the dog to immediately notify the sheriff, a local law enforcement officer or an animal control officer if the dog escapes.

The court may order restitution in accordance with Title 17-A, chapter 54 for any damages inflicted upon a person or a person's property by a dog determined to be a dangerous dog under this subsection.

3. Nuisance dog finding. If, upon hearing, the court finds that a dog is a nuisance dog, the court shall impose a fine and may impose any of the penalties set forth in subsection 2, paragraphs F to K. A dog may be determined by a court to be a nuisance dog only once. After 2 years from the date of the court order finding that the dog is a nuisance dog, the owner or keeper may petition the court to amend or reduce any of the restrictions placed on the dog. The court may amend or reduce the restrictions placed on the dog if the owner or keeper demonstrates to the satisfaction of the court that the owner or keeper has complied with the court order and the dog no longer poses a risk as a nuisance dog.

4. Identification and confinement of other dogs. In addition to orders imposed pursuant to subsections 2 and 3, the court may order that the owner or keeper of a dangerous dog or a nuisance dog:

A. Provide the animal control officer in the municipality where the dangerous dog or nuisance dog is kept with photographs and descriptions of other dogs kept by that owner or keeper including the sex, breed, age, identifying markings and microchip numbers of each dog; and

B. Confine any other dogs kept on the owner's or keeper's premises as provided in subsection 2, paragraphs D and E.

5. Failure to abide by court order. If the owner or keeper of a dog willfully fails to comply with any provision of a court order imposed pursuant to subsection 2, 3 or 4, the court shall find the owner or keeper in contempt.

against a minor, or a person whose property or crops have been damaged by a dog, within 30 days of the incident, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog or a nuisance dog. For the purposes of this chapter, "domesticated animal" includes, but is not limited to, livestock as defined in section 3907, subsection 18-A.

A representative of the sheriff's department, a local law enforcement officer or an animal control officer appointed by the municipality shall investigate and document the complaint. Upon completion of the investigation of the complaint, the investigator may issue a civil violation summons for keeping a dangerous dog or a nuisance dog.

All records of the outcome of the investigation must be kept by the municipality for the life of the dog, plus 2 years.

2. Dangerous dog finding. If, upon hearing, the court finds that a dog is a dangerous dog, the court shall impose a fine and may order any one or more of the following that the court determines is appropriate:

A. Order the dog to be euthanized if the court finds that the dog:

(1) Has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog; and

(2) Presents a clear threat to public safety;

B. Order that the owner or keeper of the dog, if that person has previously been adjudicated of having violated this section, may not own, possess or have on that person's premises any dogs for a period of time, which may be permanent;

C. Order the owner or keeper of the dog, if the owner or keeper is allowed to keep the dog, or any other person keeping the dog, to post dangerous dog signs, visible from all directions and provided by the department, around the entrance of the premises where the dog resides and to notify in writing any service provider that has a reasonable expectation to be on the property that the dog has been determined to be a dangerous dog. The owner or keeper is responsible for the cost of the signs;

D. Order the dog confined in a secure enclosure. For the purposes of this paragraph, "secure enclosure" means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or keeper. The secure enclosure must be locked, be designed with secure sides and be designed to prevent the animal from escaping from the enclosure. The enclosure may also be designed with a secure top and bottom if determined necessary by the court. The court shall specify the length of the period of confinement and may order permanent confinement;

E. Order that the owner or keeper of a dog confined to a secure enclosure pursuant to paragraph D may not allow the dog outside of the secure enclosure unless:

(1) It is necessary to obtain veterinary care for the dog or to comply with orders of the court; and

If the court order imposed pursuant to subsection 2, paragraph A is not complied with within the time set by the court, the court may, upon application by the complainant under subsection 1 or other person, issue a warrant to the sheriff or any of the sheriff's deputies or to a local law enforcement officer or constable in the municipality where the dog is found, commanding the officer to have the dog humanely euthanized and make a return of the warrant to the court within 14 days from the date of the warrant.

The owner or keeper must be ordered to pay all costs of supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog.

6. Dogs presenting immediate or continuing threat to public. After issuing a summons pursuant to subsection 1 and before hearing, if the dog poses an immediate or continuing threat to the public, a sheriff, local law enforcement officer or animal control officer shall give a written order requiring the owner or keeper of the dog to muzzle with a basket-style muzzle, restrain or confine the dog to the owner's or keeper's premises or to have the dog confined at the owner's or keeper's expense at a place determined by the sheriff, local law enforcement officer or animal control officer. If an owner or keeper of a dog fails to comply with the written order, the sheriff, local law enforcement officer or animal control officer may apply to the District Court, the Superior Court or a justice of the peace for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public and turn the dog over to the applicant or other suitable person.

A dog owner or keeper who fails to abide by the written order commits a civil violation for which a fine of not less than \$50 and not more than \$200 may be adjudged for each day of noncompliance.

7. Ex parte. An order may be entered ex parte upon findings by the court or justice of the peace when:

- A. The dog has inflicted serious bodily injury; or
- B. There is a reasonable likelihood that the dog is dangerous or vicious and:
 - (1) Its owner has failed to muzzle, restrain or confine the dog; and
 - (2) That failure poses an immediate threat of harm to the public.

8. Modify order. An order under subsection 7 may be modified by the court.

A. Upon 2 days' notice or a shorter period the court may prescribe, the owner or keeper whose dog has been possessed pursuant to an ex parte order may appear in the District Court or the Superior Court and move for the dissolution or modification of the ex parte order.

B. The court shall hear and determine the motion, and the hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

C. The owner or keeper shall submit an affidavit setting forth specific facts to substantiate the modification or dissolution of the order. The applicant has the burden of presenting evidence to substantiate the original findings.

9. Lien. Any person taking possession of a dog as provided in this section has a lien on that dog in accordance with Title 17, section 1021, subsection 6.

10. Treble damages. If a dog whose owner or keeper refuses or neglects to comply with an order under this section wounds any person by a sudden assault or wounds or kills any domesticated animal, the owner or keeper shall pay the person injured treble damages and costs to be recovered by a civil action.

11. Class D crime. If the owner or keeper of a dog refuses or neglects to comply with an order issued under subsection 2, 3, 4 or 7, the owner or keeper commits a Class D crime. The court, as part of the judgment, may prohibit a person convicted under this subsection from owning or possessing a dog or having a dog on that person's premises for a period of time. The prohibition may be permanent.

12. Duty of owner or keeper to notify. The owner or keeper of a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog shall notify the municipality in which the dog resides in writing and within 30 days if ownership of the dog is transferred, the residence of the dog is changed or the dog is deceased.

Sec. 13. 7 MRSA §3954 is enacted to read:

§3954. Prohibitions on dangerous dogs and nuisance dogs

1. Prohibitions. A person may not:

A. Train or encourage a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal;

B. Transfer ownership of a dog determined by a court of competent jurisdiction to be a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a municipality to euthanize the dog for the municipality; or

C. Tether a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog.

2. Penalty. A person who violates subsection 1 commits a civil violation for which a fine not to exceed \$100 may be adjudged in addition to court costs.

Sec. 14. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 7, chapter 727, in the chapter headnote, the words "dangerous dogs" are amended to read "dangerous dogs and nuisance dogs" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 15. Implementation of dog licensing database. The Department of Agriculture, Conservation and Forestry shall develop and implement the dog licensing database pursuant to the Maine Revised Statutes, Title 7, section 3925 within one year of the effective date of this Act.

TOWN OF ANSON
AUTOMOBILE GRAVEYARDS, JUNKYARDS AND AUTOMOBILE
RECYCLING BUSINESSES ORDINANCE

Section 1. General Provisions

1.1 Purpose

The purpose of this section is to provide adequate controls to insure that the establishment, operation and maintenance of automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the natural environment or the public health, safety and general welfare.

1.2 Applicability

This article shall apply to any automobile graveyard, junkyard or automobile recycling business all or part of which is within the Town of Anson.

Section 2. Permit Required

2.1 No person shall establish, operate or maintain, and the owner of property shall not permit the establishment, operation or maintenance of any automobile graveyard, junkyard or automobile recycling business all or any part of which is within the Town of Anson without first obtaining a permit therefore in accordance with the provisions of this ordinance and 30-A MRS § 3751 et seq.

2.2 All permits issued hereunder shall be approved by the Board of Selectmen.

2.3 Permits issued hereunder for an automobile graveyard, automobile recycling business, or junkyard shall be for a term not to exceed one (1) calendar year that expires on the first day of October next following unless earlier suspended or revoked.

2.4 A person operating a business that involves the recycling of automobiles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business.

Section 3. Administration

3.1 Contents of application. All applications for permits under this chapter shall be

filed with, and in a form satisfactory to, the municipal officers. Said application shall include, but is not limited to the following:

- a. Name and address of the applicant, all other persons having a legal interest in the property and the person or entity who will operate the site.
- b. The location of the premises for which a permit is sought by identification of tax map number and street address.
- c. The dimensions and acreage of the property.
- d. An original and three (3) copies of a site plan, drawn to a scale of one hundred (100) feet or less to the inch which contains the following information:
 - I. The boundary lines of the property for which a permit is sought.
 - II. The location of all existing and proposed buildings and structures.
 - III. The location of all existing and proposed areas within which all vehicles and junk will be located and the location where vehicles will be drained and dismantled, as applicable.
 - IV. The location of any aquifer or aquifer recharge area on the property or within one thousand (1,000) feet thereof.
 - V. The location of any classified water bodies on the property or within three hundred (300) feet thereof.
 - VI. The location of any floodplain areas located on the property.
 - VII. The location and characteristics of all existing and proposed vegetation and/or fencing that is proposed to be maintained for required screening.
 - VIII. The location of any residences, wells, schools, churches, cemeteries, public beaches, or public parks or playgrounds within one thousand (1,000) feet of the property.
 - IX. The characteristics of the soils existing on the property as determined by the Soil Conservation Service Soils Survey Map.
 - X. The contours of the property as determined by the U.S. Geological Survey Contour Map.
 - XI. The location and characteristics of all vehicular entrances and exits serving the property.
 - XII. The location of all roads within one thousand (1,000) feet of the site.

- e. A plan for containment of fluids, containment and disposal of batteries and storage and disposal of tires.
- f. A statement as to whether approval by any state agency or department is required pursuant to state law and, if so, the name of said agency or department.
- g. A nonrefundable application fee in the amount of one hundred dollars (\$100.00).
- h. A performance guarantee in an amount to be determined by the Anson Board of Selectmen to be sufficient to rehabilitate and close the site should the owner or operator cease operation. Such performance guarantee shall be in the form of an irrevocable letter of credit, performance bond or similar financial instrument acceptable to the Board of Selectmen.

3.2 Compliance standards. The municipal officers shall issue a permit under this article for an automobile graveyard, junkyard or automobile recycling business that meets all of the following standards. Such standards shall govern the operation and maintenance of all permitted premises.

- a. An effective visual screen at least six (6) feet in height shall be located and maintained around all sides of the area where vehicles or junk are to be located such that said areas are entirely screened from ordinary view from all directly abutting properties at all times.
- b. All screening requirements of 30-A MRSA § 3754-A shall be satisfied except that, for automobile recycling businesses, the screening requirements of 30-A MRSA § 3755-A shall be satisfied.
- c. No vehicle or junk shall be stored within one hundred (100) feet of any classified water body or over a sand and gravel aquifer or aquifer recharge area.
- d. No vehicles or junk shall be stored within five hundred (500) feet of any school, church, cemetery, public beach or public playground or park that existed on the date the initial permit was issued.
- e. No vehicles or junk shall be stored within one hundred (100) feet of a residence except the owner or operator's residence.
- f. No vehicles or junk shall be stored within a floodplain.
- g. No vehicle or junk may be stored or dismantled within three hundred (300) feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence. This prohibition

does not apply to wells established after the effective date of this ordinance if the automobile graveyard, junkyard or automobile recycling business had already received a permit under Section 2. This prohibition does not apply to automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to January 1, 2004.

- h. No vehicles or junk shall be located closer than one hundred (100) feet from a public way and fifty (50) feet from all other lot lines of the property.
- i. Upon receiving a motor vehicle to be dismantled, the fuel tank and battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable federal and state laws, rules and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- j. All applicable federal and state hazardous waste laws and regulations shall be satisfied.
- k. All vehicular entrances and exits shall be located and constructed in a manner that does not create or aggravate a traffic safety hazard.
- l. Hours of operation shall reflect the nature of the neighborhood in which the proposed business is to be located (i.e. the hours of operation in an industrial neighborhood would be longer than those in a predominantly residential neighborhood).

3.3 Conditions of approval. The municipal officers may impose conditions on the approval of any permit application hereunder to ensure compliance with the provisions of this chapter. Said conditions may include, but are not limited to, the following:

- a. That, prior to the commencement of operation, the applicant provide documentation that all approvals required from any municipal board or agency have been received.
- b. That any screening requirements imposed pursuant to the provisions of this ordinance be installed and completed prior to the issuance of any permit hereunder.

3.4 Nonconforming uses. Any automobile graveyard, junkyard or automobile

recycling business in existence and for which a valid permit was in effect on the effective date of this ordinance may remain in operation in its present location, pending expiration of said permit so long as said use complies with the provisions of 30-A MRSA § 3751 et seq. Any expansion of said junkyard or automobile graveyard beyond the size which existed and for which a valid permit was in effect on the effective date of this ordinance shall comply with all provisions of this ordinance.

3.5 Application for renewal:

Any automobile graveyard, junkyard or automobile recycling business in existence and for which a valid permit was issued under this ordinance may submit an abbreviated application providing there have been no changes to the siting, location of buildings and facilities, and operation of the business. The renewal application must include all items listed in paragraph 3.1 except that the plans required by item 3.1.d may be replaced by a written statement signed by the applicant that there have been no changes to the property since the previous plan was prepared and the plan is accurate in all respects.

Section 4. Enforcement

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 MRSA § 2802 and the violator shall be subject to the penalties set for on 30-A MRSA § 4452 and any other remedy available at law.

Section 5. Suspension or Revocation

The municipal officers may suspend or revoke a permit in accordance with the provision of 30-A MRSA § 3758-A(5).

Section 6. Severability

In the event that a Court of Competent Jurisdiction rules any provision of this ordinance to be invalid, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State Statutes, they shall govern.

Section 7. Definitions

Aquifer - A geological formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as mapped by the Maine Geological Survey.

Automobile Graveyard - a yard, field, or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles as defined in 29-A MRSA § 101, para. 42, or parts of such vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

Automobile graveyard does not include:

1. An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
2. an area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
3. an area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
4. an area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
5. an area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
6. an area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;

7. an area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
8. an area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile Recycling Business - The business premises of a dealer or a recycler licensed under Title 29-A sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that eighty (80) percent of the business premises specified in Section 3.2d of this ordinance is used for automobile recycling operations. Automobile recycling business does not include:

1. financial institutions as defined in Title 9-B, section 131, subsection 17 and 17A;
2. insurance companies licensed to do business in the state;
3. new vehicle dealers, as defined in Title 29-A section 851, licensed to do business in the State; or
4. that portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Building - same as structure.

Classified Water Body - Classified water body shall include coastal and freshwater wetlands, floodplain wetlands, great ponds and rivers, streams or brooks as defined in 38 MRSA § 480-B.

Floodplain - The low land and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a flood

that has a one (1) percent or greater chance of recurring in any year or a flood of magnitude equaled or exceeded once in one hundred (100) years on the average as identified by the Federal Insurance Administration.

Junkyard - A yard, field or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment household appliances or furniture;
- B. Discarded, scrapped and junked lumber;
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and

All of these materials are hereinafter referred to as "junk".

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.

Structure - anything built for shelter or enclosure of persons, animals, goods, or property of any kind.

Hearing Date: February 12, 2002

Adopted: March 9, 2002

Amended: March 6, 2004

Attest, True Copy: _____
Robert S. Worthley
Anson Town Clerk

BOARD OF APPEALS ORDINANCE FOR THE TOWN OF ANSON, MAINE

I. General Provisions:

- A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rule 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 5 members with 2 alternate members appointed by the municipal officers of the Town of Anson for terms of 3 years. The initial appointments shall be as follows: 1 for 1 year, 2 for 2 years and 2 for 3 years respectively. The term of the alternate members shall be for 1 year.
- B. Thereafter, all appointments to the Board shall be for terms of 3 years.
- C. If state law permits, the municipal officers may appoint up to 2 alternate 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 alternate member of this Board or of the Anson Planning Board.
- E. Any member of the Board may be removed from the Board for cause, by the municipal officers before 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 justifications, or voting when the member has a "conflict of interest".
- F. When there is a permanent vacancy of either a full or alternate member, the Secretary shall immediately notify the Town Clerk. The municipal officers shall

within 60 days appoint a person to serve for the unexpired term.

III. Officers and Duties:

- A. The officers of the Board shall consist of a Chairperson, Vice-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. VICE-CHAIRPERSON. The Vice-Chairperson shall serve in the absence 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 is 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; finding of facts and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times and must be filed at the Anson Town Office.

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 of the Maine subdivision statute;
 - e. Rendered by the Selectmen or the Assessors pursuant to 36 MRSA 841 and 30 MRSA 2060 (relating to the abatement of taxes);

- f. Rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance of Special Amusement Permits of 28 MRSA Section 702 (also relating thereto);
- g. Rendered by the Planning Board or the Code Enforcement Officer pursuant to the Ordinance relating to Flood Hazard Building Permit System and Review Procedures;
- h. Rendered by the Selectmen or Code Enforcement Officer pursuant to Ordinances which will be adopted at a future time.
- i. Rendered by the Administrative Assistant (or other designated Hearing Officer) or the Selectmen pursuant to the Town Personnel Policy relating to grievance and disciplinary procedures with respect to Town employees and officers.

VI. Meetings:

- A. The regular meeting of the Board shall be held once every month or as necessary.
- B. The annual organizational 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 seven (7) days 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 ten (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 a 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. The 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 vote 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 for such matter.
- F. The Chairperson shall appoint an alternate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The alternate member will act for the regular member until the case is decided.

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 forty (\$40) dollars. Checks are to be made payable to the Board of Appeals of the Town of Anson.

IX. Hearings:

- A. The Board shall schedule a public hearing on all appeals applications within thirty (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, the date of publication to be at least seven 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 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 repetitious evidence.

D. The order of business at a public hearing shall be as follows:

1. The Chairperson call the hearing to order.
2. The Chairperson determines whether there is a quorum.
3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
4. The Board determines whether it has jurisdiction over the appeal.
5. The Board decides whether the applicant has the right to appear before the Board.
6. 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 which may be affected 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.

7. The appellant is given the opportunity to present his or her case without interruption.
8. The Board and interested parties may ask questions of the appellant through the Chair.
9. The interested parties are given the opportunity to present their case. The Board may call its witnesses, such as the Code Enforcement Officer.
10. The appellant may ask questions of the interested parties and Board witnesses directly.
11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued at a later date. All participants should

be notified of the date, time, and place of the continued hearing.

14. Written testimony may be accepted by the Board for seven days after the close of the hearing.

D. 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 or 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 Findings 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 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:
 - 1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - 2. 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 forty-five (45) days after the decision is rendered, by any party to Superior Court in accordance with the Maine Rules of Civil Procedure.

XIII. Severability:

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

Amended: June 1, 1999

TOWN OF ANSON **BUILDING NOTIFICATION ORDINANCE**

SECTION 1. PURPOSE

The purpose of this Ordinance is to ensure that the Town's Board of Assessors have the information they need in order to conduct the Spring assessing of properties and to enhance public safety by promoting safe and sanitary housing.

SECTION 2. AUTHORITY

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

SECTION 3. REQUIREMENTS

A building notification form shall be obtained for any activity listed in paragraph 4 below before any work, construction, or development is started. The Notice of Intent to Build must be filed with the Town Office prior to the building of the structure. The Notice of Intent to Build must be filed on forms made available by the Town Office. Filing may be completed in person during hours when the office is open or via mail. There shall be no fee charged for the filing. Plumbing, shoreland, and any other applicable permits, which may be required for a building, must be obtained prior to filing a notice to build.

SECTION 4. LIMITATIONS

- 4.1** Building notice forms shall be required for the following types of activities, projects, or construction:
- A. Construction of new or replacement buildings and new additions over 100 square feet.
 - B. Relocation of existing building.
 - C. Installation of dwelling unit, mobile home, trailer, or manufactured home.
 - D. Expansion of a non-conforming structure.
 - E. Installation of internal plumbing and subsurface waste disposal systems (permits to be issued only in accordance with the State Plumbing Code).
- 4.2** A notice of intent to build is not required for the following:
- A. Building a structure under 100 square feet.

- B. Deck or patio.
- C. Interior alterations.
- D. Maintenance and normal upkeep including but not limited to painting, re-roofing, replacement windows and siding.

4.3 A filed Notice is good for two years provided that construction is started within one year of filing.

SECTION 5. PENALTY and ENFORCEMENT

The penalty for failing to file a Notice of Intent to Build prior to the building or remodeling of a structure shall be \$500 plus any legal cost associated with collecting penalties. The Board of Selectmen shall be responsible for the enforcement of this ordinance.

SECTION 6. VALIDITY and 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 7. EFFECTIVE DATE

This ordinance shall become effective on March 9, 2002.

Hearing Date: February 12, 2002

Adopted: March 9, 2002

Attest: Katharine Leeman
Anson Town Clerk

**AN ORDINANCE ESTABLISHING PROCEDURES GOVERNING THE AWARDED
AND RENEWAL OF FRANCHISES TO OPERATE AND MAINTAIN
CABLE TELEVISION SYSTEMS AND TO USE AND OCCUPY THE
STREETS AND OTHER PUBLIC PLACES AND WAYS FOR THAT
PURPOSE WITHIN THE TOWN OF ANSON, MAINE**

BE IT ORDERED BY THE TOWN OF ANSON, MAINE AS FOLLOWS:

SECTION 1. The Board of Selectmen of the Town of Anson is hereby authorized to enter into non-exclusive franchise agreements, and to renew existing franchise agreements, with providers of cable television services for terms not to exceed ten (10) years, authorizing cable system operators to construct, maintain, repair, and operate cable television systems throughout the corporate limits of the Town of Anson, including such areas as may be subsequently annexed thereto.

SECTION 2. Any Franchise Agreement shall be issued in compliance with the requirements of the Cable Communications Policy Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992, as further amended, the rules and regulations of the Federal Communications Commission, 30-A M.R.S.A. §3008 and this Ordinance.

SECTION 3. Any Franchise Agreement entered into by the Board of Selectmen shall provide that, consistent with federal law, the Franchise holder shall be required to notify the Town and its subscribers at least thirty (30) days prior to the implementation of any changes in its rates or services if the change is within the control of the cable operator, including charges for connecting and disconnecting customers to its cable system and penalties for late payment.

SECTION 4. The cable system must be constructed and operated in accordance with Federal Communication Commission regulations, and must be maintained in a safe manner so as not to bring harm to persons, property, animals, trees or shrubbery. The Town may inspect all construction or installation work performed pursuant to any franchise agreement.

SECTION 5. Any cable operator providing cable service within the Town shall be liable for all damages resulting from the cable operator's construction, operation and maintenance of its cable television system, including, but not limited to, all damages to streets, alleys and public rights of way as well as to property owned by private individuals and corporations. Any franchise agreement shall contain a provision requiring the cable operator to indemnify and hold harmless the Town and to carry sufficient liability insurance.

SECTION 6. Before the Town issues a request for proposals for cable television services, or before the Town acts upon an application for a franchise agreement or renewal of a franchise agreement, the Town will hold a public hearing, with reasonable prior notice, to determine special local needs or interests related to the provision of cable television services.

SECTION 7. Any franchise agreement must contain provisions concerning: the area or areas to be served; a line extension policy; a provision for renewal, the term of which may not exceed 10 years; and procedures for the investigation and resolution of complaints by the cable television company; and any other terms and conditions that are in the best interests of the Town of Anson.

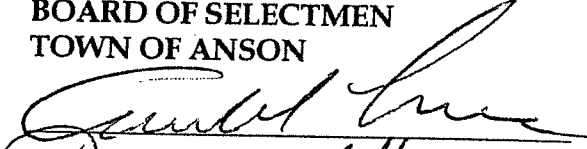
SECTION 8. The Board of Selectmen is hereby authorized to impose a franchise fee in an amount of up to five percent (5%) of gross revenues derived from the operation of any cable television system within the Town to defray the costs of public notice, advertising, and any other expenses incurred by the Town in negotiating and entering franchise agreements or in regulating cable television systems in Anson.

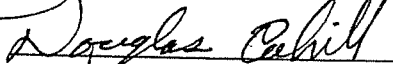
SECTION 9. Prior to execution, any franchise application, proposed franchise agreement, or renewal of a franchise agreement and related documents shall be placed in the Town's public records with reasonable notice to the public that all such records are open to inspection by the public during reasonable hours. The public shall be given reasonable opportunity to comment on any proposed franchise agreement prior to it being executed by the Board of Selectmen.

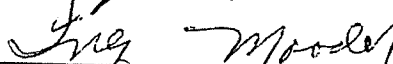
SECTION 10. This ordinance shall be effective immediately upon adoption.

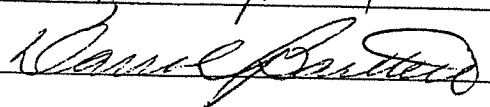
Passed this 24th day of August, 2004.

BOARD OF SELECTMEN
TOWN OF ANSON









TOWN OF ANSON CODE ENFORCEMENT ORDINANCE

SECTION 1: Establishment

Pursuant to Article VIII Part 2 Section 1 of the Maine Constitution and 30-A MRSA Section 3001, the Town of Anson hereby establishes the Office of Code Enforcement, and create the positions of Code Enforcement Officer and Alternate Code Enforcement Officer.

SECTION 2: Appointment:

2.01 The Code Enforcement Officer shall be appointed by the Board of Selectmen to serve for one year with no reasonable expectation of reappointment.

2.02 The Alternate Code Enforcement Officer shall be appointed by the Board of Selectmen to serve at the pleasure of the Board of Selectmen, also with no reasonable expectation of reappointment. The Alternate Code Enforcement Officer shall assist the Code Enforcement Officer in the performance of their duties in the event of absence of the Code Enforcement Officer or at will of the Board of Selectmen.

SECTION 3: Duties

The Code Enforcement Officer shall:

- 3.01 Perform the duties of Building Inspector as required by the laws of the State of Maine and ordinances enacted or enacted in the future by the Town of Anson.
- 3.02 Perform the duties of Plumbing Inspector as required by laws of the State of Maine, and ordinances enacted now or enacted in the future by the Town of Anson.
- 3.03 Enforce the Anson Shoreland Zoning Ordinance.
- 3.04 Enforce the State Subdivision Law or Anson Subdivision Ordinance.
- 3.05 Enforce the Anson Floodplain Ordinance
- 3.06 Enforce any ordinance adopted in the future by the Town of Anson including but not limited to Code, Planning and Land Use Ordinance.
- 3.07 Enforce the Junkyard and Automobile Graveyard Laws of the State of Maine
- 3.08 Provide Staff Support to the Anson Planning Board.
- 3.09 Provide Staff Support to the Anson Appeals Board in any matter not Directly involving the office.
- 3.10 Perform all such duties as required by local ordinance, State Law, the order of The Board of Selectmen and job description as updated by the Board of Selectmen.

SECTION 4: Effective Date

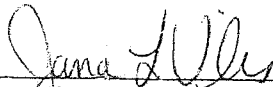
This ordinance shall become effective upon approval by the legislative body of the Town of Anson

SECTION 5: Amendments

This ordinance may be amended by a majority vote of the legislative body. Amendments may be initiated by the Board of Selectmen or on petition of 10% of the number of voters who voted in the last Gubernatorial Election.

This is to certify that public hearing was held on February 24, 1997

This Ordinance passed by majority vote of the Legislative Body on March 15, 1997 at the Anson Annual Town Meeting.



Jana Viles, Town Clerk

Dated and Sealed March 17, 1997

TOWN OF ANSON
AN ORDINANCE TO ESTABLISH THE
OFFICE OF DEPUTY CODE ENFORCEMENT OFFICER

There is hereby established the office of deputy code enforcement officer pursuant to 30-A M.R.S.A. section 3001. The deputy code enforcement officer shall be appointed by the Anson Selectmen. The deputy's term shall be coterminous with that of the regular CEO. The deputy shall continue to serve until a successor is appointed and qualified. The Anson Selectmen may remove the deputy for cause after notice and hearing.

The duties of the deputy code enforcement officer shall be to assist the regular code enforcement officer in the performance of his or her duties as directed by the code enforcement officer. In the event that the code enforcement officer is absent or otherwise unavailable, the deputy is authorized to act on his or her behalf.

Hearing date: 5-9-1995

Adopted: 5-23-1995

Town Clerk: Jeannette Vicky

Town of Anson Curfew Ordinance

WHEREAS, there has been an increase in juvenile violence, property destruction, and other criminal activity in the Town of Anson; and

WHEREAS, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities, and to victimization by older perpetrators of crime; and

WHEREAS, the Town of Anson is obligated to provide for: the protection of minors from each other and from other persons, the protection of the health, safety, and welfare of the general public, and the reduction of juvenile crime and violence in the Town; and

WHEREAS, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF ANSON:

Section 1. Title

This ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Anson, Maine.

Section 2. Definitions

- a. Curfew Hours means the hours from 10:00 p.m. until 5:00 a.m. of the following day.
- b. Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert a serious injury or the loss of life.
- c. Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under 18-A M.R.S.A. § 5-104.
- d. Minor means any person who is seventeen years of age or younger.

- e. Parent means a person who is the natural parent, adoptive parent, or stepparent of the minor.
- f. Public Place means a place located in the town of Anson to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, schools, shops, and places of entertainment.
- g. Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

Section 3. Offenses

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

Section 4. Defenses

It is a defense to prosecution under Section 3 of this ordinance that the minor was:

- a. accompanied by the minor's parent or guardian;
- b. involved in an emergency or on an errand necessitated by an emergency;
- c. engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;
- d. in motor vehicle involved in interstate travel;
- e. on an errand directed by a parent or guardian, without any detour or stop;
- f. on the sidewalk abutting the minor's home;
- g. attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from a school, religious, or governmental activity without detour or stop;
- h. attending a recreational activity sponsored by the Town of Anson, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;

Section 5. Enforcement

This ordinance may be enforced by any law enforcement officer with jurisdiction in the Town of Anson. Before taking any action to enforce this ordinance, an officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 4 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian, to come to take control of the minor. The police officer shall summons the minor and the minor's parent to the District Court for violation of this ordinance. During this period, the officer may require the minor or minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, 17-A M.R.S.A. § 17.

Section 6. Penalties

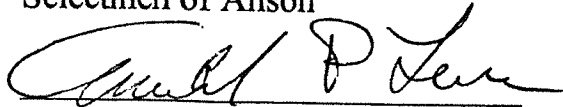
- a. The penalty for a minor who violates this ordinance shall be:
 - 1. for the first offense, a fine of up to \$50.00; and
 - 2. for each subsequent offense, a fine of up to \$100.00.
- b. The penalty for a parent or guardian who violates this ordinance shall be:
 - 1. for the first offense, a fine of \$50.00; and
 - 2. for each subsequent offense, a fine of \$100.00.

Section 7. Severability

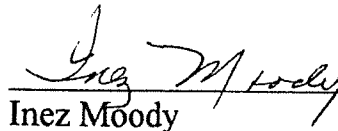
If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Given under our hands this 11th day of February, 2003 at Anson, Maine

Selectmen of Anson



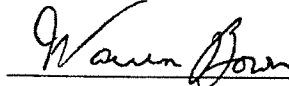
Arnold P. Luce



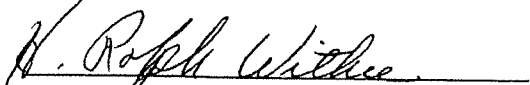
Inez Moody



Darrol Bartlett

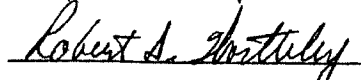


Warren Bown



H. Ralph Withee

Adopted in open town meeting on March 8, 2003.



Robert S. Worthey
Town Clerk

TOWN OF ANSON
AN ORDINANCE TO ESTABLISH THE
OFFICE OF DEPUTY CODE ENFORCEMENT OFFICER

There is hereby established the office of deputy code enforcement officer pursuant to 30-A M.R.S.A. section 3001. The deputy code enforcement officer shall be appointed by the Anson Selectmen. The deputy's term shall be coterminous with that of the regular CEO. The deputy shall continue to serve until a successor is appointed and qualified. The Anson Selectmen may remove the deputy for cause after notice and hearing.

The duties of the deputy code enforcement officer shall be to assist the regular code enforcement officer in the performance of his or her duties as directed by the code enforcement officer. In the event that the code enforcement officer is absent or otherwise unavailable, the deputy is authorized to act on his or her behalf.

Hearing date: 5-9-1995
Adopted: 5-23-1995

Town Clerk:

Jeanne E. Dickey

ANSON E-911 ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.

SECTION 2. AUTHORITY

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

SECTION 3. DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply. A "street" is any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt way within a city, town, or plantation. An "improved property" refers to any property on which a more or less permanent structure has been erected or place.

SECTION 4. OFFICIAL MAP

The map entitled "Official Street Name Map of the Town of Anson, Maine" dated June 1, 1996 is hereby adopted as the official map by which streets are name for the purpose of assigning property numbers. The map shall be held in the custody of the Board of Selectmen. Assignment of numbers to properties, both on existing and proposed streets, shall be the responsibility of the Board of Selectmen. The Board of Selectmen shall be responsible for maintaining the following official records of the numbering system:

- A. The property number maps of the Town of Anson.
- B. An alphabetical list of all owners as identified by current assessment records, by last names, showing the assigned numbers.
- C. An alphabetical list of all streets with property owners listed in order of their assigned numbers.

SECTION 5. NUMBERING AND NAMING SYSTEM

Each residence and business property shall have a number indicating its position on the street on which it is located. Every street with more than one property, improved or unimproved,

shall have a name. The Anson Board of Selectmen are authorized to assign names for such ways. A street name assigned by the town shall not constitute or imply acceptance of the street as a public way. Street names shall conform to U.S. Postal Service guidelines as published in their publication 28, Postal Addressing Standards. In general, one whole number shall be assigned for every fifty (50) feet of street frontage, whether the property is improved or vacant. In general, numbering shall begin at the end of the street closest to the datum line (designated point of origin) of the town with even numbers appearing on the left side of the street and odd numbering appearing on the right side of the street. Every improved property with more than one principle use or occupancy shall have a separate designator for each use or occupancy (i.e.) 235 Maple Street, Apt. 2).

SECTION 6. PROPERTY OWNERS TO POST NUMBERS

Every owner of an improved property shall, on or before the effective date of this ordinance, display and maintain in a conspicuous place on said property, the number assigned. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance. The number assigned shall be displayed in numeral form and be no less than five (5) inches high. Numbers indicating the official number of each improved and in a manner as to be legible from the street on which side the property is located. If the principal entrance is not located facing the street, the number may be posted on the corner of the structure that is closest to a principal entrance on the side or back. If the structure is not visible from the street or is more than 50 feet from the street, the number shall be posted on some structure that will make it visible from the street.

SECTION 7. PROPOSED STREETS AND PROPOSED STRUCTURES

Proposed streets shall be named and numbers in accordance with the provisions of Section 5 of this ordinance. New structures shall be posted with numbers in accordance with the provision of Section 6 of this ordinance. On the final plan showing proposed streets, the applicant shall mark on the plan, lines or dots, in the center of the street every (50) feet so as to aid the town in assigning numbers to buildings subsequently constructed. Proposed property numbers shall be noted on the blueprints, drawings, or plans submitted with the application for any required building or land use permits or approvals.

SECTION 8. UNLAWFUL TO DEFACE NUMBERS OR STREET SIGNS

No person may alter, deface, or remove any number place on any property in accordance with this ordinance, except for repair or replacement of such number. No person may alter, deface, or remove any street name sign erected in accordance with this ordinance, except for repair or replacement of such sign.

SECTION 9. PENALTY

Any violation of the provisions of this ordinance shall be subject to a civil penalty, payable to the Town of Anson, of not less than \$25.00 and not more than \$100.00 for each violation, together with payment of attorney's fees as provided by law. Each day a violation is permitted to continue is a separate offense.

SECTION 10. SEPARABILITY

If any portion of this ordinance shall be declared invalid, it shall not affect any other portion of this ordinance.

SECTION 11. EFFECTIVE DATE

This ordinance shall become effective as of October 1, 1996. It shall be the duty of the town to notify by mail each owner and the Post Office of the new address within thirty (30) days. It shall be the duty of each property owner to comply with this ordinance within thirty days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

HEARING DATE: _____

TOWN MEETING DATE: _____

APPROVED: _____

TOWN CLERK

(Seal)

Amended: June 1, 1999 Selectmen authorized to name streets

Amended: March 3, 2001 Change number size from 5" to 4"

TOWN OF ANSON

SIGN ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

SECTION 1. PURPOSE

The purpose of this ordinance is to regulate the placement of business and institutional signs within the Town of Anson in order to protect the health, safety, and general welfare of the residents and travelers within the Town.

SECTION 2. AUTHORITY

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VII, Part 2, Section 1 of the constitution of the State of Maine and Title 30-a M.R.S.A., § 3001. Provisions within this ordinance are authorized under the Maine Traveler Information Services Act. 23 M.R.S.A. § 1914.

SECTION 3. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by a court of law to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

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

ARTICLE II. PROCEDURAL REQUIREMENTS

SECTION 5. APPLICABILITY

1. This ordinance shall apply to signs erected or placed within the Town of Anson for commercial or institutional purposes. This includes replacement of signs where the replacement includes relocation, addition or expansion of sign area. Repair or repainting of existing signs to the extent that the signs remain in the same location and size as they existed, is not subject to requirement of this ordinance.
2. This ordinance shall apply to all changeable message signs, regardless of whether they are in existence on the effective date of this ordinance.
3. Displays and signs placed in, on, or behind windows.
4. Flags, banners, sidewalk sandwich boards, or other displays commonly removed at the end of a business day.

SECTION 6. PERMIT REQUIRED

A permit from the Town of Anson is required for all signs subject to the provisions of this ordinance at no charge.

The permit shall be issued by the Code Enforcement Officer, subject to the procedures in Section 3 of this Article, except that signs associated with development subject to the Anson Site Plan Review Ordinance are considered permitted to the extent that they comply with the approval of the development under that ordinance.

SECTION 7. PERMITTING PROCEDURE

1. An applicant for a permit shall submit an application to the office of the Code Enforcement Officer. The application shall contain an image of the sign or signs to be placed, a rough site layout showing the placement of the sign(s), and a brief narrative description of the proposed sign(s).

2. The Code Enforcement Officer shall approve or reject the application for a sign permit and issue the permit, if approved within ten (10) working days of its submittal. Any conditions applying to the approval of the permit shall be stated in writing. If an application is rejected, the reasons for rejection shall be stated in writing.
3. The Code Enforcement Officer shall approve an application and issue a permit for any signs which comply with the standards set forth in Article 3 of this Ordinance.
4. Signs shall be erected in substantially the manner described in the application.

SECTION 4. APPEAL AND VARIENCE

1. The applicant for a sign permit or any part aggrieved by the decision of the Code Enforcement Officer may appeal the decision of the Code Enforcement Officer to the Town of Anson Board of Appeals. Appeals shall be heard as administrative appeals.
2. An applicant for a sign permit may request a variance from the dimensional standards in Article III of this ordinance. Variance requests shall be heard by the Town of Anson Board of Appeals under the conditions provided for in 30-A M.R.S.A. §4353(4).

ARTICLE III. STANDARD FOR SIGN PLACEMENT

SECTION 1. GENERAL STANDARD

All signs shall conform to the standards of the Maine Traveler Information Services Act, 23 M.R.S.A. §1901 et seq. or successor statute, except as provided below. Unless licensed as an Official Business Directional Sign in accordance with 23 M.R.S.A. §1918, or successor statute, signs must be located on the property of the business or institution offering the goods or service being advertised, except that signs are permitted to advertise community events provided that the owner of the sign receives no compensation for the advertising.

SECTION 2. LOCATION AND PLACEMENT OF FREE-STANDING SIGNS

1. In order to maintain vehicle and pedestrian safety, signs shall not be placed at a height or location which obstructs views from the road or sidewalks or driveway entrances.
2. Signs shall not be placed within five (5) feet of a property line, and shall not be erected more than twenty (20) feet in height as measured from the elevation of the road centerline.
3. Signs shall be sufficiently affixed to the ground or building to withstand strong winds.

SECTION 3. CHANGEABLE MESSAGE SIGNS

1. The message displayed on a sign shall not change more often than once every ten (10) seconds. Signs which display exclusively time and temperature may change once every four (4) seconds.
2. No lightening element within a changeable message sign may flash, blink, or change color with a duration of less than one-half (1/2) second. This means that messages are not permitted to scroll, travel, or be otherwise animated. Video or graphic animation is prohibited. Messages are permitted to dissolve or blend provided they do so without flashing.
3. Illumination between the hours of sunset and sunrise shall not exceed five hundred (500) nits. Signs capable of producing more than 500 nits shall be equipped with a daylight sensor or timer to that illumination will be reduced during regulated hours.

ARTICLE IV: DEFINATIONS OF TERM USED IN THIS ORDINANCE

Words and terms used in this ordinance shall have their ordinary dictionary meaning, except as provided below.

CHANGEABLE MESSAGE SIGN: A sign containing a text or graphic display which changes on a regular or periodic basis, whether electronically, digitally, mechanically or by other means.

COMMUNITY EVENT: An organized gathering of limited duration sponsored by a governmental or non-profit organization.

FREE STANDING SIGN: A sign which is physically separated and not attached to a building.

NIT: A unit of luminance commonly used in sign illumination, which is equal to one candela (one candle) per square meter.

SIGN: Any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, identify, attract attention to, or convey information regarding any goods, product, service, business, location, institution, or activity.

CERTIFICATION:

We the Selectmen of the Town of Anson hereby Certify to the Clerk that the foregoing document entitled "**SIGN ORDINANCE OF THE TOWN OF ANSON**" is to be the subject of a town meeting vote to take place on May 8, 2018, during town meeting as conducted at the Town Office at 5 Kennebec Street, Anson, Me 04911

Date of Certification: _____

Selectman Arnold Luce

Selectman Brenda Garland

Selectman John Bryant

Selectman Angela Manzer

Selectman James Smith

ATTEST:

Attested to be a true copy of an ordinance entitled "**SIGN ORDINANCE OF THE TOWN OF ANSON**" as certified to me by the municipal officers of Anson.

Date of Attestation: _____, 2018

Signature: _____

Tammy Murray, Town Clerk

EFFECTIVE DATE

This ordinance shall become effective on _____.

Emergency Management Ordinance of the Town of Anson

1. **Short Title:** This Ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Anson". Authorized under Title 37-B M.R.S.A., Section 782.
2. **Definition:** Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery and mitigation) and for liaison with the Somerset County Emergency Management Agency.
3. **Establishment:** The Anson Office of Emergency Management (OEM) and the position of Emergency Management Director for the Town of Anson is hereby created. The Selectmen may appoint additional OEM staff members, as needed.
4. **Appointment, Term and Removal:** The Selectmen shall appoint the EMD. This appointment shall be annual and made by June 1st of each year. The Selectmen may remove the EMD for cause.
5. **Oath of the Emergency Management Director:** Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., Section 2526.
6. **Duties of the Emergency Management Director:** The EMD shall:
 - A. Prepare and update a Hazard Risk and Vulnerability Assessment.
 - B. Prepare and maintain the municipal Emergency Operations Plan.
 - C. Organize, activate and operate the municipal Emergency Operations Center (EOC).
 - D. Prepare and maintain a list of disaster resources.
 - E. Develop procedures for the operation of the municipal EOC.
 - F. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Selectmen.
 - G. Provide Emergency Management training to town officials, planners, and responders.
 - H. Develop and implement a Disaster Exercise program.
 - I. Attend County Local Emergency Managers Group meetings.
 - J. Provide Disaster Preparedness information to town residents.
 - K. Complete and report Damage Assessments to STEMA.
 - L. Complete and submit applications for FEMA disaster funds and grants.
7. **Membership of the Emergency Operations Center:** When directed by any one of the Selectmen or by the EMD, the EOC will be established and manned. At the discretion of the Selectmen or EMD, the following town officials may be included on the EOC staff:

A. Selectmen	F. Emergency Management Director
B. Town Clerk and Treasurer	G. Code Enforcement Officer
C. Town Constable	H. Fire Chief or Deputy
D. Fire Warden	I. Road Commissioner
E. Animal Control Officer	
8. **Establishment of the National Incident Management System:** The Town of Anson hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all municipal emergency and disaster responders for incident management.
9. **Compensation:** The EMD shall be compensated for duties rendered by an annual stipend as appropriated at town meeting.

Emergency Management Ordinance of the Town of Anson

10. Training: The EMD may take necessary training as provided by the Somerset County Emergency Management Agency (STEMA), Maine Emergency Management Agency (MEMA), and FEMA.

Enacted this date: OCTOBER 24, 2006

Chair of Selectmen

Dated

Harold Barlow
Selectman

OCT 24, 2006
Dated

Douglas Cahill
Selectman

10/24/06
Dated

Inez Moody
Selectman

10/24/06
Dated

Selectman

Dated

11. Non-Adoption or Implementation Statement:

Understanding that the non-enactment of an Emergency Management Ordinance and/or adoption of NIMS as the municipal standard for all-hazard management may affect receipt of federal preparedness funding in FY 2007, we have elected not to adopt NIMS or an Emergency Management Ordinance.

Not Enacted this date: _____

Chair of Selectmen

Dated

Selectman

Dated

Selectman

Dated

Selectman

Dated

Selectman

Dated

**TOWN OF ANSON
CONSUMER FIREWORKS ORDINANCE**

SECTION I: Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Anson and of the general public.

SECTION II: Title and Authority

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

SECTION III: Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks – "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products which are illegal to use or possess in the State of Maine:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Public Property: Any property that is owned by the Town of Anson, or is open for use to the general public.

Public Way: Any road, sidewalk or other area, designated for the flow of vehicular or foot traffic.

SECTION IV: Use of Consumer Fireworks Restricted

- A. Use of consumer fireworks is prohibited within 75 feet of any structure or within 50 feet of overhead power lines.

- B. Use of consumer fireworks is prohibited on any public way or public property; unless written permission is granted for said use by the Town of Anson Board of Selectmen and/or the person(s) who control said public property.
- C. Use of consumer fireworks is prohibited at any time when the forest fire danger is greater than a Class 3 as established by the Maine Forest Service. It is the responsibility of the user of consumer fireworks to confirm the fire danger level on the day of use.
- D. It shall be unlawful for any person or firm to use or display consumer fireworks without providing for the cleanup and removal of all debris.

SECTION V: Violation and Enforcement

- A. **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Anson for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- B. **ENFORCEMENT:** This Ordinance shall be enforced by the Somerset County Sheriff's Department and/or the Maine State Police.

SECTION VI: Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Attest: A True Copy
Town of Anson, Consumer Fireworks Ordinance
Adopted March 2, 2013



Carol Ryan, Town Clerk

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF ANSON, MAINE

ENACTED: March 6, 2004
Date

CERTIFIED BY: Robert D. Horthley
Name

Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT	2
II. PERMIT REQUIRED	2
III. APPLICATION FOR PERMIT	2
IV. APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS	5
VII. CERTIFICATE OF COMPLIANCE	10
VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	10
IX. APPEALS AND VARIANCES	11
X. ENFORCEMENT AND PENALTIES	13
XI. VALIDITY AND SEVERABILITY	13
XII. CONFLICT WITH OTHER ORDINANCES	13
XIII. DEFINITIONS	14
XIV. ABROGATION	18

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Town of Anson, Maine, Somerset County," dated July 3, 1995 with accompanying "Flood Insurance Rate Map" dated July 3, 1995, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;

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

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

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

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

a. in Zones AE, from data contained in the "Flood Insurance Study - (Town/City) of Anson, Maine," as described in Article I; or,

b. in Zone A:

(1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;

(2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

(3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

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

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

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

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

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;
 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$20.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood data contained in the "Flood Insurance Study – Town of Anson, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior

approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 - 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

- 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

1. Zone AE:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

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

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zone AE shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

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

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

K. **Floodways** -

1. In Zone and AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zone AE, and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

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

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones AE and A shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water if the following requirements are met:
- 1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
 - 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the Elevation Certificate and the applicant's written notification; and,
 - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 - 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 - 4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

Building - see **Structure**.

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

Code Enforcement Officer - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

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

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE and A to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

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

Elevation Certificate - An official form (FEMA Form 81-31, 07/00, as amended) that:

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

- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

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

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

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

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave

action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

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

Substantial Improvement - means any singular or successive reconstructions, repairs, rehabilitations, additions, or other improvements of a structure, the cumulative cost (value) of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement project following the effective date of March 6, 2004. The total cost (value) of all reconstructions, repairs, rehabilitations, additions, or other improvements shall be accrued from the effective date of March 6, 2004. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

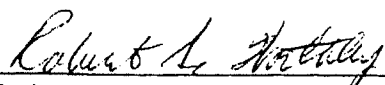
Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

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

60.3 (d)

Attest: A true copy of "Floodplain Management Ordinance for the Town of Anson, Maine" as certified to me by the Anson Board of Selectmen on February 10, 2004.


Robert S. Worthley, Town Clerk

**LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2018
AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM
IN THE TOWN OF ANSON, SOMERSET COUNTY, MAINE**

§1. Title:

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

§2. Preamble:

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

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

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

§3. Purpose:

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

1. Through local control, preserve the ability of individuals and communities to save and exchange seed, to produce, process, sell, purchase, and consume locally produced foods;
2. Ensure the preservation of family farms and traditional food ways through small-scale farming, food production, and community social events;
3. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through unimpeded access to wholesome, nutritious foods by encouraging ecological farming;
4. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families;
5. Enhance rural economic development and the environmental and social wealth of rural communities; and
6. Protect access to local food through direct producer-to-consumer transactions.

§4. Definitions:

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

A. **COMMUNITY SOCIAL EVENT:** An event where people gather as part of a community for the benefit of those gathering or for the community, including, but not limited to, a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers' market, agricultural fair, and other public events.

B. **DIRECT PRODUCER-TO-CONSUMER TRANSACTION:** An exchange of local food within a local food system between a producer or processor and a patron by barter, trade, or purchase on the property or premises owned, leased or rented by the producer or processor of the local food; at roadside stands, fundraisers, farmers' markets, and community social events; or through buying clubs, deliveries or community supported agriculture programs, herd share agreements, and other private arrangements.

C. **LOCAL FOOD SYSTEM:** A food system that integrates food production, processing, consumption, direct producer-to-consumer transactions, and traditional food ways to enhance the environmental, economic, social, and physical health of the municipality and its residents.

D. **LOCAL FOOD:** Any food or food product that is grown, produced, processed, or prepared by individuals who exchange that food directly with patrons.

E. **PATRON:** An informed individual who acquires local food directly from a processor or producer.

F. **PROCESSOR:** An individual who processes or prepares products of the soil or animals for food or drink.

G. **PRODUCER:** A farmer or gardener who grows or raises any plant or animal for food or drink.

H. **TRADITIONAL FOODWAYS:** The cultural, social, and economic practices related to the production and consumption of food and the conveying of knowledge regarding food production and preparation.

§5. Authority:

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

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

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

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

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

§1-B of Title 7 of the Maine Revised Statutes, which states *inter alia*: The [...] preservation of rural life and values in State [is] to be the joint responsibility of all public agencies, local, state and federal, whose policies and programs

substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms [...] and improve health and nutrition.

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

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

§6. Statements of Law:

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

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

C. Exemption from Licensure and Inspection. The producers and processors of local food intended for direct producer-to-consumer transactions in the Town governed by this ordinance shall be exempt from state licensure and inspection. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce those state food laws, rules, or regulations with respect to those transactions as defined in Section 4. The transactions enumerated in Section 4 are governed by this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act.

D. Meat and Poultry. This ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Inspection Program. This ordinance is applicable to shared animal ownership agreements in compliance with the federal acts as defined in Title 22, Chapter 562-A, §2511 of the Maine Revised Statutes and similar private contractual agreements, herd share agreements, and buying clubs.

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

§7. Civil Enforcement:

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

§8. Effect:

This ordinance shall be effective immediately upon its enactment.

§9. Severability Clause:

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

§10.Repealer:

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

§11.Human Rights and Constitutionality:

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

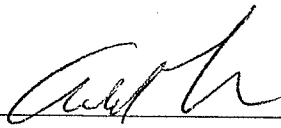
§12.Mutual Recognition and Inter-Municipal Government Collaboration:

The Town hereby recognizes producers and processors of local foods in other municipalities that have also adopted a Local Food and Community Self-Governance Ordinance. Those producers and processors of local foods from other municipalities operating under a similar ordinance may also operate under this ordinance.

CERTIFICATION:

We the Selectmen of the Town of Anson hereby Certify to the Clerk that the foregoing document entitled "LOCAL FOOD & COMMUNITY SELF-GOVERNANCE ORDINANCE OF THE TOWN OF ANSON" is to be the subject of a town meeting vote to take place on 5-8-18 during town meeting as conducted at the Town Office at 5 Kennebec Street, Anson, Me 04911

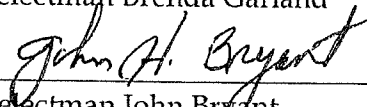
Date of Certification: 5-8-18



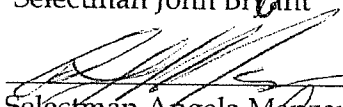
Selectman Arnold Luce



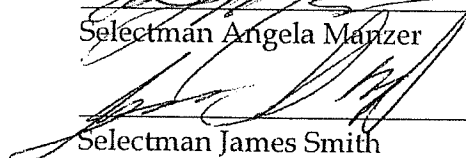
Selectman Brenda Garland



Selectman John Bryant



Selectman Angela Manzer



Selectman James Smith

ATTEST:

Attested to be a true copy of an ordinance entitled "LOCAL FOOD & COMMUNITY SELF-GOVERNANCE ORDINANCE OF THE TOWN OF ANSON" as certified to me by the municipal officers of Anson.

Date of Attestation: April 8, 2018
May

Signature: 

Tammy Murray, Town Clerk

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 20__

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF _____, _____ COUNTY, MAINE

§1. Title

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

§2. Preamble

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

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

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

§3. Purpose

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

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

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

§4. Definitions

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

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

§5. Authority

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

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

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

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

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

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

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

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

§6. Statements of Law

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

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

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

this ordinance and provide the context otherwise indicated as stated in Section 282 of the Maine Food Sovereignty Act

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

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

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

§7. Civil Enforcement.

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

§8. Effect

This ordinance shall be effective immediately upon its enactment.

§9. Severability Clause

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

§10. Repealer

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

§11. Human Rights and Constitutionality

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

§12. Mutual Recognition and Inter-municipal Government Collaboration

The Town hereby recognizes producers and processors of local foods in other municipalities that have also adopted a Local Food and Community Self-Governance Ordinance. Those producers and processors of local foods from other municipalities operating under a similar ordinance may also operate under this ordinance.

Document Format:

Document type: .doc (Microsoft Word 97-2003)

Style Name Font: Times New Roman, 12 Point unless noted otherwise

DOCUMENT TITLE: 16 POINT, BOLD, SMALL CAPS, CENTERED, SPACE AFTER: 6 POINT,
STYLE: LINKED, AUTOMATICALLY UPDATE, BASED ON: NO SPACING

DOCUMENT SUBTITLE: BOLD, SMALL CAPS, CENTERED, STYLE: LINKED, AUTOMATICALLY UPDATE,
QUICK STYLE BASED ON: NO SPACING

Section Heading: Bold, Indent: Left: 0", Hanging: 0.3125", Space After: 6 point, Keep
with next, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 +

BodyIndent: Left: 0.3125" (5/16"), Style: Linked, Quick Style Based on: No Spacing

Multiple pages: Equal margins

Margins:
Top: 1.00"
Bottom: 0.50"
Left: 0.5625"
Right: 0.5625"

TOWN OF ANSON

Loitering Ordinance

Section 1. General Provisions

1.1 Title

This Ordinance shall be known and cited as the Town of Anson Loitering Ordinance and will be referred to hereafter as “this Ordinance”.

1.2 Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of Title 30-A M.R.S.A., § 3001 (Home Rule).

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

1.4 Validity and 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.

1.5 Amendment

- A. An amendment to this ordinance may be initiated by:
 - 1. Request of the Board of Selectmen
 - 2. Written petition of a number of voters equal to at least 5% of the number of votes cast in the Town at the last gubernatorial election.
- B. The Board of Selectmen shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted in two (2) public places in the Town and shall be published at least once in a newspaper of general circulation in the area at least seven (7) days prior to the hearing.
- C. An amendment to this ordinance may be adopted by a majority vote of the Town Meeting.

1.6 Effective Date

This ordinance shall become effective on the date of adoption by the Town’s legislative body.

1.7 Availability

A certified copy of this ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during regular office hours. Copies shall be made available to the public at a reasonable cost.

Section 2. Loitering

2.1 Prohibited Conduct and Activities.

- A. It shall be unlawful for any person to loiter in any public place, or in or about any building or dwelling or adjacent thereto, in such a manner so as to:
 - (1) Obstruct any public street or public place by hindering or impeding or tending to hinder or impede an uninterrupted passage of pedestrians or vehicles.
 - (2) Commit in or upon any public street or public place any act which is an obstruction or interference to the free and uninterrupted use of any property, or with any business being lawfully conducted by anyone in any public place, or which prevents the free and uninterrupted ingress and egress therein, thereon and thereto.
 - (3) Create or cause to be created any disturbance or annoyance to the discomfort or alarm of any person lawfully going in or going to or from any building, dwelling, or public place.
- B. "Loitering" shall mean remaining in essentially one location either alone or in concert with others.
- C. "Public Place" shall mean any place to which the general public has access and the right to enter in or upon for business, entertainment or other lawful purposes, and shall include the front or immediate area around any store, shop, restaurant, tavern, or other place of business and also all public grounds, areas, beaches or parks.
- D. When any person or persons causes or commits any of the conditions enumerated in subsection A herein a police officer, or any law enforcement officer, shall order the person or persons to stop causing or committing such conditions, and may, if he deems necessary for the preservation of public peace and safety, order that person or persons to move on and disperse. Any person who fails or refuses to obey any such order shall be guilty of a violation of this section.
- E. This section shall not apply to peaceful picketing, public speaking or other lawful expressions or opinion not in contravention of other Town Ordinances or State and Federal laws.

2.2 Pedestrians Not to Obstruct Traffic; duty of officer, etc. to disperse offenders.

Two or more persons shall not stand together, or near each other, in any street or on any sidewalk, in such a manner as to obstruct the free passage thereon and

thereover. It shall be the duty of any police officer, constable, or other authorized agent of the Town to order any person violating the foregoing provision of this section to move on; and if the person does not obey, to arrest and by lawful process cause him to be brought before the District Court.

2.3 Disturbing the Peace.

No person shall, in any street or public place, make any loud or unusual noise, either by voice or otherwise, or utter obscene and indecent and profane songs or words, or in any unruly or boisterous manner disturb the quiet and good order of the Town.

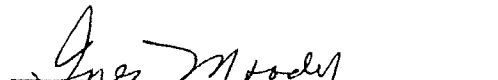
2.4 Penalties.

Any person or party found guilty of violating any of the provisions of this Section shall be fined one hundred (\$100.00) plus costs recoverable for the use and benefit of the Town of Anson.

Given under our hands this 11th day of February, 2003 at Anson, Maine

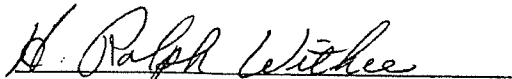
Selectmen of Anson


Arnold P. Luce

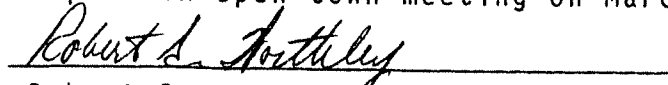

Inez Moody


Darrol Bartlett


Warren Bown


H. Ralph Withee

Adopted in open town meeting on March 8, 2003.


Robert S. Worthley
Town Clerk

**MUNICIPALITY OF MADISON MORATORIUM
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL
MARIJUANA STORES AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act, nor any regulations related to products or merchandise associated with the use, cultivation, retail sales, manufacturing or distribution of marijuana and retail stores that specialize in offering such paraphernalia for sale to customers; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Municipality of Madison raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Municipality, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the possible connection of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Sheriff’s Office and local fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Municipality's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration and the planning board, with the professional advice and assistance of the Sheriff's Office, shall study the Municipality's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Municipality enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the legislative body of the Municipality of Madison, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of January 1, 2017 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to the Municipality's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of

retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Municipality on or after the January 1, 2017 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a business that engages in retail or wholesale sales of products or merchandise for which the primary purpose is to prepare, cultivate, distribute or ingest marijuana or is of the kind that would be offered for sale or used at a retail marijuana social club or retail marijuana establishment, including but not limited to, pipes, pipe screens, bongs, vaporizers, rolling papers, hydroponic equipment and lights; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license,

building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Municipality shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Applicability Date: January 1, 2017

1st Amendment Town of Anson Mass Gathering Ordinance

Section 2. Mass Gathering

2.5 Permit Procedure

- D. Bond Requirement. Concurrently with the issuance of a permit, the operator shall furnish the Town a bond of surety from a company qualified to do business in this State in such amount as the Board of Selectmen shall reasonably determine, but in no event less than \$5,000. Cash or negotiable securities of equivalent value may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this Ordinance. In addition, the operator shall deposit with the town an amount of money equal to 120% of the estimated public costs of the contemplated mass outdoor gatherings. Public costs shall be those incurred by the Town in connection with the contemplated mass outdoor gatherings which relate to the mass outdoor gathering and which would not be incurred by the Town if such mass outdoor gatherings were not held. Promptly after the mass outdoor gathering, the public costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

Amended to:

- D. Bond Requirement. Concurrently with the issuance of a permit, *(if the mass gathering will be operating on public property)* the operator shall furnish the Town a bond of surety from a company qualified to do business in this State in such amount as the Board of Selectmen shall reasonably determine, but in no event less than \$5,000. Cash or negotiable securities of equivalent value may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this Ordinance. In addition, the operator shall deposit with the town an amount of money equal to 120% of the estimated public costs of the contemplated mass outdoor gatherings. Public costs shall be those incurred by the Town in connection with the contemplated mass outdoor gatherings which relate to the mass outdoor gathering and which would not be incurred by the Town if such mass outdoor gatherings were not held. Promptly after the mass outdoor gathering, the public costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

Section 2. Mass Gathering

2.6 Permit Application

(2) Grounds.

- f.) That at least 10 square feet per person shall be provided on the site for daytime assemblage, and no overnight assemblage will be permitted.

e.) The operator of the mass gathering will contact Anson-Madison-Starks Ambulance Service and advise them that a mass gathering will be held and the approximate number of people attending.

f.) That the Director of the Anson-Madison-Starks Ambulance Service will determine the number of E.M.T. personnel and ambulances needed and times they shall be available.

Amended to:

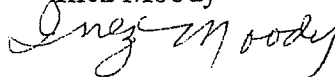
~~f.) That the Director of the Anson-Madison-Starks Ambulance Service will determine the number of E.M.T. personnel and ambulances needed and times they shall be available.~~

Selectmen of Anson

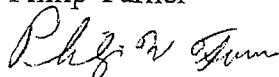


Arnold P. Luce

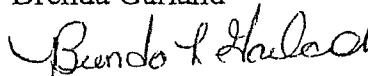
Inez Moody



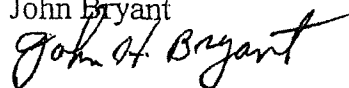
Philip Turner



Brenda Garland



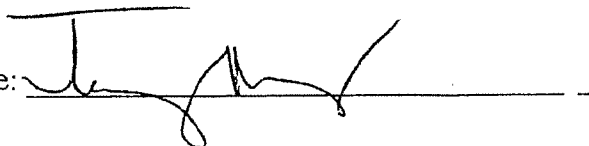
John Bryant



Attest: A true copy of 1st Amendment to Town of Anson Mass Gathering Ordinance" as certified to me by the municipal officers of Anson, Maine on

Date: 12-8-15

Signature: _____



Tammy Murray, Town Clerk - Town of Anson, Maine

TOWN OF ANSON

Mass Gathering Ordinance

Section 1. General Provisions

1.1 Title

This Ordinance shall be known and cited as the Town of Anson Mass Gathering Ordinance and will be referred to hereafter as "this Ordinance".

1.2 Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of Title 30-A M.R.S.A., § 3001 (Home Rule).

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

1.4 Validity and 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.

1.5 Amendment

- A. An amendment to this ordinance may be initiated by:
 - 1. Request of the Board of Selectmen
 - 2. Written petition of a number of voters equal to at least 5% of the number of votes cast in the Town at the last gubernatorial election.
- B. The Board of Selectmen shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted in two (2) public places in the Town and shall be published at least once in a newspaper of general circulation in the area at least seven (7) days prior to the hearing.
- C. An amendment to this ordinance may be adopted by a majority vote of the Town Meeting.

- (6) **“Sanitary facilities”** means toilet, privies, lavatories, urinals, drinking fountains, and service buildings or rooms provided for installation and use of these units.
- (7) **“Nuisance”**. The following shall be defined as nuisances:
 - a) Any public nuisance known at common law or in equity jurisprudence;
 - b) An attractive nuisance known at common law or in equity jurisprudence; and
 - c) Any condition which violates federal, state or local health or environmental laws or regulations.

2.3 Permit Required.

No person shall sponsor, promote, sell tickets to, permit on his property, or otherwise conduct, a mass outdoor gathering which may, will, or is intended to attract a continued attendance at such gathering of ~~500~~¹⁵⁰⁰ more persons for ~~six~~^{four} or more hours until a permit therefor has been obtained from the Board of Selectmen of the Town.

2.4 Issuance or Denial.

- A. The Board of Selectmen shall issue a permit for a mass outdoor gathering unless it finds the standards in this ordinance are not met. When considering the issuance of a permit the Selectmen may seek advice from the State Police, Somerset Sheriff's Office, Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons as it deems necessary.
- B. The Selectmen in denying a permit, shall find that one or more of the standards set forth in this ordinance have not been met.

2.5 Permit Procedure.

- A. Application submitted to Town Clerk. A Permit Application to hold a mass outdoor gathering shall be submitted to the Town Clerk at least forty-five (45) days prior to the first outdoor gathering contemplated. The Permit Application shall contain the information described in paragraph 2.6 and shall be accompanied by the permit fee as follows:

Permit fee: \$400.00

On submitting the application a non-refundable fee of \$100.00 is due.

pedestrians and vehicular traffic exists, and that all public roadways in the proximity of the mass outdoor gathering will be adequately staffed with traffic control personnel to insure safety to all the public.

(2) Grounds.

- a) That each mass gathering area will be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.
- b) That trees, underbrush, large rocks and other natural features will be left intact and undisturbed whenever possible, and that natural vegetative cover will be retained, protected and maintained so as to facilitate drainage, prevent erosion, and preserve the scientific attributes.
- c) That grounds will be maintained free from accumulations of refuse, and any health and safety hazards constituting a nuisance.
- d) That illumination will be provided at night to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted, but shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
- e) That on-site parking space will be provided for persons arriving by vehicular means; that service roads and parking spaces will be located to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that width of the service road should not be less than the following: one traffic lane 12 feet; two traffic lanes 24 feet; parallel parking lanes 7 feet; that adequate parking space shall be provided; adequate parking is construed to mean at the rate of at least one parking space to every four persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.
- f) That at least 10 square feet per person shall be provided on the site for daytime assemblage, and that no overnight assemblage will be permitted.

(3) Water Supply.

- a) That an adequate, safe supply of potable water, meeting requirements of the State Department of Human Services, Division of Health Engineering, will be provided and that common cups will not be used.
- b) That transported water will be obtained from an approved source,

- of Health Engineering.
- k) That disposal and/or treatment of any excretion or liquid waste will be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.
- (5) Refuse Disposal.
- a) That refuse will be collected, stored, and transported in such a manner as to protect against odor, infestation of insects and/or rodents and any other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the mass gathering or the public.
 - b) That refuse containers shall be readily accessible and that one (1) fifty (50) gallon refuse container or its equivalent should be provided for each one hundred (100) persons anticipated or that one (1) sixteen (16) cubic yard trash container should be provided for every five thousand (5,000) persons anticipated.
 - c) That the area where motor vehicles are parked should have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) such motor vehicles or one (1) sixteen (16) cubic yard trash container for every two thousand (2,000) motor vehicles.
 - d) That all refuse will be collected from the assembly area at least twice each twelve (12) hour period of assembly, with a minimum of two (2) such collections for gatherings exceeding six (6) hours, or more often if necessary, and disposed of at a lawful disposal site.
 - e) That the grounds and immediate surrounding property will be cleared of refuse within twenty-four (24) hours following an assembly.
 - f) Vermin Control. That insects, rodents, and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods, and where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.
- (6) Safety.
- a) That where an electrical system is installed, it will be installed and maintained in accordance with the provisions of the applicable State standards and regulations.
 - b) That grounds, buildings, and related facilities will be maintained and used in a manner as to prevent fire and in accordance with the

the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S 1 4 - 1961) American Standards Specification for General Purpose Sound Meters.

2.7 Insurance

The operator shall carry public liability insurance in at least the following amounts: \$300,000.00 Bodily Injury (per person); \$500,000.00 Bodily Injury (per occurrence); and \$100,000.00 property damages.

2.8 Penalty

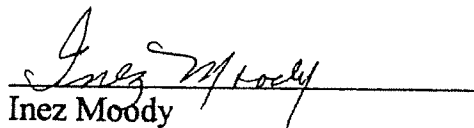
Any person or party violating the provisions of Section 3 of this Ordinance shall be subject to a fine of one thousand dollars (\$1,000.00), plus costs, recoverable for the use and benefit of the Town of Anson.

Given under our hands this 11th day of February, 2003 at Anson, Maine

Selectmen of Anson



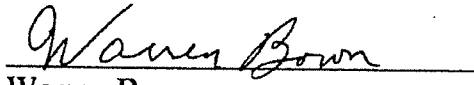
Arnold P. Luce



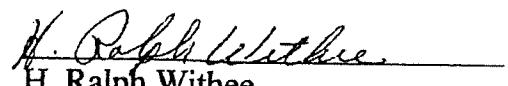
Inez Moody



Darrol Bartlett

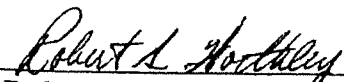


Warren Bown

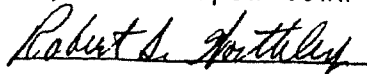


H. Ralph Withee

Attest: A true copy of an ordinance entitled "Town of Anson Mass Gathering Ordinance" as certified to me by the municipal officers of Anson, Maine on the 11th day of February, 2003.

Signature: 
Robert S. Worthley, Town Clerk of Anson, Maine

Adopted in open town meeting on March 8, 2003.



Robert S. Worthley
Town Clerk

TOWN OF ANSON

Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance

ENACTED: March 25, 2019

CERTIFIED BY: _____ Tammy Murray
--

Town Clerk
Title

Affix Seal

**Town of Farmington
Chapter 11 - Land Use
Table of Contents**

**Article 14-Adult Use and Medical Marijuana Stores, Cultivation Facilities,
Manufacturing Facilities, and Testing Facilities Ordinance**

11-14.1	Title	3
11-14.2	Authority & Applicability	3
11-14.3	Purposes	3
11-14.4	Conflicts with other Ordinances	4
11-14.5	Effective Date	4
11-14.6	Validity and Severability	4
11-14.7	Definitions	4
11-14.8	Permit/License Required	5
11-14.9	Application Procedure	6
11-14.10	Standards for Permit/License	10
11-14.11	Enforcement	14
11-14.12	Amendments	15

**Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing
Facilities, and Testing Facilities Ordinance
Chapter 11 - Land Use**

11 -14.1 Title:

This ordinance shall be known and cited as the "Town of **Anson**" Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance" and will be referred to hereinafter as "this Ordinance". **This Ordinance limits all subject Adult Use and Medical Marijuana businesses to the zoning districts specified under the Zoning Ordinance** Table of Uses, prescribes definitions of Adult Use and Medical Marijuana businesses, provides for permitting/licensing and regulation of Adult Use and Medical Marijuana businesses, and provides standards for Adult Use and Medical Marijuana businesses.

11 - 14.2 Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, cultivation, manufacturing, and testing for both Adult Use and Medical Marijuana, a controlled substance, is a complex function with significant administrative demands on the Town of Farmington; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a Medical Marijuana Patient Card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of a controlled substance; and

WHEREAS, the Town of **Anson** believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to Adult Use and Medical Marijuana throughout the Town of **Anson**; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. c. 1; Maine's Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C; Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of the Municipal Home Rule Authority (30-A M.R.S. §3001 et seq.); and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. §4312 et seq.

11 - 14.3 Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana businesses in order to promote the health, safety, and general welfare of the citizens of **Anson**, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana businesses in Anson.

Persons or entities wishing to establish an Adult Use or a Medical Marijuana business within the Town of Anson shall first obtain a permit/license from the **Anson** Board of Selectmen (hereinafter "the Municipal Officers") and shall be subject to the provisions of this Ordinance.

This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, caregiver, or registered caregiver under Maine's Medical Marijuana laws and regulations, including but not limited to 22 M.R.S. c. 558-C, except that Medical Marijuana Stores operated by registered caregivers are subject to the provisions of this Ordinance.

11 - 14.4 Conflict with Other Ordinances: Severability:

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

11 - 14.5 Effective Date:

The effective date of this Ordinance, and the permitting/licensing of the establishment or operation of any Adult Use or Medical Marijuana Store, Adult Use or Medical Marijuana Cultivation Facility, Adult Use or Medical Marijuana Manufacturing Facility, or Adult Use or Medical Marijuana Testing Facility in Anson thereunder, shall be the date of adoption by the voters at Town Meeting.

11 - 14.6 Validity and Severability:

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

11 - 14.7 Definitions:

For the purpose of this Ordinance, Adult Use Marijuana businesses, including Adult Use Marijuana Stores, Adult Use Marijuana Cultivation Facilities (including Adult Use Marijuana Nursery Cultivation Facilities), Adult Use Marijuana Manufacturing Facilities, and Adult Use Marijuana Testing Facilities, are defined as set forth in 28-B M.R.S. §102.

For the purpose of this Ordinance, Medical Marijuana businesses, including Medical Marijuana Stores, Medical Marijuana Cultivation Facilities, Medical Marijuana Manufacturing Facilities, and Medical Marijuana Testing Facilities are either defined in Maine's Medical Marijuana Law or are the medical equivalent of those Adult Use Marijuana businesses listed in the previous paragraph.

For the purpose of this Ordinance, the term, "Marijuana Business" means any Adult Use or Medical Marijuana business listed in the two preceding paragraphs.

For the purpose of this Ordinance, the term, "Plant Canopy" is defined as set forth in 28-B M.R.S. §102.

For the purpose of this Ordinance, the term "Medical Marijuana Stores" includes storefronts operated by registered caregivers and medical marijuana dispensaries.

11 - 14.8 Permit/License Required:

No person may establish, operate or maintain an Adult Use or Medical Marijuana business without first obtaining a permit/license from the Municipal Officers.

It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of **Anson** without a valid Adult Use or Medical Marijuana business permit/license issued by the Town pursuant to this Ordinance.

It is a violation of this Ordinance for any person to operate an Adult Use or Medical Marijuana business within the Town of **Anson** without a valid Adult Use or Medical Marijuana business permit/license issued by the State pursuant to State Adult Use and Medical Marijuana laws and regulations.

Pursuant to 28-8 M.R.S. §402, the Town has placed the following permit/license limits for the following four (4) categories of Adult Use and Medical Marijuana businesses: Stores - seven (7) total, four (4) Adult Use and three (3) Medical; Cultivation Facilities - seven (7) total; Manufacturing Facilities - five (5) total; and Testing Facilities - two (2) total. Whenever a permit/license expires and is not renewed, or the Town declines to renew a permit/license, other permit/license applications may be reviewed, but the cap of permits/licenses per each category shall be maintained.

In the event of the proposed sale of a marijuana business, the tentative purchaser shall be given preference to obtain a new permit/license to replace the seller's permit/license within sixty (60) days prior to the date of the sale.

The tentative purchaser shall file an application with fee and provide all the information required in this Ordinance. If the application is approved by the Town, the Municipal Officers shall specify that the permit/license for same is contingent on the sale being completed and the Town's receipt of permit/license fees.

The holder of a permit/license for a Medical Marijuana Store located in the following districts - General Purpose, Residential/Light Commercial, or Village Business outside of Village Business Historic - may exchange their permit/license for an Adult Use Marijuana Store permit/license in the same location. Said holder must file an application and pay a \$100 fee.

The holder of a permit/license for an Adult Use Marijuana Store located in the following districts - General Purpose, Residential/Light Commercial, or Village Business - may exchange their permit/license for a Medical Marijuana Store permit/license in the same location. Said holder must file an application and pay a \$100 fee.

All Adult Use and Medical Marijuana Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer, on the day the order is made, pays for and picks up such orders in the store.

Adult Use and Medical Marijuana Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, OHL, or any other global or local delivery service or courier.

11 -14.9 Application Procedure:

- A. An application for a permit/license must be made on the form for same provided by the Town.
- B. All applicants must be qualified according to the provisions of this Ordinance. The application requests and the applicant shall provide information so the Town can determine whether the applicant meets the qualifications established in this Ordinance.
- C. The Town will give first priority to applicants, who for the two (2) year period immediately preceding the date of application: (i) have been cultivating Medical Marijuana within the Town in compliance with applicable State law and regulations for same; (ii) have continuously held a Caregiver's Registry Identification Card (unless this requirement is waived by the Town for good cause); and (iii) have had at least three (3) patients in each year of the two (2) year period.
- D. Applications to establish an Adult Use or Medical Marijuana business
 - 1. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is a single individual, this person must sign the application for a permit/license. If the applicant who wishes to operate an Adult Use or Medical Marijuana business is more than one individual, each person who has an interest in the business must sign the application for a permit/license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a permittee/licensee if a permit/license is granted.
 - 2. The completed application for an Adult Use or Medical Marijuana business permit/license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.
 - c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and

principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Adult Use or Medical Marijuana business under a name other than that of the applicant, they must state the business' name and submit the required registration documents.
- f. If the applicant or a potential employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous permit/license under this Ordinance or other similar marijuana business ordinances from another Town, City, or State denied, suspended or revoked, they must list the name and location of the marijuana business for which the permit/license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar marijuana business ordinance from another Town, City, or State and, if so, the names and locations of such other permitted/licensed businesses must also be provided.
- i. The classification of permit/license for which the applicant is filing.
- j. The location of the proposed Adult Use or Medical Marijuana business, including a legal description of the property, street address, and telephone number.
- k. The applicant's mailing address and residential address.
- l. Recent passport-style photograph(s) of the applicant(s).

- m. The applicant's driver's license and Social Security numbers.
 - n. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - o. A copy of a Town Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Adult Use or Medical Marijuana businesses within one thousand (1,000) feet of the subject property; the property lines of any public or preexisting private school within one thousand (1,000) feet of the subject property; the property lines of and/or property used primarily for religious worship and related religious activities, and/or property used for licensed daycare use under 10-148 CMR c.32, and/or recreational areas designated for use by children up to eighteen (18) years in age, and/or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253, within five hundred (500) feet of the subject property.
3. Some portions of applications for an Adult Use or Medical Marijuana business permit/license shall be kept confidential by the Town and used for administrative purposes only due to sensitive information contained therein such as Social Security numbers, etc., as allowed by FOAA (Freedom of Access Act).
 4. All applicants (including all officers, directors, managers, members, or partners) for any Adult Use Marijuana business permit/license, excepting Marijuana Testing Facilities, must have been residents of the State, and paid taxes in the State, for a period of not less than four (4) years immediately preceding the date of the application per 28-8 M.R.S. §202.2.8. This requirement expires on June 1, 2021 per 28-8 M.R.S. §102.48.
 5. If the applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests, must be held or owned by persons who are residents. This residency requirement does not apply to applicants for Testing Facility licenses.

E. Application and Permit/License Fees

All applications must be submitted with a \$250 fee, except for exchange conversions under §11-14.8, for which the fee is \$100. If an application is approved, the following permit/license fees must be paid before the Town will issue a permit/license:

Marijuana Store: Permit/License Fee: \$1,250

Adult Use Marijuana Manufacturing Facility: Permit/License Fee: \$1,250

Medical Marijuana Manufacturing Facility - Tier I (40 lbs.): Permit/License Fee: \$300

Medical Marijuana Manufacturing Facility - Tier II (200 lbs.): Permit/License Fee: \$500

Medical Marijuana Manufacturing Facility (Tiers 1&11) Using Inherently Hazardous Substances: \$700

Marijuana Testing Facility: Permit/License Fee: \$500

Marijuana Cultivation:

Tier 1: Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of plant canopy:

By plant count: Permit/License Fee: \$5/mature plant for an outdoor cultivation and \$10/mature plant for an indoor or indoor/outdoor cultivation.

By canopy, 0-500 SF: Permit/Licensing Fee: \$250/indoor or indoor/outdoor, \$125/outdoor.

Tier 2: 501-2,000 SF of mature plant canopy: Permit/License Fee: \$1,500/indoor or indoor/outdoor cultivation, \$750/outdoor cultivation.

Tier 3: 2,001-7,000 SF of mature plant canopy: Permit/License Fee: \$5,000/indoor or indoor/outdoor cultivation, \$2,500/outdoor cultivation.

Tier 4: 7,001-20,000 SF of mature plant canopy: Permit/License Fee: \$15,000/indoor or indoor/outdoor, \$7,500/outdoor. For each approved increase of 7,000 SF, the additional fee is: \$2,500 for outdoor cultivation, and \$5,000 for indoor or indoor/outdoor cultivation.

Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy in compliance with 28-8 M.R.S. §501.3: Permit/License Fee: \$175 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Every two (2) years, Tier 4 renewal applicants may seek a 7,000 SF plant canopy increase if in compliance with applicable State law.

Renewal applicants for Marijuana Cultivation permits/licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Marijuana Cultivation permits/licenses may not hold more than three (3) such permits/licenses or a total combined plant canopy in excess of 30,000 SF.

11-14.10 Standards for Permit/License:

A. General

1. Adult Use and Medical Marijuana businesses, whether Retail Stores (including Medical Marijuana storefronts), Cultivation Facilities, Manufacturing Facilities, or Testing Facilities, may only exist and operate in the districts listed in the Zoning Ordinance Table of Uses, and as further restricted below in §11-14.10.A.2.a&b.
2. Adult Use and Medical Marijuana businesses may not be operated on property located within:
 - a. One thousand (1,000) feet of the property line of a public or preexisting private school (K-12) per 28-A M.R.S. §402.2.A; and/or
 - b. Five hundred (500) feet of the property line of: the property used primarily for religious worship and related religious activities; property used for licensed daycare use under 10-148 CMR c. 32; recreational areas designated for use by children up to eighteen (18) years in age; or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253.

Required setbacks under 2. a. & b. above shall be measured as the most direct, level, shortest, straight-line distance between property lines.

3. A property containing a building housing one or more Adult Use or Medical Marijuana business(es) may not be located within one thousand (1,000) feet of another property containing a building housing one or more Adult Use or Medical Marijuana business(es).
4. More than one Adult Use or Medical Marijuana business (Store and/or Cultivation Facility and/or Manufacturing Facility and/or Testing Facility) may be co-located and operated within the same building, structure, or portion thereof, as long as all ordinance and application requirements are met.
5. Adult Use and Medical Marijuana businesses may be open for business only between the hours of 9:00 a.m. and 9:00 p.m., locally prevailing time.
6. The sale or offering for sale of Medical Marijuana and/or Medical Marijuana products under permit/license and the sale or offering for sale of Adult Use Marijuana and/or Adult Use Marijuana products under permit/license within the same facility or building by the same licensee is prohibited per 28-B M.R.S. §504.5.

7. For the purpose of subsection A.2 of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest property line of a property containing a building or structure used as the premises where an Adult Use or Medical Marijuana business is conducted, to the nearest property line of the premises of a use listed in subsection A.2. Presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
8. For purposes of subsection A.3 of this Section, the distance between any two properties containing a building housing one or more Adult Use or Medical Marijuana businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest property line of each property containing the building in which each business is located.
9. Medical Marijuana businesses located in the Village Business Historic District and operating within Farmington under and in compliance with Maine's Medical Marijuana laws and regulations on or before December 31, 2017, who file applications for Medical Marijuana business permit/license for locations that they currently operate within and have continuously operated within since December 31, 2017, are exempt from subsections A.1 and A.2 of this Section (§11-14.10.A.1&2).
10. Medical Marijuana businesses located in the following districts - General Purpose, Residential/Light Commercial, and Village Business outside of Village Business Historic, and operating within Farmington under and in compliance with Maine's Medical Marijuana laws and regulations on or before December 31, 2017, who file applications for Adult Use or Medical Marijuana business permit/license for locations that they currently operate within and have continuously operated within since December 31, 2017, are exempt from subsections A.1 and A.2 of this Section (§11-14.10.A.1&2).
11. Security measures at all Adult Use and Medical Marijuana business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with ten (10) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and

- d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the **Town of Anson Zoning Ordinance**; and
- e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
- f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

12. Ventilation

All Adult Use and Medical Marijuana businesses are required to be in compliance with the Odor Nuisance Control and Abatement Performance Standard in the Town's Zoning Ordinance, and all indoor Adult Use and Medical Marijuana Cultivation facilities shall have odor mitigation systems.

13. Required Notices

There shall be posted in a conspicuous location inside each Adult Use and Medical Marijuana Store, at least one legible sign containing the following information:

"Use of or allowed on-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) allowed, except a minor with a Medical Marijuana Card; Loitering prohibited".

14. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims.

All signage shall meet the Town's Sign Ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana. The exterior of all Adult Use and Medical Marijuana Stores shall display a 1' x 1' image of any universal symbol for same adopted by the State's Department of Administration and Financial Services.

B. Right of Access/Background Check/Inspection

Every **Adult Use and Medical** Marijuana business shall allow law enforcement officers to enter the premises at reasonable times for the purpose of checking compliance with **all applicable State laws and** this Ordinance. Every owner and employee of an **Adult Use or Medical** Marijuana business applying for a permit/license, shall contact the Farmington Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for **Adult Use and Medical** Marijuana businesses shall submit emergency contact information to the Farmington Police Department.

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation and Manufacturing Facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, diethyl ether, heptane, CO², etc.), products with flash points under 100°F, high-pressure extraction methods (CO², etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the **Anson** Fire Rescue Department.

Marijuana Cultivation and Manufacturing Facilities must comply with NFPA-1 Chapter 38 standards for *Marijuana Growing, Processing, or Extraction Facilities*, and these standards will be utilized by the **Anson** Fire Rescue Department during their inspections of these premises. A Knox Box shall be installed at the structure's exterior entrance for emergency access, and all Knox Boxes shall be obtained and installed in coordination with the Farmington Fire Rescue Department.

C. Indemnification

By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any **Adult Use or Medical** Marijuana business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed **Adult Use or Medical** Marijuana business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Adult Use or Medical Marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any Adult Use or Medical Marijuana Store, Cultivation Facility, Manufacturing Facility, or Testing Facility in Farmington.

Compliance with 28-B M.R.S. c. 1, State laws and regulations pertaining to medical marijuana, and any other applicable State laws or regulations shall be deemed an additional requirement for issuance or denial of any permit/license under this Ordinance, and noncompliance with 28-B M.R.S. c. 1 and any other applicable State law or regulation shall be grounds for revocation or suspension of any permit/license issued hereunder.

11 - 14.11 Enforcement:

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452. Each day of violation constitutes a separate offense.
2. Commencement of any Adult Use or Medical Marijuana business without a Town permit/license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the Town can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Code Enforcement Officer (CEO)

1. If the CEO finds that any provision of this Ordinance is being violated, they 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 but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
2. The CEO shall keep a complete record of all essential transactions of the CEO, including Adult Use and Medical Marijuana permit/license applications submitted, permits/licenses granted or denied, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found and fees collected.

C. Law Enforcement Officers

Law enforcement officers may at any reasonable time conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit/license approvals, and shall investigate all complaints of alleged violations of the Ordinance.

D. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Adult Use or Medical Marijuana business, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

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.

E. Penalties/Fines

Any person, including but not limited to, an Adult Use or Medical Marijuana business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

11 -14.12 Amendments:

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of the Municipal Officers has so voted; or
2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial election.

B. Public Hearing

The Municipal Officers shall hold a Public Hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

C. Adoption of Amendment

An amendment of this Ordinance shall be adopted by a majority vote at a Town Meeting.

**Town of Anson
Municipal Parking Lot Ordinance**

1. Authority

This ordinance is adopted by the Anson Board of Selectmen pursuant to 30-A M.R.S.A. § 3009.

2. Purpose

This ordinance is designed to protect public health and welfare by regulating the parking of motor vehicles in the municipally-owned lot at the corner of North Main Street and Center Street in North Anson village.

3. Definitions

Words used in this ordinance shall be defined in accordance with 29-A M.R.S.A. § 101; any undefined word shall have its common, ordinary meaning.

4. Restrictions

No person shall park a motor vehicle in the municipally-owned parking lot at the corner of North Main Street and Center Street in North Anson village between the hours of 9:00 p.m. and 5:00 a.m.

5. Enforcement and Penalties

This ordinance shall be enforced by the Somerset County Sheriff's Department or the Maine State Police. Violations of this ordinance shall be traffic infractions and shall be prosecuted, if necessary, in Somerset District Court. Any person found in violation of this ordinance by a Court of competent jurisdiction shall be subject to a fine of not more than \$100.00 nor less than \$25.00.

6. Severability

In the event that any portion of this ordinance is found by a Court to be invalid, the remaining provisions shall continue in full force and effect.

7. Effective Date

This ordinance shall become effective when adopted by a majority of the Anson Board of Selectmen.

Date Adopted: NOVEMBER 13, 2002

Anson Board of Selectmen

Carol Lere

Carol Butler

Warren Bown

Greg Moody

Attest true copy: Robert S. Worthley
Robert S. Worthley
Town Clerk

**MUNICIPALITY OF ANSON MORATORIUM
ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL
STORES AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act, nor any regulations related to products or merchandise associated with the use, cultivation, retail sales, manufacturing or distribution of marijuana and retail stores that specialize in offering such paraphernalia for sale to customers; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Municipality of Anson raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Municipality, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the possible connection of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Sheriff’s Office and local fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and 2

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Municipality's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration and the planning board, with the professional advice and assistance of the Sheriff's Office, shall study the Municipality's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Municipality enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social Clubs;

NOW, THEREFORE, be it ordained by the legislative body of the Municipality of Anson, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of January 1, 2017 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to the Municipality's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of 3

retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Municipality on or after the January 1, 2017 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a intent to build permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a business that engages in retail or wholesale sales of products or merchandise for which the primary purpose is to prepare, cultivate, distribute or ingest marijuana or is of the kind that would be offered for sale or used at a retail marijuana social club or retail marijuana establishment, including but not limited to, pipes, pipe screens, bongs, vaporizers, rolling papers, hydroponic equipment and lights; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, 4

building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Municipality shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Applicability Date: January 1, 2017

Notice of Appeal: Date: _____

Pursuant to Chapter 7:6 of the Town of Madison Code of Ordinances a notice of appeal must be received by the Town Clerk within 30 days of notice given by the official rendering the decision, together with a filing fee payment of \$20.00.

Applicant Name: _____

Applicant Address: _____

Telephone/email: _____

Official or Board Decision being appealed: Circle one

Planning Board Board of Selectmen Board of Assessors

Town Manager Code Enforcement Officer Other

If the application is for a variance please state the reason why the current regulation(s) creates an undue burden.

If the application is to appeal a decision by an Official or Board please state why the decision was either unsubstantiated by substantial evidence, rendered in bad faith, or in violation of applicable law.

(If more space is needed please attach a separate sheet)

(Applicant Signature)

PARKING ORDINANCE FOR THE TOWN OF ANSON

1. **AUTHORITY AND PURPOSE:** This ordinance is adopted by the Municipal Officers (Selectmen) of the Town of Anson in accordance with 30-A MRSA Section 3009. The Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in Town creates a traffic hazard and is dangerous to motorists and pedestrians alike. Unrestricted parking causes traffic congestion, reduces sight distances for motorists, impedes winter maintenance and causes motorists to drive outside the designated travel lane and into oncoming traffic. The purpose of this ordinance is to regulate parking necessary to protect public health, safety and welfare.
2. **DEFINITIONS:** Words used in this ordinance shall be defined in accordance with 29 MRSA Section 1; any undefined word shall have its common ordinary meaning.
3. **RESTRICTIONS:**
 - a. No person shall park a motor vehicle on the following public ways or portions of public ways, where "No Parking/TowAway Zone" signs or signs bearing similar language have been erected by the municipality:
Anson Fire Department
North Anson Fire Department
Anson Town Office
Anson Town Garage
 - b. **No person shall park a motor vehicle on any sidewalk in the Town of Anson.**
 - c. **No person shall park a motor vehicle within eight feet of any fire hydrant; this distance running along street curbing.**
4. **TOWING:** A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the municipality, at the request of and under the supervision of the town constable or other official duly authorized and appointed by the Selectmen. Towing under this section shall not be allowed unless, at the time of the tow, there is at least 1 sign stating that violators may be towed and indicating the telephone number and address of the place at which a towed car can be recovered. Within 5 days of the tow the municipal official who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location where the motor vehicle is impounded, and the requirements for release of the motor vehicle.
5. **RELEASE OF TOWED VEHICLE:** Any person seeking release of a motor vehicle towed pursuant to this ordinance must first (a) pay all towing charges and storage charges and (b) present satisfactory evidence of his or her right to possession

and sign a receipt for the vehicle.

6. **PRIMA FACIA EVIDENCE OF OPERATION:** No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facia evidence of the unlawful parking of such a vehicle by the person in whose name such vehicle is registered.

7. **ENFORCEMENT AND PENALTIES:** This ordinance shall be enforced by the Town Constable or other officials duly appointed and authorized by the Selectmen, or any duly authorized law enforcement officer. A violation of this ordinance is a civil violation punishable by a fine determined by the Somerset County Court.

8. **SEVERABILITY AND EFFECTIVE DATE:** In the event that any provision of this ordinance is declared by a court to be enforceable, the remaining provisions continue in full force and effect. This ordinance shall become effective when adopted by a majority of the Board of Selectmen.

Public Hearing on amended ordinance held:

Accepted & Signed on May 28, 1994

Mark P. Campbell
Frank P. Lusk
Robert W. Wether
Dan May
Daniel R. Caldwell

Joanne E. Dickey
attest: Municipal Clerk

TOWN OF ANSON

PROPERTY & BUILDING SAFETY MAINTENANCE ORDINANCE

SECTION 1 AUTHORITY

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

SECTION 2 SHORT TITLES

This ordinance shall be known and cited as the "Property Maintenance Ordinance" of the Town of Anson.

SECTION 3 PURPOSES

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, property values, and to prevent nuisance conditions.

SECTION 4 REQUIRED MAINTENANCE

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title 17, Section 2802 and as shown in the Appendix) and to avoid any adverse effect on the value of adjoining properties.

SECTION 5 GROUNDS MAINTENANCE STANDARDS

The grounds of any property shall be kept in good repair and free of unsafe or unsanitary conditions. Such conditions may include containing: refuse, household trash, junk, discarded plumbing, heating supplies, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, waste and all scrap iron, steel, other scrap ferrous or nonferrous material, debris, scrap lumber, inoperable machinery or part thereof, glass, unused and inoperable appliances, worn and unused furniture, and one or more junked and/or unserviceable vehicle (s), other than those licensed for storage according to the Town of Anson Automobile Graveyard & Junkyard Ordinance. Materials intended for the private use of the property owner may be stored on the property as long as such material is screened from the public way and from abutting properties and is not in violation with State Laws. Private use does not include resale.

SECTION 6 MAINTENANCE AFTER CASUALTY DAMAGE

Within a period of 60 days after casualty (see Appendix) damage to property grounds or structures, the owner shall cause or contract (see Appendix) for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therewith. The CEO may grant an extension under certain hardship conditions (see Section 9).

SECTION 7 DANGEROUS BUILDINGS:

17 M.R.S §§2851-2859 authorize the municipal officers to determine that a building or structure is "dangerous" and to order appropriate corrective action either by the owner or by the town in the event that the owner does nothing. Other than in the case of a building which is so dangerous that immediate court action is required, there is not express authority given to the CEO to act under this statute. However, if the CEO is asked to assist the municipal officers, this should be done in writing. Buildings or structures which can be dealt with under this statute must fit within one of the following categories:

- . Structurally unsafe;**
- . Unstable;**
- . Unsanitary;**
- . Constitutes a fire hazard:**

- **Is unsuitable or improper for the use or occupancy to which it is put:**
- **Constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property.**

SECTION 8 RESPONSIBILITIES

Owners, operators, and occupants of properties in violation of this ordinance shall be jointly and severally liable for violations and for corrective actions required.

SECTION 9 ENFORCEMENT & PENALTIES

The CEO shall notify the violator, serving a written notice by certified mail or by hand delivery. Said notice shall explain the nature of the violation and require corrective action within 30 calendar days from the date of the receipt of the notice to correct the violation; 7 days (max.) for a health and/or safety violation as determined by the CEO. The violator may appeal the CEO's

Decision to the Board of Selectpersons. Appeals must be made within 10 working days of notification by the CEO of a violation. The number of days given for compliance shall start after the Board of Selectpersons has heard the appeal.

If a violation is not corrected within the time allowed the Town shall pursue all remedies and relief available by law and/or in equity for land use ordinances, including without limitation the remedies and relief provided in 30A MRSA Section 4452 currently including, without limitation, a penalty of \$100 to \$2,500 per day for a specific violation, injunctive relief and reasonable attorney fees, expert witness fees and costs. The Town shall retain all penalties set forth in this ordinance. The CEO may represent the Town in District Court, pursuant to Rule 80-K. However, should the services of the Town Attorney be required, in litigation in a higher court of law for example, the CEO shall first review the case with the Administrative Assistant and Board of Selectpersons.

The CEO may offer one (1) special extension per person/per incident of up to 60 days to violators of this ordinance under certain hardship or extenuating circumstances. If a violation is discovered during winter months (November 1 - April 1) and if winter weather prevents the correction of a violation an extension may be given. Cases of disability or financial hardship shall also be grounds for the consideration of an extension. Violators requesting an extension for financial hardship shall be required to prove hardship through financial documentation. These extensions for seasonal, disability, or financial hardship shall be at the discretion of the CEO.

SECTION 10 SEVERABILITY

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

SECTION 11 CONFLICTS WITH OTHER LAWS

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the provision imposing the greater restriction shall control. The newest version of this Ordinance shall be the one that is enforced.

SECTION 12 EFFECTIVE DATE

This ordinance shall be effective when approved by the voters of the Town of Anson.

APPENDIX A DEFINITIONS

Casualty- Any unforeseeable, unintended accident affecting a property.

Cause or Contract- For this ordinance, "cause or contract" as it appears in Section 5 includes the initiation of an insurance claim (as opposed to resolution), the contracting of a construction/repair business, or the substantial preparation for self-repair work.

Grounds- The part of a property not covered by permanent structures.

Junk - For this ordinance the term "junk" refers to dilapidated or discarded material or objects.

Nuisance Condition- This term has been defined by MRSA Title 17 Section 2802.

It reads as follows: "The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture which, by noxious exhalations, offensive smells, or other annoyances, become injurious and dangerous to the health, comfort or property of individuals, or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect, or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; unlawfully diverting it from its natural course or state, to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise, of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn out or junked motor vehicles as defined in Title 29A, Section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation, either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are declared to be public nuisances."

Occupant- Any person living, sleeping, or having actual possession of a dwelling unit or rooming unit.

Operator- Any person who has charge, care or control of a dwelling or property, or a part thereof, whether with or without the knowledge and consent of the owner.

Owner- Any person who, alone or jointly or severally with each other, shall have legal or equitable title to any property, with or without accompanying actual possession thereof, or shall have charge or control of any dwelling unit as owner or agent of the owner or as fiduciary including but not limited to executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained.

Property- For this ordinance the term shall be defined as any lot, plot, or parcel of land

Structure- Anything built or constructed and permanently affixed on a property that cannot be considered grounds or landscaping.

Unserviceable- For the purposes of this ordinance the Town will rely on a Maine Supreme Court decision (Town of Pownal v. Emerson, 639 A.2d 619 (Me. 1994); Town of Mt. Desert v. Smith, 2000ME 88, 751 A.2d, 445) which includes the following: "unserviceable means not ready for use or presently useable" as opposed to "incapable of being serviced."

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled **PROPERTY & BUILDING SAFETY MAINTENANCE ORDINANCE** which is to be presented to the voters for their consideration on March 5, 2016

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: February 23, 2016

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody

Adopted _____

True Attested Copy

TOWN OF ANSON

ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS

SECTION 1. Applicability and Establishment

Any elected Official of the Town of Anson, except school Board members, may be recalled and removed from office as herein provided. This ordinance is adopted pursuant to 30-A M.R.S.A.2602(6)

SECTION 2. Petitions for Recall

- a. Recall shall be initiated by petition.
- b. The petition for recall must contain only signatures of the registered voters of the Town of Anson, equal to ten percent (10%) of the number of votes cast in Anson in the last Gubernatorial Election.
- c. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition, but the petition shall in every case, be filed with the Town Clerk or Deputy Town Clerk.
- d. The petition shall state the name and office, or offices, of the person whose removal is being sought.
- e. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- f. Each page of the petition shall be ruled, and each line shall provide a space for the voters' signatures, address and printed name.
- g. All pages of a single petition shall be filed as one document. The Town Clerk or Deputy Town Clerk shall not file the petition unless it contains the name, address, and signature of the person circulating form.

SECTION 3. Clerk's Certification

Within ten (10) calendar days of receipt of the petition the Town Clerk or Deputy Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the requirements as set forth in Section 2 of this Ordinance. Should the petition be found insufficient, the petition will be retained in the Town Clerk's Office and the person who filed the petition will be notified.

SECTION 4. Calling the Recall Election

- a. If the petition is certified by the Town Clerk. or Deputy Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The Board of Selectmen shall receipt of the certified petition within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA §2528, to be held no less than forty-five(45) days nor more than seventy five(75) days thereafter, provided that a regular municipal election is not scheduled to be held within ninety(90) days of receipt of the certified petition and, in this case, the selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. No petition for recall will be accepted during the first ninety (90) days or during the last ninety (90) days of a multi- year term.
- d. Once a recall petition has been called and failed, no recall petition for that official may be filed within ninety (90) days after such vote.

SECTION 5. Ballots for. Recall Election

Unless the official, or officials, whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED FROM THE OFFICE OF _____ ?" (with the name of the official whose recall is being sought inserted in the first blank and the office(s) held inserted in the second blank.) If the petition seeks the recall of a person from more than one office, each office must be named.

SECTION 6. Result of the Election

In the event of an affirmative vote for removal, such official is thereby removed from office upon certification of the vote by the Town Clerk or Deputy Clerk.

SECTION 7. Vacancies to be Filled

Any vacancy resulting from the removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State statutes.

Give under our hands this ____ day of _____

Adopted by the voters on _____

**RECREATIONAL / ADULT USE/
MEDICAL MARIJUANA ORDINANCE**

TOWN OF

ANSON

MAINE

ENACTED: MARCH 7, 2020

EFFECTIVE: MARCH 7, 2020

AMENDED: _MARCH 6, 2021

CERTIFIED BY: _____

CERTIFIED BY: _____

CERTIFIED BY: _____

CERTIFIED BY: _____

CERTIFIED BY: _____

TOWN OF ANSON RECREATIONAL / ADULT USE/ MEDICAL MARIJUANA ORDINANCE

I. PURPOSE AND AUTHORITY

- A. To regulate the location, licensing and operation of retail marijuana Establishments authorized by Title 7 M.R.S.A, Chapter 417, Marijuana Legalization Act, within the Town. The Town also reserves the right for additional siting and licensing requirements pursuant to Municipal Home Rule Authority and Title 30--A M.R.S.A. s. 3001.
- B. To regulate the location, licensing, and operation of laboratories designed for the purpose of processing marijuana extracts to assure compliance with federal and state ISO requirements.
- C. The licensing of retail marijuana social clubs in the Town is prohibited.

II. DEFINITIONS

A. Retail **Recreational / Adult Use / Medical Marijuana**

Establishment: For purposes of this ordinance, retail marijuana establishments, including retail marijuana store, retail marijuana cultivation facility, retail marijuana manufacturing facility, or retail marijuana testing facility and all other definitions relevant to this Ordinance are defined as set forth in Title 7, M.R.S.A., Section 2442 and as said section may be amended.

- B. Laboratory: Means any facility designed for the purpose of manufacturing products of marijuana concentrate and constructed in accordance with federal, state, and local standards.
- C. License: Means a document issued by the Town officially authorizing an applicant to operate a retail **Recreational / Adult Use / Medical Marijuana** establishment.
- D. Loitering: Means to stand or wait around idly or without apparent purpose.
- E. Resident: Means an individual 21 years of age or older who has been domiciled in the State of Maine for a minimum of thirty (30) days and possesses or has made application for a motor vehicle operator's license or identification card issued by the State of Maine.

F. Town: Means Town of ANSON

111. BUILDING PERMIT APPLICATION

A. Any **Recreational / Adult Use / Medical Marijuana** facility shall petition the Board of Selectmen for site and business approval. A petition for approval shall be submitted for initial approval, annual renewal, change of use, and any change of ownership.

B. Certificate of occupancy

Each facility shall meet the minimum state standards. No Certificate of Occupancy shall be granted for any retail marijuana establishment within one thousand (1000) feet of the boundary of any public or private school.

C. Municipal and State Codes

No Certificate of Occupancy shall be granted for any retail marijuana establishment unless the premise concerned is in complete compliance with all Municipal and State Codes and Regulations.

D. Signage

All signage shall meet the requirements of the State of Maine, Sign Ordinance of the Town of Anson and shall not be excessively attractive to children. Projected signage shall be submitted with each application to the Board of Selectmen.

E. Security

1. Security requirements for retail **Recreational / Adult Use / Medical Marijuana** establishments, excluding outdoor growing facilities, shall include:

a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Somerset Sherriff's Department.

b. Video surveillance capable of covering the exterior of the facility, interior and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days a week and such records of

surveillance shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

- c. Exterior spot lights with motion sensors covering the full perimeter of the facility.
2. Security requirements for outdoor growing facilities, such as a greenhouse, that rely on natural light shall meet the State requirements for fencing and security.

F. Ventilation.

Any indoor operation of **Recreational / Adult Use / Medical Marijuana** facility shall meet the minimum state requirements for ventilation.

G. Permanent Location

Each retail **Recreational / Adult Use / Medical Marijuana** establishment shall be operated from a permanent location. No retail **Recreational / Adult Use / Medical Marijuana** establishment shall be permitted to operate from a movable, mobile or transitory location.

IV. LICENSE APPLICATION

A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the Town Clerk on approved forms provided by the Town.

- A. The applicant shall present one(1) of the following forms of identification upon submission of an application to operate a retail **Recreational / Adult Use / Medical Marijuana** establishment:

1. A valid State of Maine motor vehicle operator's license
2. A current State of Maine Identification Card
3. A United States Military Identification Card
4. A valid passport

- B. The Applicant shall have a 10% financial interest or more in the retail **Recreational / Adult Use / Medical Marijuana** establishment.

- C. The applicant shall:

1. Provide full name, address and date of birth.

2. Acknowledge and consent that the Town will conduct a background investigation, including a criminal history check.
3. Furnish proof of lawful residence. Proof of lawful residence may be made by providing two of the following documents:
 - a. A valid State of Maine motor vehicle operator's license
 - b. A valid State of Maine motor vehicle registration certificate
 - c. A valid State of Maine fishing or hunting license
 - d. Voter registration
 - e. A current invoice from a utility company
4. The name and complete physical address of the proposed retail **Recreational / Adult Use / Medical Marijuana** establishment.

V. LICENSE REQUIREMENT

Any person operating a retail **Recreational / Adult Use / Medical Marijuana** within the Town must obtain a license which shall be granted on the same criteria and regulations as set forth in Title 7 M.R.S.A., Chapter 417, including all regulations or amendments thereto.

- A The Town license shall be granted contingent upon the applicant obtaining any required State license.
- B. License classification
 1. Growing/Cultivating
 2. Retail **Recreational / Adult Use / Medical Marijuana** store
 3. Retail **Recreational / Adult Use / Medical Marijuana** products manufacturing
 4. Retail **Recreational / Adult Use / Medical Marijuana** testing facility
- C. Total licenses for the two Villages not to exceed: 3 Retail Stores, 5 Manufacturing facilities, 2 Test Facilities and 4 Growing/Cultivating sites.
- D. Licenses are valid for one(1) year.
- E. Licenses shall be kept current at all times.
- F. Applicant must be at least twenty-one (21) years of age.
- G. Applicant must be a resident of the State of Maine on the date of the application and for the four years immediately preceding the date of the application.
- H. License shall be posted in a conspicuous location at a retail marijuana establishment.
- I. Licenses are not transferable.
- J. Upon receipt of an application for a new license or renewal, the Town shall schedule a public hearing on the application to be held not less than forty-five (45) days after the receipt of the completed application.
- K. Incomplete, false or misleading applications will not be processed.

D. Required Notices

There shall be posted in a conspicuous location inside each retail marijuana store, at least one legible sign containing the following information:

1. Use of or allowing on-site consumption of marijuana is illegal.
2. Open and public consumption of **Recreational / Adult Use / Medical Marijuana** in the State of Maine is illegal.
3. The use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery.
4. No one under the age of twenty-one (21) allowed.
5. Loitering prohibited.

VI. RIGHT OF ACCESS

Every retail **Recreational / Adult Use / Medical Marijuana** establishment shall allow State or local enforcement officers with jurisdiction over the Town, including but not limited to law enforcement, code enforcement, and fire marshals, to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance and Title 7 M.S.R.A., Chapter 417.

VII. INDEMNIFICATION

- A. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any retail **Recreational / Adult Use / Medical Marijuana** establishment owners, operators, employees, clients or customers for a violation of local, state or federal law.
- B. By accepting a license issued pursuant to this Ordinance, all licenses, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents and insurers against all liability claims and demands on account of any injury, loss or damage, including without limitation, claims arising from

bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed retail **Recreational / Adult Use / Medical Marijuana** establishment.

Application and Permit/License Fees:

All applications must be submitted with a \$250 fee. The following permit/license fees must be paid before the Town will issue a permit/license.

1. **Recreational / Adult Use / Medical Marijuana** Store:
Permit/License Fee: \$1,250
2. **Recreational / Adult Use / Medical Marijuana** Manufacturing Facility: Permit/License Fee: \$1,250
3. **Recreational / Adult Use / Medical Marijuana**

Testing Facility: Permit/License Fee: \$500 Marijuana Cultivation:

Tier 1: Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of plants canopy:

By plant count: Permit/License Fee: \$5/mature plant for an outdoor cultivation and \$10/mature plant for an indoor or indoor/outdoor cultivation.

By canopy, 0-500 SF: Permit/Licensing Fee: \$250/indoor or indoor/outdoor, \$125/outdoor.

Tier 2: 501-2,000 SF of mature plant canopy: Permit/License Fee: \$1,500/indoor or indoor/outdoor cultivation, \$750 outdoor cultivation.

Tier 3: 2,001-7,000 SF of mature plant canopy: Permit/License Fee: \$5,000/indoor or indoor/outdoor cultivation, \$2,500/outdoor cultivation.

Tier 4: 7,001-20,000 SF of mature plant canopy: Permit/License Fee: \$15,000/indoor or indoor/outdoor, \$7,500/outdoor. For each approved increase of 7,000 SF, the additional fee is: \$2,500 for outdoor cultivation, and \$5,000 for indoor or indoor/outdoor cultivation.

VI11. SUSPENSION OR REVOCATION

A. The Select Board may, after notice and public hearing, suspend, revoke or refuse to renew a license for a retail **Recreational / Adult Use / Medical Marijuana** establishment for failing to comply with this Ordinance and Title 7, M.R.S.A., Chapter 417.

B. In suspending, revoking or refusing to renew a license for a retail

Recreational / Adult Use / Medical Marijuana establishment, the Select Board may take into consideration:

1. Number and types of complaints law enforcement received and investigated.
2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

IX. REGULATIONS

A. Types of Facilities: Each facility must be approved individually and shall be separately sited. These facilities include those with the primary purposes of:

1. Retail sales;
2. Commercial of **Recreational / Adult Use / Medical Marijuana** growing facility;
3. Commercial of **Recreational / Adult Use / Medical Marijuana** manufacturing plant (to include processing for marijuana extracts);
4. Independent marijuana testing facility.

B. A principal officer of a retail **Recreational / Adult Use / Medical Marijuana** establishment shall not have been convicted of any state or federal controlled substance law. The principal officer shall maintain an ongoing obligation and duty to report any ensuring drug convictions to the Town within two (2) working days of the conviction.

C. Background history. Any applicant for a license to operate any retail **Recreational / Adult Use / Medical Marijuana** facility, including laboratories and growing facilities, must meet the minimum standards established by state law, shall fully disclose accurate information as requested as part of the application process.

XI. STATE LAW

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, distribution or testing of retail marijuana or retail **Recreational / Adult Use / Medical Marijuana** products, the additional or stricter regulation shall control the establishment or operation of any retail **Recreational / Adult Use / Medical Marijuana** store, retail **Recreational / Adult Use / Medical Marijuana** products manufacturing or retail **Recreational / Adult Use / Medical Marijuana** testing facility in the Town.

Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and non-compliance with any applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

XII. RETAIL SALES TAX OPTION

All retail **Recreational / Adult Use / Medical Marijuana** establishments shall be subject to the maximum sales tax authorized by the State and/or Town.

XIII. AMENDMENTS

A. This Ordinance may be amended by the legislative body of the Town of Anson Amendments may be initiated as follows:

1. Recommended by a majority vote by the Board of Selectmen or;
2. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.

. B. A public hearing shall be held by the Board of Selectmen prior to the adoption of any amendment. Notice of the hearing shall be provided as established by MRSA, Title 30-A, §4352.9.

XIV. PENALTIES

This Ordinance shall be enforced by the municipal officers or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of Title 30-A M.R.S.A Section 4452. Any violation shall be submitted to the Town Code Enforcement Officer for review and subsequent submission to the Town municipal board.

XV. SEVERABILITY

If any portion of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

XVI. APPEALS

An aggrieved party may appeal any decision of the Code Enforcement Officer under this Ordinance to the Board of Selectmen, within thirty (30) days of the date of the decision by the Code Enforcement Officer.

An aggrieved party may appeal any decision of the Board of Selectmen under this Ordinance to the Board of Appeals, within thirty (30) days of the date of the decision by the Board of Selectmen.

XVII. EFFECTIVE DATE

The effective date of this Ordinance shall be: MARCH 7, 2020

Tammy Murray- CLERK

Date

Date amended : **MARCH 6, 2021**

RECREATIONAL MARIJUANA
ORDINANCE

TOWN OF

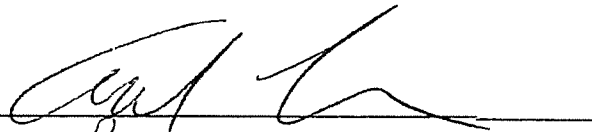
ANSON

MAINE

ENACTED: MARCH 7, 2020

EFFECTIVE: MARCH 7, 2020

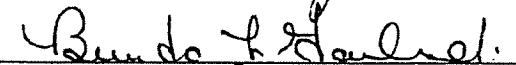
CERTIFIED BY:

A handwritten signature in black ink, appearing to be "John H. Bryant", written over a horizontal line.

CERTIFIED BY:

A handwritten signature in black ink, clearly legible as "John H. Bryant", written over a horizontal line.

CERTIFIED BY:

A handwritten signature in black ink, appearing to be "Brenda L. Gaudin", written over a horizontal line.

CERTIFIED BY:

A handwritten signature in black ink, appearing to be "John H. Bryant", written over a horizontal line.

CERTIFIED BY:

A horizontal line for a signature, with no handwriting present.

TOWN OF ANSON
RECREATIONAL MARIJUANA ORDINANCE

I. PURPOSE AND AUTHORITY

- A. To regulate the location, licensing and operation of retail marijuana Establishments authorized by Title 7 M.R.S.A, Chapter 417, Marijuana Legalization Act, within the Town. The Town also reserves the right for additional siting and licensing requirements pursuant to Municipal Home Rule Authority and Title 30--A M.R.S.A. s. 3001.
- B. To regulate the location, licensing, and operation of laboratories designed for the purpose of processing marijuana extracts to assure compliance with federal and state ISO requirements.
- C. The licensing of retail marijuana social clubs in the Town is prohibited.

II. DEFINITIONS

- A. Retail Marijuana Establishment: For purposes of this ordinance, retail marijuana establishments, including retail marijuana store, retail marijuana cultivation facility, retail marijuana manufacturing facility, or retail marijuana testing facility and all other definitions relevant to this Ordinance are defined as set forth in Title 7, M.R.S.A., Section 2442 and as said section may be amended.
- B. Laboratory: Means any facility designed for the purpose of manufacturing products of marijuana concentrate and constructed in accordance with federal, state, and local standards.
- C. License: Means a document issued by the Town officially authorizing an applicant to operate a retail marijuana establishment.
- D. Loitering: Means to stand or wait around idly or without apparent purpose.
- E. Resident: Means an individual 21 years of age or older who has been domiciled in the State of Maine for a minimum of thirty (30) days and possesses or has made application for a motor vehicle operator's license or identification card issued by the State of Maine.

F. Town: Means Town of ANSON

111. BUILDING PERMIT APPLICATION

A. Any marijuana facility shall petition the Board of Selectmen for site and business approval. A petition for approval shall be submitted for initial approval, annual renewal, change of use, and any change of ownership.

B. Certificate of occupancy

Each facility shall meet the minimum state standards. No Certificate of Occupancy shall be granted for any retail marijuana establishment within one thousand (1000) feet of the boundary of any public or private school.

C. Municipal and State Codes

No Certificate of Occupancy shall be granted for any retail marijuana establishment unless the premise concerned is in complete compliance with all Municipal and State Codes and Regulations.

D. Signage

All signage shall meet the requirements of the State of Maine, Sign Ordinance of the Town of Anson and shall not be excessively attractive to children. Projected signage shall be submitted with each application to the Board of Selectmen.

E. Security

1. Security requirements for retail marijuana establishments, excluding outdoor growing facilities, shall include:

a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Somerset Sherriff's Department.

b. Video surveillance capable of covering the exterior of the facility, interior and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days a week and such records of

surveillance shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

c. Exterior spot lights with motion sensors covering the full perimeter of the facility.

2. Security requirements for outdoor growing facilities, such as a greenhouse, that rely on natural light shall meet the State requirements for fencing and security.

F. Ventilation.

Any indoor operation of a marijuana facility shall meet the minimum state requirements for ventilation.

G. Permanent Location

Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be permitted to operate from a movable, mobile or transitory location.

IV. LICENSE APPLICATION

A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the Town Clerk on approved forms provided by the Town.

A. The applicant shall present one(1) of the following forms of identification upon submission of an application to operate a retail marijuana establishment:

1. A valid State of Maine motor vehicle operator's license
2. A current State of Maine Identification Card
3. A United States Military Identification Card
4. A valid passport

B. The Applicant shall have a 10% financial interest or more in the retail marijuana establishment.

C. The applicant shall:

1. Provide full name, address and date of birth.

2. Acknowledge and consent that the Town will conduct a background investigation, including a criminal history check.
3. Furnish proof of lawful residence. Proof of lawful residence may be made by providing two of the following documents:
 - a. A valid State of Maine motor vehicle operator's license
 - b. A valid State of Maine motor vehicle registration certificate
 - c. A valid State of Maine fishing or hunting license
 - d. Voter registration
 - e. A current invoice from a utility company
4. The name and complete physical address of the proposed retail marijuana establishment.

V. LICENSE REQUIREMENT

Any person operating a retail marijuana establishment within the Town must obtain a license which shall be granted on the same criteria and regulations as set forth in Title 7 M.R.S.A., Chapter 417, including all regulations or amendments thereto.

- A. The Town license shall be granted contingent upon the applicant obtaining any required State license.
- B. License classification
 1. Growing/Cultivating
 2. Retail marijuana store
 3. Retail marijuana products manufacturing
 4. Retail marijuana testing facility
- C. Total licenses for the two Villages not to exceed: 3 Retail Stores, 5 Manufacturing facilities, 2 Test Facilities and 4 Growing/Cultivating sites.
- D. Licenses are valid for one(1) year.
- E. Licenses shall be kept current at all times.
- F. Applicant must be at least twenty-one (21) years of age.
- G. Applicant must be a resident of the State of Maine on the date of the application and for the four years immediately preceding the date of the application.
- H. License shall be posted in a conspicuous location at a retail marijuana establishment.
- I. Licenses are not transferable.
- J. Upon receipt of an application for a new license or renewal, the Town shall schedule a public hearing on the application to be held not less than forty-five (45) days after the receipt of the completed application.
- K. Incomplete, false or misleading applications will not be processed.

D. Required Notices

There shall be posted in a conspicuous location inside each retail marijuana store, at least one legible sign containing the following information:

1. Use of or allowing on-site consumption of marijuana is illegal.
2. Open and public consumption of marijuana in the State of Maine is illegal.
3. The use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery.
4. No one under the age of twenty-one (21) allowed.
5. Loitering prohibited.

VI. RIGHT OF ACCESS

Every retail marijuana establishment shall allow State or local enforcement officers with jurisdiction over the Town, including but not limited to law enforcement, code enforcement, and fire marshals, to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance and Title 7 M.S.R.A., Chapter 417.

VII. INDEMNIFICATION

- A. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any retail marijuana establishment owners, operators, employees, clients or customers for a violation of local, state or federal law.
- B. By accepting a license issued pursuant to this Ordinance, all licenses, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents and insurers against all liability claims and demands on account of any injury, loss or damage, including without limitation, claims arising from

bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed retail marijuana establishment.

Application and Permit/License Fees:

All applications must be submitted with a \$250 fee. The following permit/license fees must be paid before the Town will issue a permit/license.

1. Marijuana Store: Permit/License Fee: \$1,250
2. Adult Marijuana Manufacturing Facility: Permit/License Fee: \$1,250
3. Marijuana Testing Facility: Permit/License Fee: \$500

Marijuana Cultivation:

Tier 1: Up to thirty (30) mature plants (and an unlimited number of immature plants and seedlings) or up to 500 SF of plants canopy:

By plant count: Permit/License Fee: \$5/mature plant for an outdoor cultivation and \$10/mature plant for an indoor or indoor/outdoor cultivation.

By canopy, 0-500 SF: Permit/Licensing Fee: \$250/indoor or indoor/outdoor, \$125/outdoor.

Tier 2: 501-2,000 SF of mature plant canopy: Permit/License Fee: \$1,500/indoor or indoor/outdoor cultivation, \$750 outdoor cultivation.

Tier 3: 2,001-7,000 SF of mature plant canopy: Permit/License Fee: \$5,000/indoor or indoor/outdoor cultivation, \$2,500/outdoor cultivation.

Tier 4: 7,001-20,000 SF of mature plant canopy: Permit/License Fee: \$15,000/indoor or indoor/outdoor, \$7,500/outdoor. For each approved increase of 7,000 SF, the additional fee is: \$2,500 for outdoor cultivation, and \$5,000 for indoor or indoor/outdoor cultivation.

VIII. SUSPENSION OR REVOCATION

A. The Select Board may, after notice and public hearing, suspend, revoke or refuse to renew a license for a retail marijuana establishment for failing to comply with this Ordinance and Title 7, M.R.S.A. Chapter 417.

B. In suspending, revoking or refusing to renew a license for a retail

XI. STATE LAW

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, distribution or testing of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any retail marijuana store, retail marijuana products manufacturing or retail marijuana testing facility in the Town. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and non-compliance with any applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

XII. RETAIL SALES TAX OPTION

All retail marijuana establishments shall be subject to the maximum sales tax authorized by the State and/or Town.

XIII. AMENDMENTS

- A. This Ordinance may be amended by the legislative body of the Town of Anson Amendments may be initiated as follows:
1. Recommended by a majority vote by the Board of Selectmen or;
 2. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.
- B. A public hearing shall be held by the Board of Selectmen prior to the adoption of any amendment. Notice of the hearing shall be provided as established by MRSA, Title 30-A, §4352.9.

XIV. PENALTIES

This Ordinance shall be enforced by the municipal officers or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of Title 30-A M.R.S.A Section 4452. Any violation shall be submitted to the Town Code Enforcement Officer for review and subsequent submission to the Town municipal board.

XV. SEVERABILITY

If any portion of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

XVI. APPEALS

An aggrieved party may appeal any decision of the Code Enforcement Officer under this Ordinance to the Board of Selectmen, within thirty (30) days of the date of the decision by the Code Enforcement Officer.

An aggrieved party may appeal any decision of the Board of Selectmen under this Ordinance to the Board of Appeals, within thirty (30) days of the date of the decision by the Board of Selectmen.

XVII. EFFECTIVE DATE

The effective date of this Ordinance shall be: MARCH 7, 2020

Tammy Murray – CLERK

Date

RECYCLING ORDINANCE FOR THE TOWN OF ANSON

- 1. Title and Purpose:** This ordinance shall be known as the Recycling Ordinance for the Town of Anson. This ordinance has several purposes: to preserve and protect environmental resources, to protect the health, safety and welfare of the public, to enhance the quality and character of life in the Town, and to improve efforts to recover and reuse valuable resources currently being wasted.
- 2. Scope:** This ordinance applies to all domestic, commercial and industrial produces of solid waste in the Town of Anson.
- 3. Authority:** This ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. Section 3001 et. Seq., and 38 M.R.S.A. Section 1301 et seq.
- 4. Definitions:** The definitions set forth in 38 M.R.S.A. Section 1303 apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.
- 5. Recycling Requirement:** All solid waste shall have the following commodities ("recyclable materials") separated out and properly prepared in a readily manageable form when set out for pick up by the Recycling Agency at curbside:
 1. Plastics allowed #1 PET and #2 HDPE plastic bottles and jugs, except petroleum (oil, etc.) Containers.
 2. Newspapers, magazines, including inserts, phone books, magazines, catalogs..
 3. Cardboard including corrugated cardboard and grocery bags.
 4. Mixed Paper including boxboard, paperboard (cereal boxes, paper towel tubes, shoe boxes and similar items), foreign cardboard and paper egg cartons, all types of office and school paper, brown envelopes, paper feed and seed bags, mail, junk mail, and any similar products.
 5. Glass: all glass jars, separated by color.
 6. Cans: All metal: cans, pie tins, foil and metal jar lids.
 7. Any other recyclable materials that the Association should choose to recycle at a future date.
 8. All white goods such as washers, dryers, refrigerators, stoves, etc. shall be disposed of at the expense of the owner at a licensed recycling business accepting such products.
- 6. Recycling Facility:** The Town shall provide for the collection of residential recyclable materials.
- 7. Administration and Enforcement:** The Municipal Officer or their duly appointed agent, county, state or local law enforcement officers shall administer and enforce this ordinance. It shall be the responsibility of the Recycling Association and the Selectmen of Anson to post in the annual town

report the materials that are being accepted for recycling.

8. Restrictions:

- a. No commercial hauler will accept solid waste with obvious recyclables in the bags or any obvious recyclable materials left for the hauler to dispose of.

9. Violations and Penalties: Violations of this ordinance shall be enforced in accordance with the provisions of 30-A M.R.S.A. Section 4452 as land use violations. The penalties set forth in 30-A M.R.S.A. Section 4452 shall apply to this ordinance.

In addition to the foregoing penalty provisions, any person, firm, partnership, corporation or other entity who fails to separate the recyclable materials listed in Section 5 above from their solid waste shall face penalties as set forth by the Somerset County Court System.

10. Amendments: This ordinance may be amended as provided in 30-A M.R.S.A. Section 3004 (4).

11. Severability and Effective Date: If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect. This ordinance shall become effective when adopted by a majority of the voters at any regular or special town meeting.

Public Hearing held on :

I hereby certify that the Town of Anson, by vote of their legislative body, and became effective on
1997.

Jana Viles, Town Clerk
Town of Anson

TOWN OF ANSON

ROAD DESIGN STANDARDS ORDINANCE

I. Title

This Ordinance shall be known as the Town of Anson Road Design Standards Ordinance and will be referred to as "this Ordinance".

II. Authority

This Ordinance is adopted pursuant to the provisions of M.R.S.A. Title 30-A, Section 3001.

III. Purpose

- A. To establish minimum specifications for the design and construction of lanes and roads.
- B. To establish minimum requirements for a road and a lane to qualify for Town acceptance.
- C. To ensure that safe and sufficient access is provided to all new development within the Town.

IV. Applicability

This Ordinance shall apply to the design and construction of all lanes and roads in the Town of Anson.

V. Effective Date

This Ordinance takes effect upon enactment by the Town Meeting: March 4, 2006

VI. Conflicts with other Ordinances

Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. This ordinance is designed to complement applicable State laws and Anson Ordinances.

VII. Validity and 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.

VIII. Amendments

Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, or by written petition by the number of voters equal to at least 10% of the number of votes cast in

the Town in the last gubernatorial election. An amendment to this Ordinance may only be adopted by majority vote of a Town Meeting. The Board of Selectmen shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

IX. Administration and Enforcement

- A. The standards contained in this Ordinance apply to all driveways, common drive ways, lanes and roads within the Town initiated after the effective date of this Ordinance. The Planning Board and the Code Enforcement Officer shall apply the applicable requirements established in this Ordinance for any driveway, common driveway, lane or road proposed under the authority of the Anson Shoreland Zoning Ordinance, Anson Floodplain Management Ordinance, any other applicable ordinances that may be adopted by the Town of Anson, and any applicable State statutes.
- B. The Code Enforcement Officer is hereby authorized to enforce specific provisions of this Ordinance as they apply to review and permits obtained under the aforementioned ordinances.
- C. The Road Commissioner shall be responsible for issuing all Access/Driveway Entrance permits as prescribed in this Ordinance and for conducting inspections as authorized by this Ordinance.
- D. The Board of Selectmen shall be responsible for monitoring the use of this Ordinance, for proposing revisions to the Ordinance as necessary, for ensuring that this Ordinance is properly enforced, and for administrating the road acceptance application process.

X. Road and Access Categories

- A. All new developments, structures and buildings located in the Town of Anson shall have access to a public way provided by one or more road and access categories described below. The type of access shall be selected according to the number of dwelling units or anticipated vehicular trips. All roads, regardless of whether they are proposed for public acceptance, shall conform to the standards established in this Ordinance.
- B. Categories:
 - 1. Driveway may serve not more than 1 residential dwelling. The estimated daily vehicular trips shall not exceed 10 trips. A driveway is not eligible for public acceptance.
 - 2. Common Driveway may serve no more than 4 residential dwellings. The estimated daily vehicular trips shall not exceed 40 trips. A common driveway is not eligible for public acceptance.
 - 3. Lane may provide access for up to 8 residential dwellings. The estimated daily vehicular trips shall not exceed 80 trips. A lane may be eligible for public acceptance if it meets the standards for a road except for travel way width.
 - 4. Road is designed for more than 8 residential dwellings and all other types of uses not herein described.
 - 5. Other types of access:
The access category for all commercial and non-residential uses shall be based upon the daily vehicular trips estimated for the particular use.

- C. Options:
Nothing shall prohibit a person from designing and building an access way to meet a category in excess of the current anticipated use.
- D. Future Upgrades:
All new roads and access ways constructed after the effective date of this Ordinance may not serve new development that would exceed the capacity of the road or access category in which they were constructed unless the road or access way is expanded as necessary. Nothing in this Ordinance shall be implied to mean that the Town of Anson is required to upgrade a road or access way to meet any new development or traffic demand.

XI. Application Requirements for a lane or road

- A. Plans drawn to scale showing the dimensions and details of the road or lane including, at a minimum, the following:
 - 1. Road and profile drawings at a scale of one inch equals 50 feet horizontal and one inch equals 5 feet vertical,
 - 2. A plan profile of the road centerline with cross sections at 50 foot intervals and at each culvert,
 - 3. The direction north and date of magnetic bearing,
 - 4. The right-of-way lines in relation to monuments,
 - 5. Dimensions, both lineal and angular, necessary for locating boundaries, subdivision lots, easements and building lots,
 - 6. All lots abutting the right-of-way and the owners of record,
 - 7. All natural waterways and watercourses and wetlands within the right-of-way as well as on land contiguous of said road within 100 feet each side,
 - 8. Location of all culverts and stormwater features,
 - 9. Maine Registered Professional Engineer's seal,
 - 10. The location of all land use district boundaries,
 - 11. Location and type of all erosion control measures,
 - 12. Construction details of the road way,
 - 13. All other information necessary to show compliance with this Ordinance.

XII. Construction Standards

- A. General Requirements:
 - 1. All roads proposed for public acceptance shall meet the requirements contained in Section XII.
 - 2. All roads not proposed for public acceptance shall develop a road maintenance plan that outlines how the road is to be maintained and improved in the future. The plan shall at a minimum require mandatory membership in a road association that has the authority to raise funds and conduct maintenance. Roads that are

planned to be set forth for public acceptance shall also create a road maintenance plan to be effective until the road is approved for acceptance at a Town Meeting.

3. All driveway entrances, common driveway entrances, lanes and roads shall be inspected according to the provisions of this Ordinance.
4. All drainage features at the intersection with the existing Town Road shall be approved by the Road Commissioner.
5. All water lines and sanitary lines shall be located and separated as prescribed by the Department of Environmental Protection or applicable State Standards. Utility poles shall be placed a minimum of 20 feet from the road centerline or 5 feet beyond the flow line of the ditch.
6. Whenever it is required to alter an existing water course, a drainage easement shall be secured from the property owners affected. Wherever any roadway construction or design features cannot be placed entirely within the road right-of-way, easements shall be secured from abutting property owners. All drainage easements, if required, shall be secured from abutting property owners.
7. "T" intersections formed on opposite sides of the same road shall not be closer than 200 feet, center line to center line.
8. All necessary State and Federal permits shall be obtained by the applicant.
9. All dead-end roads and lanes shall have a turn-around as described in Appendix A.

B. Minimum Construction Standards for Lanes and Roads

1. Lanes and roads shall comply with the minimum specifications contained in subsection C.
2. The graded areas between ditches shall be cleared of all stumps, roots, bushes, topsoil, and perishable materials including trees and large rocks.
3. All ledge shall be removed to a minimum depth of one foot below subgrade.
4. All developed areas of the road section shall be located within the right-of-way or deeded slope easement, including cut and fill slopes over cross culverts, and in no case shall the edge of the shoulder be less than 8 feet from the side boundary of the right-of-way.
5. Culverts shall be coated steel or recognized equivalents accepted by the Maine Department of Transportation. Roadway culverts shall not be less than 12 inches in diameter for road crossing. All other stormwater drainage features shall be designed according to a stormwater plan.

C. Minimum Specifications

Minimum Specifications	Road	Lane
Right-of-way	66 feet	66 feet
Travel Way	24 feet	18 feet
Shoulder	2 feet	2 feet
Base Gravel (MDOT type D not to exceed 6 inches diameter)	15 inches	15 inches
Surface Gravel (MDOT type A no greater than 2 inches diameter)	3 inches	3 inches
Bituminous Surface Base, MDOT type B Surface, MDOT type D	2 inch base 1 inch surface	n/a
Roadway Crown	½ inch per foot	1/4 inch per foot
Maximum Grade	8%	9%
Minimum Grade	0.5%	n/a
Minimum Intersection	90	75
Minimum Length Radius	100 feet	n/a
Minimum Tangent Length	100 feet	n/a
Shoulder Grade	1/4 inch per foot	1/4 inch per foot
Maximum Grade within 75 feet of intersection	3%	3%
Minimum ditch back slope	2 to 1	2 to 1
Minimum ditch fill slope	3 to 1	3 to 1
Elevation below centerline	34 inches	34 inches
Min. Radius w/o superelevation	280 feet	175 feet
Min. Radius with superelevation	175 feet	110 feet

XIII. Mobile Home Park Roads

Mobile home park roads shall be built according to the following standards:

- A. Roads shall be built according to acceptable engineering standards. Roads shall be designed by a Maine Professional Engineer in accordance with standards established by the Manufactured Housing Board.
- B. The minimum right-of-way width shall be at least 23 feet and shall be paved with a minimum of 2 inches of hot bituminous base course.
- C. Roads shall comply with MDOT minimum safety standards applicable to intersections with public ways adjacent to the mobile home park.
- D. Mobile home park roads are not eligible for public acceptance unless they conform to the applicable standards for a road or lane as contained in this Ordinance.

XIV. Public Acceptance Procedure

- A. All roads and lanes proposed for public acceptance shall comply with the procedures and requirements of this Section.
- B. Roads are eligible for public acceptance. Lanes are eligible for public acceptance if they comply with all of the specifications for a road except for road travel width.
- C. The Board of selectmen with the assistance of the Road Commissioner shall review all proposals for road acceptance and shall make a recommendation to the Town Meeting. The Town shall accept roads only by a vote of the Town Meeting.
- D. A road shall not be eligible for public acceptance unless it complies with all of the requirements of this section.
- E. The Board of Selectmen shall determine that a road is eligible for public acceptance only after it conforms to the following:
 - 1. The road complies with all of the requirements of this Ordinance.
 - 2. The road has bituminous surface according to the specifications for a road.
 - 3. The road has been designed and constructed according to the plans developed by a professional engineer.
 - 4. The Road Commissioner and other appropriate municipal officials have inspected the road and deemed it in compliance with this Ordinance.
 - 5. A performance bond, if required by the Planning Board, has been obtained and the bond has been released by the Town.
 - 6. The road has been inspected by a professional engineer and certified to have been constructed according to the requirements of this Ordinance and the road plan.
- F. If the Board of Selectmen determine that the road conforms to all applicable standards they shall hold a public hearing to discuss the road acceptance. The Board of Selectmen may vote to recommend to the Town that the road be considered for public acceptance.

The Board of Selectmen shall propose a suitable Town Meeting warrant article for consideration if the road meets all the appropriate standards.

- G. Conveyance of the right-of-way to the Town shall be by warranty deed with metes and bounds description. Permanent markers shall be placed at each point defined in the description.

XV. Driveway Entrance Permits

- A. The Road commissioner is responsible for reviewing driveway entrances on Town maintained roads for any parcel of land which agricultural or timber-harvesting uses will be conducted or on which will be built a new structure for a residential, commercial, or industrial unit.
- B. A driveway entrance permit will be required for new entrances (constructed) on Town maintained roads from the effective date of this Ordinance. There will be no fee for the Permit.
- C. Driveway Entrance Permit Standards
 1. Sight distance in each direction is equal to or greater than 10 times the posted speed limit for the section of the road where the driveway entrance is located.
 2. A new culvert, if required as determined by the Road Commissioner, shall be new, of approved material, at least 12 inches in diameter, and installed with a minimum of 3 feet of cover material.
 3. Inlet and outlet ditches are constructed in such a manner as to prevent ponding of the road drainage and slope ratios shall be consistent with existing ditches.
 4. Erosion control measures shall be used at the entrance site.
- D. The landowner is responsible for constructing the driveway entrance per the standards contained in this Ordinance. When the Road Commissioner determines a change to these standards is warranted due to site conditions, he may require, as applicable, the trimming of vegetation, installation of drainage, installation of larger culverts, or additional ditching.
- E. Driveway Entrance Permits will not be issued until all installation standards are met.
- F. The Town will maintain the culverts at driveway entrances for which the Road Commissioner has granted a permit.
- G. Driveways entering the road from higher grade than the road shall terminate the driveway slope at the ditch line so that any driveway surface drainage can readily enter the ditch. The roadway slope (1/2 inch per foot) shall be maintained to the ditch line.

XVI. Waivers

Where the Board of Selectmen finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance or where there are special circumstances of a particular site, they may vary these standards provided that such waivers are not contrary to good design, public health, safety and general welfare of the public. In granting a waiver, the Selectmen shall place reasonable conditions on the modified proposal, as they deem necessary, to ensure that the objectives of this Ordinance are met. In no case shall the requirements specified in this Ordinance for gravel and paving thickness be reduced or waived.

Town of Anson

Road Construction Standards

I. Purpose

The purpose of this "Road Construction Standards" is to define the minimum construction standards for a road to be recommended by the Board of Selectmen for acceptance as a town way. These standards will help insure that new roads accepted by the Town will not require immediate repairs and maintenance.

II. Minimum Construction Standards

1. Right of way width: 66 feet
2. Travel way: 24 feet
3. Base gravel: 15" thick, 6 inch minus
4. Surface gravel: 3" thick, 2 inch minus
5. Roadway crown: ½" per foot
6. Minimum ditch fill slope: 3 to 1
7. Minimum ditch back slope: 2 to 1
8. Ditch elevation below centerline: 34 inches
9. Culverts: 12" minimum diameter, made of approved material, minimum 3 feet of cover recommended
10. The graded areas between the ditches shall be cleared of all stumps, roots, bushes, topsoil, trees, large rocks, and perishable materials.
11. All ledge shall be removed to a minimum depth of one foot below subgrade.

III. General Requirements

1. Utility poles shall be placed 25 feet from the road centerline or 5 feet beyond the flowline of the ditch.
2. Water and sanitary lines shall be located and separated as prescribed by applicable State standards.
3. Drainage easements shall be secured from abutting property owners.
4. Whenever any roadway construction or design feature cannot be placed entirely within the road right-of-way, easements shall be secured from abutting property owners.
5. All necessary State and Federal permits shall be obtained by the applicant.
6. Dead-end roads shall have a turn-around as approved by the Road Commissioner.

7. Conveyance of the right-of-way to the Town shall be by warranty deed with metes and bound description. Permanent markers shall be placed at each point defined in the description.
8. Driveways entering the road from higher grade than the road shall terminate the driveway slope at the ditch line so that any driveway surface drainage can readily enter the ditch. The roadway slope (1/2 inch per foot) shall be maintained to the ditch line.

IV. Public Acceptance Procedure

1. Owner(s) of the road submit written proposal to the Board of Selectmen requesting consideration for public acceptance.
2. Owner(s) submit documentation that the road meets the minimum standards as defined in this document.
3. The Board of Selectmen with the assistance of the Road Commissioner shall review the proposal.
4. If the Board finds that the road complies with all of the requirements of this document, the Board may place an article on a Town Meeting Warrant and make a recommendation to the Town Meeting.
5. All road work must be completed and deeds and easements signed prior to presentation to the Town Meeting.
6. The Town shall accept roads only by a vote of the Town Meeting.

V. Waivers

Where the Board of Selectmen finds that extraordinary and unnecessary hardship may result from strict compliance with these standards or where there are special circumstances of a particular site, they may vary these standards provided that such waivers are not contrary to good design, public health, safety and general welfare of the public. In granting a waiver, the Board shall place reasonable conditions on the modified proposal, as they deem necessary, to ensure that the objectives of these standards are met. In no case shall the requirements specified herein for gravel thickness be reduced or waived.

Anson Maine Sewer Ordinance

Regulation Of Sewer Use For The Town of Anson, Maine

Enacted at Annual Town Meeting
On March 7, 1998

INDEX

	<u>Page No.</u>
SECTION 1 Purpose.....	1
SECTION 2 Definitions.....	2
SECTION 3 Use of Public Sewers Required.....	6
SECTION 4 Private Wastewater Disposal.....	7
SECTION 5 Building Sewers and Connections to Public Sewers.....	9
SECTION 6 Sewer Extensions.....	13
SECTION 7 Guidelines for Materials and Construction of Sewer Mains.....	19
SECTION 8 Use of Public Sewers.....	27
SECTION 9 Protection from Damage.....	32
SECTION 10 Powers and Authority of Inspectors.....	33
SECTION 11 Penalties.....	33
SECTION 12 Sewer Service Charge.....	34
SECTION 13 Validity of Ordinance.....	36
SECTION 14 Ordinance in Force.....	36

ANSON, MAINE SEWER ORDINANCE

SECTION 1 - PURPOSE

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Anson, County of Somerset, State of Maine.

SECTION 2 - DEFINITIONS

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

- 2.1 AASHTO shall mean American Association of State Highway and Transportation Officials.
- 2.2 ANSI shall mean American National Standards Institute.
- 2.3 ASTM shall mean American Society for Testing and Materials.
- 2.4 B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed in parts per million by weight.
- 2.5 Building shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
- 2.6 Building Contractor shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.
- 2.7 Building Drain shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.
- 2.8 Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- 2.9 Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- 2.10 Contractor shall mean any person, firm, or corporation approved by the Governing Body to do work in the Town.
- 2.11 Cooling Water The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 2.12 DEP shall mean Maine Department of Environmental Protection.
- 2.13 Developer shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.
- 2.14 Easement shall mean an acquired legal right for the specific use of land owned by others.

- 2.15 Engineer shall mean the Professional Engineer retained by the Town. In the event the Town has not retained an Engineer, the term "Engineer" as used herein will be construed to mean the Board of Selectmen of the Town of Anson.
- 2.16 Equivalent User shall be based on design flows and concentrations for a 3 bedroom house as in the State Plumbing Code (Subsurface Wastewater Disposal Rules).
- 2.17 Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- 2.18 Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- 2.19 Governing Body shall mean the duly elected Board of Selectmen, of the Town of Anson or their authorized deputy or representative.
- 2.20 Industrial Wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage. An industry is considered to be a major contributing industry when it:
- (1) has a flow of 15,000 gallons or more per average work day;
 - (2) has a flow greater than 5% of the estimated total sanitary flow carried by the public sewers;
 - (3) discharges wastes exceeding typical domestic waste strengths of 340 mg/l BOD5 or 400 mg total suspended solids;
 - (4) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; or
 - (5) has a significant impact, either singly or in combination with other contributing industries, to the public sewers, treatment plant, or on the quality effluent or sludge from the treatment works.
- 2.21 Manager shall mean the individual designated by the Board of Selectmen to perform this function, or the authorized deputy, agent, or representative of this individual.
- 2.22 Natural Outlet shall mean any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.
- 2.23 Owner shall mean any individual, firm, company, association, society, or group having title to real property.
- 2.24 Person shall mean any individual, firm, company, association, society, or

group.

- 2.25 pH shall mean the logarithm of the reciprocal of the concentration of the hydrogen ions in grams ionic weight per liter of solution, and is a term used to express the relative acidity or alkalinity of a substance or solution.
- 2.26 Plumbing Inspector Individual duly appointed by the Board of Selectmen who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.
- 2.27 Pollutant shall mean to include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological, or radiological materials, oil, petroleum products or byproducts, heat, wrecked, or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.
- 2.28 Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food or produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
- 2.29 Property Line shall mean the property boundary line if the sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.
- 2.30 Public Sewer shall mean a common sewer owned, operated, and maintained by public authority, or governmental agency.
- 2.31 Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 2.32 Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water that may be present.
- 2.33 Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage and industrial wastes.
- 2.34 Sewage Works shall mean all Municipal facilities for collecting, conveying, pumping, treating, and disposing of sewage and industrial wastes.
- 2.35 Sewer shall mean a pipe or conduit for carrying sewage.
- 2.36 Shall is mandatory; May is permissive.
- 2.37 Slug shall mean any discharge of water, or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times

- the average twenty-four (24) hour concentration or flows during normal operation and adversely effects the collection system and/or performance of the wastewater treatment work.
- 2.38 Standard Methods shall mean the latest edition of the publication Standard Methods for the Examination of Water and Wastewater, published by APHA, AWWA, and WPCF.
- 2.39 State Plumbing Code shall mean the State of Maine Plumbing Code, as amended from time to time.
- 2.40 Storm Sewer or Storm Ditch shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes sewage and industrial wastes.
- 2.41 Superintendent shall mean the individual retained or designated by the Board of Selectmen to supervise and oversee the operation and maintenance of the Municipal sewer system and pumping facilities in the Town of Anson, or his authorized deputy, agent, or representative.
- 2.42 Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with "Standard Methods".
- 2.43 Town shall mean the Town of Anson.
- 2.44 Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 2.45 User shall mean an owner of real estate which is connected to the Town's sewer or drain system.
- 2.46 Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present. Also termed "sewage".
- 2.47 Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 2.48 WPCF shall mean Water Pollution Control Federation.

SECTION 3 - USE OF PUBLIC SEWERS REQUIRED

- 3.1 Unlawful Dumping - It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner on public or private property within the Town of Anson or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.
- 3.2 Unlawful Discharge - It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with federal, state and local laws.
- 3.3 Unlawful Sanitary Facilities - Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit or other facility intended or used for the disposal of sewage.
- 3.4 Sewer Connection Required - The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way, in which there is now located, or may in the future be located, a public sanitary sewer of the Town is hereby required, at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities to the proper public sewer, in accordance with the provisions of this local law, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the structure to be served. Provided, however, that where excavation of the public highway is otherwise prohibited by State law or regulation, or where unusual hardship exists due to the presence of ledge, incompatible elevations, or other causes, the Governing Body may grant exceptions upon specific application of the owner or lessee of such properties, with such conditions as the said Governing Body may impose.

SECTION 4 - PRIVATE WASTEWATER DISPOSAL

- 4.1 On-Site System Required - Where a public sanitary sewer is not available under the provisions of SECTION 3.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Article and the State of Maine Plumbing Code Part II - Subsurface Wastewater Disposal Regulations.
- 4.2 Notification to Town - Construction of private sewage disposal systems shall comply in all respects with requirements of the State of Maine Plumbing Code. In addition, a written notice shall be filed with the Local Plumbing Inspector, giving notice and details of said installation.
- 4.3 On-Site System Standards - The type, capacities, location, and layout of a private sewage disposal system shall comply with The State of Maine's Plumbing Code, Part II - Subsurface Wastewater Disposal Regulations and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12 Chapter 423-H). No private wastewater disposal system shall be permitted to discharge into any natural outlet.
- 4.4 Holding Tank Rights and Privileges granted - The Selectmen are authorized and empowered to undertake, within the municipality, the control of the methods of disposal of holding tank wastewater and the collection and transportation thereof. All such rules and regulations adopted by the Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine.
 - A. Holding tanks can not be used for seasonal conversion or new construction within the Shoreland zone of a major watercourse.
 - B. The Selectmen 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.
 - C. The collection and transportation of all wastewater from any property utilizing a holding tank shall be done solely under the direction and control of a facility that holds an appropriate Maine State license and

disposed at such site as are approved by the Maine Department of Environmental Protection.

- 4.5 Duties of Property Owners - The owner of property that utilizes a holding tank shall:
- A. Maintain the holding tank in conformance with this or any other Ordinance of the Town, the provisions of any applicable law, the rules and regulations of the Town, and any administrative agency of the State of Maine; and
 - B. Comply with all the provisions of Chapter 22 of the Maine Subsurface Waste Water Disposal Rules 144A CMR 241.
- 4.6 Alternative Disposal - An alternative means of waste water disposal shall meet first time system criteria. Replacement system criteria shall not be considered.
- 4.7 On-Site System Operation - The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- 4.8 Connection Required - At such time as a public sewer becomes available to a property served by a private sewage system, as provided in SECTION 3.4, connection shall be made to the public sewer in compliance with this Ordinance at any time when the existing systems fails and any septic tanks, cesspools, or other private sewage disposal facilities shall be abandoned and filled with suitable material, or completely removed.
- 4.9 Plumbing Inspector Authority - No statement contained in this Article shall be construed to interfere with any additional requirements that may be made by the Plumbing Inspector.

SECTION 5 - BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

- 5.1 Coordination with State Plumbing Code - The provisions of this Article shall be deemed to supplement provisions of the State Plumbing Code with respect to Building Sewers and connections thereof to Public Sewers. In event of conflicts between this Article and the State Plumbing Code, the provisions of this Article shall be deemed to apply. Permits and Fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.
- 5.2 Building Sewer Permit Required - No person shall uncover, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written building sewer permit as provided in SECTION 5.3 approved by the Superintendent and Local Plumbing Inspector. The building sewer permit application form shall be available at the Town Office. Any person proposing a new or additional discharge into the system or a change in the volume or character of pollutants that are being discharged into the system shall be required to obtain a permit from the Superintendent and Local Plumbing Inspector. All proposed changes, additions, and connections shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, Sect. 361.
- 5.3 Types of Permits and Fee Requirements - There shall be two (2) classes of building sewer permits - (1) for residential and commercial service, and (2) for industrial, and other non-residential service. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent and Local Plumbing Inspector.

A permit application fee for each single residential sewer and for each additional living unit incorporated in the same residential structure shall be paid to the Town Treasurer at the time an application is filed as indicated on the permit application form. Also, an inspection fee for each service connection plus a connection fee for each equivalent user shall be paid to the Town as indicated on the permit application form.

The Board of Selectmen shall fix a permit, inspection and connection fee for each commercial, industrial, or other non-residential building, after recommendation of the Local Plumbing Inspector and Superintendent based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure.

Any proposed change or additional discharge shall be subject to a supplementary fee based upon the predicted maximum gallon per day increase due to the additional volume being discharged into the system as illustrated in the State of Maine Wastewater Disposal Rules, "Design Flows for Facilities", Tables 7.1 and 7.2

- 5.4 Individual Building Sewers Required - A separate and independent building sewer shall be required for every building requiring a sewer connection except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 5.5 Use of Existing Building Sewers - Existing building sewers may be used only when they are determined by the Town to meet all requirements of this ordinance. When existing buildings which are connected to the public sewer are abandoned or destroyed, the building sewer shall be capped at the edge of public way or easement containing the public sewer, in the presence of a representative of the Town.
- 5.6 Building Sewer Material - The building sewer shall be service weight cast iron soil pipe and fittings; cast iron NO-HUB, bitumastic coated; PVC sewer pipe meeting the requirements of ASTM D 3034 SDR 35; or other material approved by the Town.
- 5.7 Building Sewer Diameter - The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot.

- 5.8 Building Sewer Testing - Pneumatic testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Superintendent.
- 5.9 Building Sewer Depth - Whenever possible, the building sewer shall be brought to the building at an elevation sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be only with approved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.
- 5.10 Private Lift Station Required - In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage or industrial wastes carried by such drain shall be lifted by approved artificial means and discharged to the building sewer at the expense of the owner.
- 5.11 Building Sewer Excavation - All excavations required for the installations of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Section 3 through 6 of ASTM specification C12 except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed thirty-six (36) inches.
- 5.12 Prohibited Connections to Building Sewer - No person shall make connection of roof down spouts, sump pumps, exterior foundation drains, areaway drains, cellar drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Town for purposes of disposal of polluted drainage water.
- 5.13 Building Sewer Joints - All joints and connections shall be made gas tight and watertight. Joints for cast iron hub and spigot pipe shall be lead; joints for NO-HUB pipe shall be made with a neoprene gasket and a stainless steel clamp and shield assembly; joints for PVC pipe shall be "O-ring" type. No mortar joints will be allowed.

- 5.14 Building Sewer General Requirements - The connection of the building sewer into the public sewer shall conform to the requirements of SECTION 6 of these Rules and Regulations, and the procedures set forth in WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by pneumatic testing. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
- 5.15 Building Sewer Inspection Notification - The applicant for the building sewer permit shall notify the Superintendent and Local Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Superintendent and Local Plumbing Inspector. The Superintendent and Local Plumbing Inspector shall be available to supervise and inspect the connection, during normal business hours, within forty-eight (48) hours of notification of readiness. Failure to notify the Superintendent and Local Plumbing Inspector will result in a fine as indicated in SECTION 10.
- 5.16 Building Sewer Excavation Safety - All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Town or the Department of Transportation.
- 5.17 Manhole Required - Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which in the opinion of the Superintendent will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the Public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to an existing manhole shall be as specified by the Superintendent.
- 5.18 Building Sewer Costs and Indemnification - All costs and expense incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. These costs include, but are not limited to,

materials, excavation, permits, inspection fees and connection fees. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 6 - SEWER EXTENSIONS

- 6.1 Town Constructed Sewer Extension - Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for the installation of the building sewer from the public sewer to the residence or place of business in accordance with the requirements of this Ordinance.
- a. When abutting property owners wish to have public sewer facilities extended beyond the existing service area, a majority of the property owners must petition the Board of Selectmen by written petition.
 - b. The signed petition must be presented to the Board of Selectmen at a regular or special meeting of the Board for their consideration.
 - c. Upon receipt of the petition, the Board of Selectmen shall request recommendation on the proposed project from the Department of Public Works and Local Plumbing Inspector.
 - d. The Department of Public Works and Local Plumbing Inspector will prepare a report concerning the feasibility as well as an estimated cost of the construction which shall be submitted to the Board of Selectmen.
 - e. The Board of Selectmen shall, if they deem the project feasible both from a construction and a financial standpoint, request the Administrative Assistant to submit a recommendation for financing.
 - f. The Board of Selectmen, when in agreement with the proposed financing, shall request the Town Assessor in conjunction with the Department of Public Works to prepare a list of the abutters to be benefitted, and to submit this list to the Town for mailing of the estimated assessment. The estimated assessment will be based upon 100% of the estimated construction costs.
 - g. The Board of Selectmen shall set the annual simple interest rate to be charged on those assessments which are paid on a term basis.

- h. The Town shall send notices of the estimated assessments and the interest rate to be charged on the assessments paid over an extended period of time to all abutting property owners to be benefitted by the proposed project. Benefitted property owners may choose to pay their assessment in a lump sum or over an extended period of time not to exceed five (5) years, or some other period of time that is agreeable to the Board of Selectmen. The assessment plus interest shall be payable in four equal payments per year at the rate previously set by the Board of Selectmen. The Town shall require all benefitted property owners who choose to pay their assessment over an extended period of time to execute an agreement which shall be filed at the Somerset County Registry of Deeds and at the office of the Anson Town Clerk.
- i. The Board of Selectmen will authorize the construction of the project when 75% of the estimated assessments have been signed and returned by the benefitted property owners.
- j. The Department of Public Works will have final plans and specifications prepared and will determine if the project can be done by Town forces or by contract. (If by contract, the usual bidding procedure will be followed as required by Maine Municipal Law).
- k. Once the project is complete, the Department of Public Works will determine the actual construction cost.
- l. The Town Assessor will determine the name of the owners of the property to be assessed.
- m. The Department of Public Works will prepare an assessment list containing the benefitted property owners and the gallons per day of effluent generated by each benefitted property owner. (Gallons per day of effluent generated by each benefitted property owner shall be determined in accordance with the State of Maine Wastewater Disposal Rules, "Design Flows for Facilities", Tables 7.1 and 7.2 and the Maine Plumbing Code.)
- n. The Town will prepare and mail the actual amount of the assessments to be made to each benefitted property owner. The assessment shall be based upon 100% of the actual project cost. The benefitted property owner assessment (PA) shall be calculated using the following formula:
$$C \text{ divided by } TE = CG \qquad CG \text{ multiplied by } GD = PA$$

where

C = actual cost of sewer extension project

TE = total gallons of effluent generated by all benefitted property owners (see m. above)

CG = cost per gallon of effluent

GD = gallons per day generated by each benefitted property owner (see m. above)

PA = benefitted property owner assessment

- o. A Public Hearing will be held by the Board of Selectmen at which time the actual assessment will be considered legally established and any benefitted property owner's grievances will be heard.
- p. Upon completion of the project, the Department of Public Works shall notify the Board of Selectmen, in writing, that the sewer extension is complete and usable.
- q. Benefitted property owners shall make their applications for sewer connection at the Town Office. Upon application, the benefitted property owner shall pay to the Town the sewer connection fee in addition to the sewer assessment fee. All benefitted property owners shall have connected to said sewer within two (2) years after the sewer extension was deemed usable.
- r. The Town will make sewer extension assessment refunds without interest if additional benefitted property owners are connected to the requested extension. The sewer extension assessment refunds will be made to the benefitted property owners of record at the time of the refund.
- s. The new benefitted property owner assessment (NPA) and the original benefitted property owner refunds shall be calculated using the following formula:

$$\begin{aligned} C \text{ divided by } NTE &= NCG & NCG \text{ multiplied by } GD &= NPA \\ PA \text{ less } NPA &= \text{REFUND} \end{aligned}$$

where

C = cost of sewer extension project

NTE = total gallons of effluent generated by original plus new benefitted property owners (see m. above)

NCG = new cost per gallon of effluent

GD = gallons per day generated by each benefitted property owner (see m. above)

NPA = new benefitted property owner assessment

PA = original benefitted property owner assessment

- t. No benefitted property owner refunds will be made after a period of ten (10) years from the date the Board of Selectmen deem the sewer extension complete and usable.

6.2 PRIVATE SEWER EXTENSIONS CONSTRUCTED WITHIN PUBLIC WAYS - If the Town does not elect to construct a sewer extension under Public Contract, the Developer (property owner, building contractor, etc.) may construct the necessary extension, if such extension is approved by the Board of Selectmen in accordance with the requirements. Said developer must pay for the entire installation, including all expenses incidental thereto. The design of the sewer extension shall be as specified in SECTION 7, GUIDELINES FOR MATERIALS and CONSTRUCTION OF SEWER MAINS. The installation of the sewer extension shall be subject to periodic inspection by the Department of Public Works or its designated agent. The decision of the Department of Public Works shall be final in matters of quality and methods of construction. The cost of sewer extensions thus made shall be totally absorbed by the developer.

- a. The developer shall prepare a detailed report with substantiating data included concerning the estimated cost of the proposed sewer extension construction and the estimated cost of the installation of a complete non-engineered subsurface wastewater disposal system designed and installed in conformance with the State of Maine Plumbing Code that would serve a typical three (3) bedroom dwelling with a design flow that meets or exceeds the requirements of the Maine Plumbing Code.
- b. The assessor in conjunction with the Department of Public Works shall prepare a list of abutters to be benefitted by the proposed private sewer extension.
- c. Upon receipt of the report from the developer, the Board of Selectmen shall schedule a Public Hearing on the proposed sewer extension. The Town shall send notices of the Public Hearing by registered mail stating the reason, date, time and location for the Hearing.
- d. The Board of Selectmen, when in agreement with the proposed private sewer extension construction, the proposed construction

- specifications, the proposed construction costs and installation costs of the subsurface wastewater disposal system, will authorize the construction of the project.
- e. The developer shall notify the Town when the private sewer extension project is complete. The Department of Public Works shall make final inspection of the construction project and prepare a report to the Board of Selectmen stating the status of the project and whether the sewer extension has been installed and constructed in conformity with the specification.
 - f. The developer shall prepare and execute all necessary documents to the Board of Selectmen's satisfaction for the dedication of the private constructed sewer to the Town.
 - g. Upon receipt of the executed dedication documents and satisfactory report from the Department of Public Works regarding its final inspection, the Board of Selectmen shall accept said sewer extension and deem the sewer extension usable.
 - h. Benefitted property owners requesting connection to the sewer extension shall make application for connection to the sewer at the Town Office. Benefitted property owners shall pay upon application the sewer connection fee and a sewer extension assessment fee. The sewer extension assessment fee will not be charged after a period of ten (10) years from the date the Board accepted the sewer from the developer.
 - i. The sewer extension assessment fee (SCF) shall be calculated as follows:

$$\text{CS divided by DFT} = \text{CG} \qquad \text{CG multiplied by DFB} = \text{SCF}$$
 where
 - CS = cost of a typical 3 bedroom dwelling subsurface wastewater disposal system (see a. above)
 - DFT = design flow of typical 3 bedroom dwelling
 - CG = design flow cost/gallon/day
 - DFB = design flow of benefitted property owner in gallons/day/connection (see m. in paragraph 6.1)
 - SCF = sewer extension assessment fee
 - j. The Town shall make sewer extension assessment fee refunds to the developer, as calculated in Paragraph 6.1.S. if and when benefitted property owners are connected to the sewer extension.

- k. No sewer extension assessment fee refund will be made after a period of ten (10) years from the date the Board of Selectmen accepted the dedication of said sewer extension from the developer.
- 6.3 Privately Constructed Sewer Extension - If the Town does not elect to construct a sewer extension under public contract, the developer (property owner, building contractor, etc.) may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of this Ordinance. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developer. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid by the developer. Design of sewers shall be as specified in this Ordinance. The installation of the sewer extension shall be subject to periodic inspection by the Department of Public Works and the expenses for this inspection shall be paid for by the developer. The Director of Public Works' decisions shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the leakage test required in this Ordinance.
- 6.4 Sewer Extension Ownership - All sewer extensions constructed at the property owner's, builder's or developer's expense shall continue to be the responsibility and property of the property owner unless otherwise accepted by the town by vote of the Selectmen. If accepted by the town the property owner shall guarantee against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than ten percent (10%) of the Engineer's estimate of the cost of the extension. The Selectmen are under no obligation to accept any extension. The Selectmen are to act in the best interest of the Town.
- 6.5 Building Permit Requirement - No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal is proposed.

SECTION 7 - GUIDELINES FOR MATERIALS AND CONSTRUCTION OF SEWER MAINS

- 7.1 Materials and Design of Sewer Extensions - Sewer design shall be in accordance with the following provisions:
- a. Pipe material shall be PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM 3034, SDR 35; ductile iron conforming to ANSI Specification A 21.51, with iron Grade 60-42-10, and cement lining meeting ANSI Specification A21.4, but twice the thickness specified; reinforced concrete conforming to ASTM C 76, with a maximum absorption of 5.5% of the dry weight; or other material approved by the Selectmen.
 - b. All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gas tight and watertight. Joint materials shall be as follows:
 - (1) PVC - ASTM D 1869
 - (2) Ductile Iron - ANSI Specification A 21.11.
 - (3) Reinforced Concrete - ASTM C 443
 - c. Minimum internal pipe diameter shall be eight (8) inches.
 - d. Wye branch fittings for house service shall be PVC of ductile iron saddles with stainless steel straps and "O-ring" seal set in mastic to affect a watertight connection.
 - e. Minimum width of the trench at a point six (6) inches above the top of the sewer pipe and minimum slope of sewer pipe shall be as given in the following table:

<u>Pipe Diameter</u>	<u>Minimum Trench Width</u>	<u>Minimum Slope in Feet Per 100 Feet</u>
8"	2' - 8"	0.40
10"	2' - 10"	0.28
12"	3' - 0"	0.22
14"	3' - 2"	0.17
15"	3' - 3"	0.15
16"	3' - 4"	0.14

- f. PVC and reinforced concrete pipe shall be laid on six (6) inches of screened gravel bedding material, and the screened gravel shall be shaped to a height of 1/4 of the pipe diameter so as to give uniform

circumferential support to the pipe. Unless bedding material is required for ductile iron pipe due to unsuitable conditions, the existing excavated bottom shall be shaped to a height of 1/8 of the pipe diameter so as to give uniform circumferential support to the pipe.

- g. Screened gravel shall have the following gradation:

<u>Sieve Size</u>	<u>% By Weight Passing</u>
1 inch	100
3/4 inch	90-100
3/8 inch	20-55
#4 mesh	0-10
#8 mesh	0-5

- h. The screened gravel shall be brought to the pipe mid-diameter.
- i. Trench sand shall be placed over PVC and reinforced concrete pipe to a height one (1) foot over the top of the pipe. Trench sand shall be hard, durable particles of granular material with 100% passing the 1/2" sieve and 0-15% passing the #200 sieve. (Percentages are by weight.)
- j. Backfill material shall then be placed and compacted. Suitable backfill material shall be the following or a combination of the following.
- (1) Excavated material that will compact to the compaction requirements.
 - (2) Material that does not contain rocks larger than 6 inches in any dimension.
 - (3) Dry clay backfill free of clods.
 - (4) Wet clay that alone would be unstable but when mixed with sand and/or gravel will be stable and will compact.
- k. Compaction densities specified herein shall be the percentage of the maximum density obtainable at optimum moisture content as determined and controlled in accordance with AASHTO T-180, Method C, depending on the material size.

Field density tests shall be made in accordance with AASHTO T-191. Each layer of backfill shall be moistened or dried as required, and shall be compacted to the following densities:

- (1) Bedding material and trench sand.....95%
- (2) Suitable backfill under paved or shoulder areas.....90%
- (3) Gravel Base:

- (a) Under paved areas.....95%
 - (b) In shoulder areas.....90%
 - (4) Loam areas.....95%
 - (5) All other areas.....85%
- l. If the trench widths are found to exceed the limits specified, the sewer pipe shall be encased in a minimum of six (6) inches of concrete or high-strength pipe used as determined by the Superintendent.
- m. Pipe classes shall be determined according to WPCF Manual of Practice No. 9. Pipe thickness shall be calculated on the following criteria:

Safety Factor	2.0
Load Factor	1.7
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.
- n. All excavations required for the installation of sewer extensions shall be open trench work unless approved by the Superintendent. No backfill shall be placed until the work has been inspected.
- o. Manholes shall be constructed at all changes in slope of alignment or at intervals not exceeding 300 linear feet, unless approved by the Superintendent, and shall be precast concrete.
 - (1) Precast manhole sections shall conform to ASTM C 478 and be asphalt coated; cement shall be Type III with a minimum compressive strength of 4,000 psi.
 - (2) Precast base and barrel sections shall have tongue and groove joints with round rubber gaskets set in specially provided indentations conforming to ASTM C 443, or butyl base joint sealant that permits installation in temperatures from -20 degrees F.A.C.P. to 120 degrees Fahrenheit, and meet Federal Specification SS-S-00210.
 - (3) Each section of the precast manhole shall have two (2) holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with non-shrink mortar or grout in combination with concrete plugs after installation.
 - (4) Pipe to manhole joints shall be Lock-Joint flexible manhole sleeve, Kor-N-Seal joint sleeve, or equivalent.
 - (5) Manhole invert bricks shall conform to ASTM C 32, Grade SS, hard brick (made from clay or shale).

- (6) Dampproofing for concrete shall be semi-mastic type Horn "Dehydratine #4," "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600" by Sonneborn, or equivalent.
- (7) Manhole rungs, when required, shall be of 5/8 inch diameter, aluminum safety type steps.

Rungs shall be placed twelve (12) inches on center in concrete and shall not be subjected to any loads for a minimum of seven (7) days. Copolymer polypropylene steps reinforced with 3/8" Grade 60 steel rebar throughout may be used in place of aluminum.

- (8) After the excavation has been done and leveled, one (1) foot of screened gravel shall be placed in the bottom of the excavation, leveled, and thoroughly compacted.
- (9) Precast concrete manhole sections shall be set so as to be vertical and with sections in true alignment, 1/4 inch maximum tolerance to be allowed.
- (10) The top of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of two courses and a maximum of five courses of brick and mortar before setting the cast iron frame and cover. Mortar for brick masonry shall be Type II Portland cement mixed in the proportion of one part cement to two parts sand, worked to the proper consistency.
- (11) The inside and outside of the masonry work of all manholes shall be plastered with a 1:2 Portland cement mortar. The thickness of the mortar shall be one-half (1/2) inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially waterproof surface. The mortar shall be extended to completely cover the outside and inside surfaces of all masonry work.
- (12) The concrete manholes shall have a channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the main channel.
- (13) Manholes shall be constructed as the sections of the pipelines,

between them are completed, and unless this is done, the Engineer shall have the authority to stop trenching and pipe laying until manhole construction is brought up properly. All ground water shall be kept away from any newly placed concrete or freshly laid masonry work until the concrete has properly set and a watertight job is obtained.

- (14) All surfaces to be dampproofed shall be clean, smooth, dry, and free from loose material. Brush the dampproofing onto the outside concrete manhole surface and fill all voids. Apply in two (2) coats and conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations and directions. First coat to be applied by the manufacturer of the manholes. Second coat to be field applied by the Contractor. Do not apply dampproofing in freezing or wet weather.
- (15) Iron castings for manhole frames and covers shall conform to ASTM A 48 and shall be Class 30.
 - (a) Manhole frames and covers shall be tough gray iron free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated so as to provide a tight, even fit.
 - (b) Manhole frames shall be 6" to 8" high and shall be approximately 35" in diameter with a minimum opening of 22" and a maximum opening of 44". Manhole covers shall be solid and shall have the word "SEWER" (3" high) cast on the top. The approximate total weight of frame and cover shall be 395 pounds. Covers shall have two (2) concealed pickholes.
 - (c) Casting shall be given one (1) coat of cold-tar pitch varnish at the factory before shipment, and said coating shall be smooth and tough and not brittle.
 - (d) Frames shall be set concentric with the top of the masonry and in full bed of mortar so that the space between the top of the manhole masonry and the bottom flange of the frame shall be completely filled and made

watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

7.2 Leakage Testing - All sewers shall satisfy requirements of a leakage test before they are accepted by the Superintendent. The leakage test shall be as follows:

- a. For each size of pipeline, an initial leakage test shall be made on the first section of the pipeline complete between two adjacent manholes. Thereafter, the leakage tests shall be made on sections of approved lengths of completed pipeline.
- b. Each section shall be tested upon its completion.
- c. Air checking of sewer lines shall be as follows:
 - (1) After backfilling sewer line from manhole to manhole, the Contractor shall conduct an air leakage test in the presence of the Engineer, using low pressure air.
 - (2) The equipment used shall meet the following minimum requirements:
 - (a) Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
 - (b) Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
 - (c) All air used shall pass through a single control panel.
 - (d) Three individual hoses shall be used for the following connections:
 - (i) From control panel to pneumatic plugs for inflation.
 - (ii) From control panel to sealed line for introducing the low pressure air.
 - (iii) From sealed line to control panel for continually monitoring air pressure rise in the sealed line.
 - (3) Procedures:
 - (a) All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with the

pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs must hold against this pressure without having to be braced.

- (b) After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any ground water that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.
- (c) After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "Acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 3.0 psig (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time set forth in the following table:

<u>Pipe Diameter in Inches</u>	<u>Minutes</u>
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5
30	14.5
36	17.0
42	20.0
54	25.5

- (d) In areas where ground water is known to exist, the Contractor shall install a ½ inch diameter capped pipe nipple, approximately 10" long, through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the leakage test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The plastic tube shall be held vertically and a measurement of the height in feet of water over the invert of the pipe shall be taken after the water has stopped rising in this plastic tube. The height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 ½ feet, then the added pressure will be 5 psig. This increases the 3.5 psig to 8.5 psig, and the 3.0 psig to 8.0 psig. The allowable drop of one-half pound and the timing remain the same.)
- d. Manholes shall be tested by plugging the pipes, bracing the plugs to prevent them blowing out and performing a vacuum test in the following manner:
 - (1) Install the testing equipment according to the manufacturer's instructions.
 - (2) A vacuum of 10 inches of Hg (mercury) shall be drawn on the manhole and the loss of 1 inch of Hg vacuum timed. The manhole shall be considered to have passed the test if the time for the loss of 1 inch of Hg vacuum is two (2) minutes or longer.
 - (3) If the manhole fails the initial test, the Contractor shall locate the leak(s) and make repairs. The manhole shall be tested until a satisfactory test result is obtained.

SECTION 8 - USE OF PUBLIC SEWER

- 8.1 Unpolluted water prohibited in Public Sanitary Sewer - No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, sump pumps, foundation drains, subsurface drainage, cooling water, or unpolluted industrial process water, to any sanitary sewer.
- 8.2 Storm Water Drainage - Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Local Plumbing Inspector. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Local Plumbing Inspector, to a storm sewer or natural outlet, provided, however, that such discharge shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Section 413.
- 8.3 Prohibited Discharges - No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which will cause a fire or explosive hazard in the wastewater facilities.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant. Toxic pollutants shall include, but not be limited to, pollutants identified pursuant to Section 307(a) of the Clean Water Act.
 - c. Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
 - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such

as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, except home garbage disposal units are acceptable.

8.4 Discharge Limits - No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or which in combination with other wastes entering the plant will result in an influent temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 and 65 degrees Celsius).
- c. Any garbage that has not been properly shredded. (See Section 2.25.)
- d. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite sewage at the sewage treatment works exceeds the

- limits established by the Town for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations as to exceed limits which may be established by the Town so that after treatment of the composite sewage, the discharge meets the requirements of the State, Federal, or other public agencies of jurisdiction.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
 - h. Any waters or wastes having a pH lower than 6.0 or higher than 8.5.
 - i. Materials which exert or cause;
 - (1) Unusual concentration of inert suspended solids such as, but not limited to, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (2) Excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.
 - (3) Unusual BOD₅, Chemical oxygen demand, or other requirements in such quantities to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent, residue, or sludges, cannot meet the requirements of other agencies.

8.5 Town's Rights to Control Discharges - If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Articles 7.3 and 7.4 of this Section, and which, in the judgement of the Town, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard of life or constitute a public nuisance, the Town may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or.
- d. Require payment to cover the added costs of handling and treating the wastes, provided that the discharge of such wastes does not exceed any requirements of Federal and/or State laws.

When considering the above alternatives, the Town shall give consideration to the economic impact of each alternative on the discharger.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City subject to the requirements of all applicable codes, ordinances, laws, and discharge permit.

- 8.6 Traps required - Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be of a type and capacity as outlined in the "State of Maine Internal Plumbing Rules, Chapter 238" and approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be installed in the waste lines leading from sinks, drains and other fixtures of equipment in the following establishments; restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars and clubs or other establishments where grease may be introduced into the sewer system in quantities that can effect line stoppage or hinder sewage treatment. In the maintenance of these interceptors, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town. Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by licensed waste disposal firms.

8.7 Pretreatment Operation and Maintenance - Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

8.8 Monitoring Manholes Installed by Industrial Users - The Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible to the Town at all times.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

8.9 Ordinance Compliance Requirements - The Town may require a user of sewer services to provide information needed to determine compliance with these rules and regulations. These requirements may include:

- a. Average and peak rate of wastewater discharge and volume over a specified time period.
- b. Chemical analyses of wastewaters.
- c. Information on raw materials, processes, and products effecting wastewater volume and quality.
- d. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- e. A plot of the user's property showing sewer and pretreatment facility locations.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

- 8.10 Testing Standards - All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. Sampling and testing shall be undertaken by the Owner at his expense, as directed by the Town.
- 8.11 Unusual Industrial Wastewaters - No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, as detailed in Section 11, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, and are compatible with any User Charge in effect.

SECTION 9 - PROTECTION FROM DAMAGE

- 9.1 Damage to Public Sewer Prohibited - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, Section 806.
- 9.2 Evidence of Insurance by Contractor - A contractor must present a certificate of insurance showing a minimum liability coverage of \$100,000/\$300,000

for bodily injury and a \$25,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Superintendent.

SECTION 10 - POWERS AND AUTHORITY OF INSPECTORS

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

SECTION 11 - PENALTIES

- 11.1 Notice of Violation - Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and notify the Town of corrective measures taken and when completed.
- 11.2 Failure to Comply - Any person who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1000) for each offense. The continued violation of any provision of any section of this ordinance other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations.
- 11.3 Alternative Action(s) by the Town - As an alternative upon violation of this

ordinance, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, other violations mentioned herein, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violation of this ordinance are found.

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

SECTION 12 - SEWER SERVICE CHARGE

- 12.1 Source of Revenues - The source of the revenues needed for retiring debt service, capital expenditures, operation and maintenance of the public sewerage works shall be a sewer service charge assigned to owners of all properties located within the public sewer works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not.
- 12.2 Establishment of Rates - Sewer service charge rates including readiness to serve charges shall be determined by the Town Selectmen after notice and hearing. This charge will be computed and billed on a quarterly basis throughout each calendar year.
- 12.3 Billing Categories and Justification - The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 3.3 hereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as a minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall

be increased to include the cost of operation and maintenance of the public sewage works.

- 12.4 Changes in Rates - The Town Selectmen reserve the right, from time to time, to change the rates of sewer service charges originally or previously assigned to any property owner.
- 12.5 Late Charge - There shall be a late charge equal to the maximum rate allowed by state law assessed to all delinquent accounts effective ninety (90) days from the date of billing. The rate shall be that which is established annually by the Town Meeting for unpaid property taxes.
- 12.6 Special Industrial Rates - A special sewer service charge shall be assigned to any firm or organization which discharges industrial wastes to the POTW.

The Town may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating a pretreatment program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fee for permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the Town) of pollutants otherwise subject to Federal Pretreatment Standards;
- G. Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Town.

SECTION 13 - VALIDITY OF ORDINANCE

- 13.1 Prior Ordinances Repealed - All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 13.2 Invalid Sections - The invalidity of any section, clause, sentence, or provision

of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 14 - ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval and recording.

**Town of Anson
Sex Offender Ordinance**

Section 1. Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A. Section 3001 and Title 30-A M.R.S.A. Section 3014.

Section 2. Purpose

The Town of Anson recognizes that sex offenders who prey upon children have a high rate of recidivism. The Town of Anson has an obligation to protect the health, safety, and welfare of its children by prohibiting access by convicted sex offenders to areas where a concentration of children exists.

Section 3. Definitions

The following definitions have the literal meaning as they pertain to this Ordinance only:

- A. **Sex Offender** – A person convicted of a Class A, B, or C sex offense committed against a person or persons who has not attained 14 years of age at the time of the offense; this term is coextensive with 30-A M.R.S.A. Section 3014 (2).
- B. **School** – Any public or private elementary, middle, or secondary school as those terms are intended by 30-A M.R.S.A. Section 3014 (2) B.
- C. **Municipal Restricted Property** – Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.
- D. **Radius** – Distance shall be measured from the outer property lines.
- E. **Residence** – The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing, or dwelling.

Section 4. Restrictions

A sex offender shall not reside within a 750-foot radius of the property line of a school or a municipal restricted property.

Section 5. Exceptions

A sex offender residing within a 750-foot radius of a school or a municipal restricted property is not in violation if the residency was established prior to the date of adoption of this Ordinance and the sex offender's residency has been continuously maintained. A sex offender is not in violation of this Ordinance if a school or a municipal restricted property is located or expanded to within a 750-foot radius of their residence after the adoption of this Ordinance, and the sex offender's residency has been continuously maintained.

Section 6. Violation, injunctive relief and penalties

Any person who, after written notice from the Town of Anson about the requirements of this Ordinance, is in violation of the provisions of this ordinance shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this Ordinance. The Town of Anson may seek injunctive relief to require compliance with the provisions of this Ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town of Anson is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, expert witness fees, or any other associated costs.

Section 7. Severability

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

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Sex Offender Ordinance", which is to be presented to the voters for their consideration on March 1, 2014.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: January 14, 2014

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody

Shoreland Zoning Ordinance

for the

Town of Anson, Maine

Adopted at Town Meeting on
September 28, 1992

Amended: June 1, 1999

Amended July 9, 2002

Amended March 11, 2004

Shoreland Zoning Ordinance for the Town of Anson

Section 1. Purpose

The purpose 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 building and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland areas.

Section 2. Authority

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

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending 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 September 28, 1992, 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 deemed automatically approved. Upon approval of this Ordinance, the Shoreland zoning ordinance previously adopted in 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 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 clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map

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

D. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

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

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all

of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. 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 to the non-conforming use or continue 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 safety codes may require.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.
Further Limitations:
 - a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
 - b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not cause the structure to be elevated by more than three (3) additional feet.
 - c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the 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 historic points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and 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 one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C) (4) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot 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 Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the frontage and lot size requirements of 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, or General Development need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value 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, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
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 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.

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, and areas which are used less intensively than those in the Limited Commercial District, or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent 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.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated Shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland district associated with the 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

LR - Limited Residential

LC - Limited Commercial

GD - General Development

SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>		<u>DISTRICTS</u>				
		<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
1.	Non-intensive recreational use not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3.	Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4.	Timber harvesting	yes	CEO1	yes	yes	yes
5.	Clearing of vegetation for approved construction and other allowed uses	CEO	CEO1	yes	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes2	yes2	yes2	yes2
10.	Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes
12.	Emergency operations	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes
15.	Principal structures and uses and additions thereto					
	A. One and two family residential	PB4	no	CEO	CEO	CEO
	B. Multi-unit residential	no	no	PB	PB	PB
	C. Commercial	no	no	no	PB	PB
	D. Industrial	no	no	no	no	PB
	E. Governmental and Institutional	no	no	no	PB	PB
	F. Small non-residential facilities for educational scientific, or nature interpretation purposes	PB4	PB	CEO	CEO	CEO
16.	Structures accessory to allowed uses	PB4	PB	CEO	CEO	yes
17.	Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland					
	A. Temporary	CEO	CEO	CEO	CEO	CEO
	B. Permanent	PB	PB	PB	PB	PB
18.	Conversions of seasonal residences to year-round residences	LPI	no	LPI	LPI	LPI
19.	Home occupations	PB	no	PB	CEO	yes
20.	Private sewage disposal systems for allowed uses	LPI	no	LPI	LPI	LPI
21.	Essential services	PB5	PB5	PB	PB	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes

(Table 1 continued)

<u>LAND USES</u>		<u>DISTRICTS</u>				
		<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25.	Campgrounds	no	no6	PB	PB	PB
26.	Road and driveway construction	PB	no7	PB	PB	PB
27.	Parking facilities	no	no6	PB	PB	PB
28.	Marinas and houseboats	PB	no	PB	PB	PB
29.	Filling and earthmoving of < 10 cubic yards	CEO	CEO	yes	yes	yes
30.	Filling and earthmoving of > 10 cubic yards	PB	PB	CEO	CEO	CEO
31.	Signs	yes	yes	yes	yes	yes
32.	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

-
- 1 In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
 - 2 Requires permit from the Code Enforcement Officer is more than 100 square feet of surface area, in total, is disturbed.
 - 3 In RP not permitted in areas so designated because of wildlife value.
 - 4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
 - 5 The further restrictions in Section 15(L) (2) on page 19.
 - 6 Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
 - 7 Except 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.

Section 15. Land Use Standards

All land use activities within the Shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

- | 1. | Minimum Lot Area
(Sq. Ft.) | Minimum Shore
Frontage (ft.) |
|--|-------------------------------|---------------------------------|
| Residential per dwelling unit | 40,000 | 200 |
| Governmental, Institutional, Commercial
or Industrial per principal structure | 60,000 | 300 |
| Public and Private Recreational Facilities | 40,000 | 200 |
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 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.

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.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The 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 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 rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or 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, dock, wharf 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.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campground 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 (1,000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual household or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. 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
- k. Photographic processing
- l. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities, in districts other than the General Development District 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 storm water 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 or a river that flows to 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 exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection 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.
4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an 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.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow 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:

<u>Road Grade</u> <u>(Percent)</u>	<u>Spacing</u> <u>(Feet)</u>
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 down slope 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.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

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 six (6) square feet in area and 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 twenty (20) feet above the ground.
- 7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

- 1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and

wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

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

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 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 excavation, 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 conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of 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. 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 slope shall be two to one (2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of the 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.
4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this 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. Within the strip of land extending 75 feet inland from the normal high-water line in a Shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
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 (10) year period is permitted. In addition:
 - i. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

- ii. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- b. 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 only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on the 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, 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 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.

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

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

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

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

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 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.
3. At distances greater than one hundred (100) feet, horizontal distance, from 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 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 provision 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 rip-rap.
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 rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with 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 water 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 Sites

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

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board

Any responsibility referred in this ordinance to the Planning Board shall be assigned to the Board of Selectmen unless and until a Planning Board is established by the Town.

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 the replacement culvert is:

1. Not more than one standard culvert size wider in diameter than the culvert being replaced;
2. Not more than 25% longer than the culvert being replaced; and
3. Not longer than 75 feet; AND

Provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that 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.
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 subsurface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, 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 purpose 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 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. 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.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. 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 enforcement of 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:

- except for the specific provision which has created the non-conformity and from which relief is sought; and
- (2) The strict application of the terms of this Ordinance would result in undue hardship.
- The term "undue hardship" shall mean:
- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - (iii) That the granting of a variance will not alter the essential character of the locality; and
 - (iv) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. 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.
- e. 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
- (1) 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.
 - (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (i) A concise written statement indicating what relief is requested and why it should be granted.
 - (ii) 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.
 - (3) 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.

- (4) The Board of Appeals shall schedule a public hearing on the appeal within thirty (30) days of its receipt of an appeal request.
 - b. Decision by Board of Appeals
 - (1) 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.
 - (2) 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 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.
 - (3) The person filing the appeal shall have the burden of proof.
 - (4) The Board shall decide all appeals within thirty (30) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, 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 thirty (30) 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.

H. 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

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, building 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 action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who 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.

Section 17. Definitions

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

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

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.

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.

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.

Driveway - a vehicular access-way less than five hundred (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 months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, with 5' vertical distance or more of headroom 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 to 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 frost walls.

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 and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, 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 aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site; and uses which primarily provide general public access to marine or tidal waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all improvements 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.

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, bait and tackle shops and marine fuel service facilities.

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

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

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

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

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

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 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, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland -

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

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

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

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

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

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

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

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

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.

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

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

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

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 Section 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 zone.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. 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, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting 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 feet above ground level.

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

Water body - any great pond, river, stream 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.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

July 29, 2002

Robert Worthley
Administrative Assistant
Town of Anson
P.O. Box 297 Main Street
Anson, Maine 04911

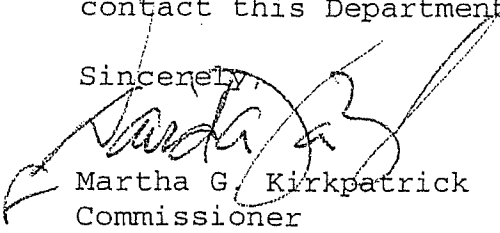
Re: Approval of Shoreland Zoning Ordinance Amendment

Dear Mr. Worthley:

The Department of Environmental Protection has reviewed the amendment to the Town of Anson Shoreland Zoning Map approved by the voters on July 9, 2002, and received by the Department on July 12, 2002. The amendment changes the zoning district along a section of the Kennebec River north of Anson Village from the Limited Residential District to the Limited Commercial District. The amendment is consistent with the purposes of the Mandatory Shoreland Zoning Act (Title 38 MRSA sections 435-449) and the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*. Therefore, the Department approves the July 9, 2002 amendments to the Town of Anson Shoreland Zoning Ordinance.

If you have any questions pertaining to the administration or enforcement of the Town's shoreland zoning ordinance, please contact this Department's Richard Baker, at 287-7730.

Sincerely,



Martha G. Kirkpatrick
Commissioner

cc: Selectmen
Planning Board
Code Enforcement Officer
Bill Najpauer, KVCOG

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507



WHERE TWO
RIVERS
MEET

Town of
Anson

INCORPORATED MARCH 1, 1798
P.O. Box 297 Main Street, Anson 04911

July 10, 2002

Richard Baker, Shoreland Zoning Coordinator
Department of Environmental Protection
State House Station 17
Augusta, ME 04333

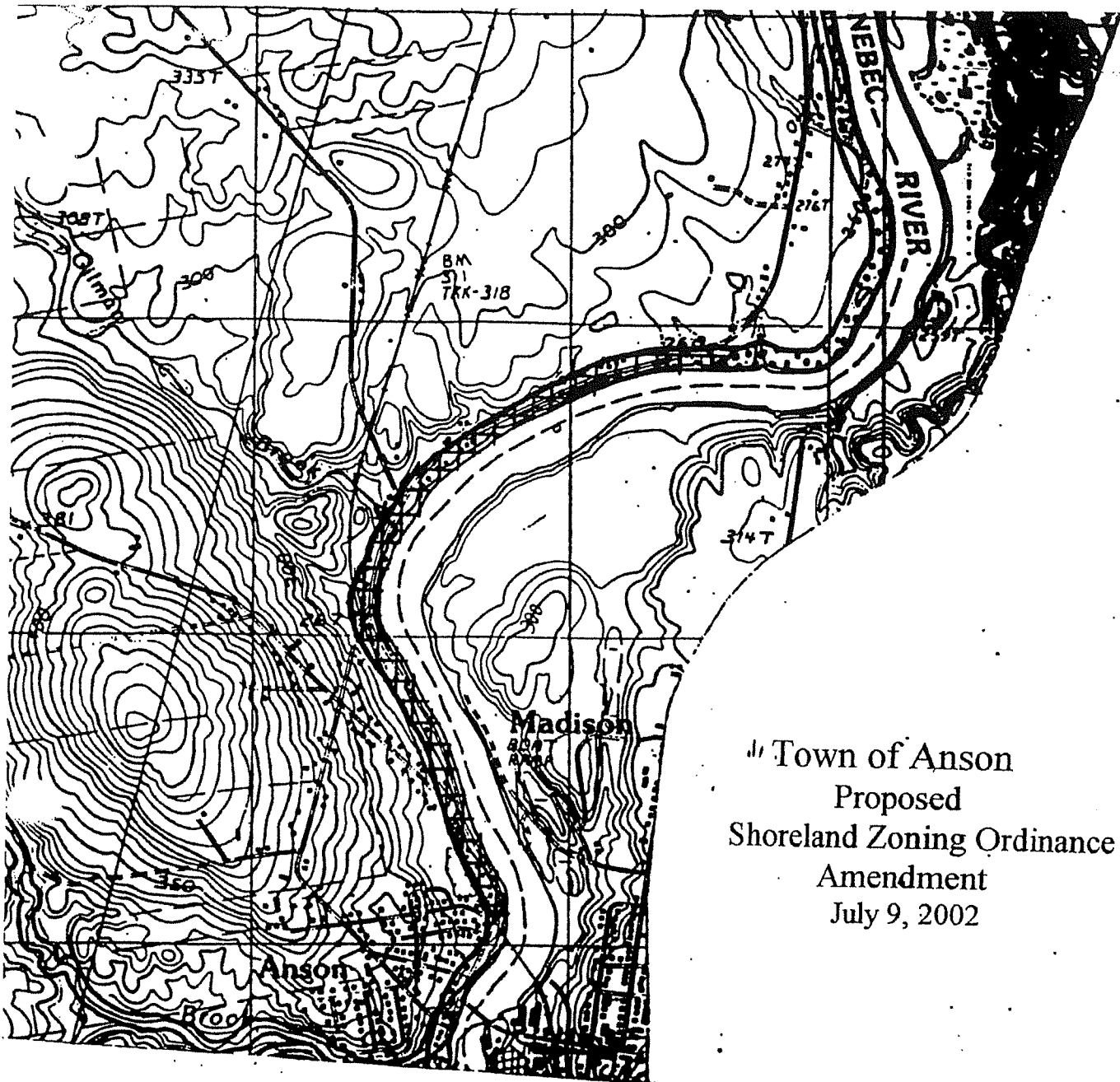
Dear Mr. Baker:

At a special town meeting on July 9, 2002, the Town of Anson voted to amend the Anson Shoreland Zoning Ordinance. A section of Kennebec River frontage northerly from Anson village was changed from limited residential to limited commercial (maps enclosed). The Ordinance already contained the standards for limited commercial district so the change did not involve any text.

Please contact me if you have any questions or concerns regarding this action.

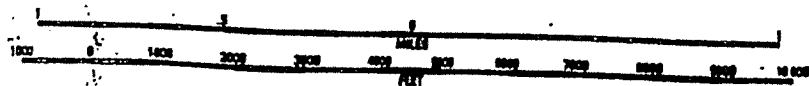
Sincerely,

Robert S. Worthley
Administrative Assistant



Town of Anson
 Proposed
 Shoreland Zoning Ordinance
 Amendment
 July 9, 2002

- RESOURCE PROTECTION DISTRICT.....
 LIMITED RESIDENTIAL DISTRICT.....
 LIMITED COMMERCIAL DISTRICT.....
 GENERAL DEVELOPMENT DISTRICT.....
 STREAM PROTECTION DISTRICT.....





STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

March 16, 2004

Robert S. Worthley
Administrative Assistant
Town of Anson
P.O. Box 297
Anson, Maine 049333-0017

Subject: Approval of Shoreland Zoning Map Amendment

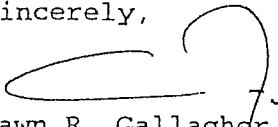
Dear Mr. Worthley:

The Department of Environmental Protection has reviewed the March 6, 2004 amendment to the zoning map for the Shoreland Zoning Ordinance for the Town of Anson, which was received by the Department on March 11, 2004. The amendment changes the property on Willow Street defined as Anson property tax map 6 lot 50 from the Limited Residential District to the General Development and Resource Protection Districts. By amendment, the General Development District is that portion of the parcel that is less than 250 feet from Mill Stream, westerly of a line parallel to and 250 feet easterly from the centerline of Willow street, and southerly of a line parallel to and 37 feet northerly of the centerline of High Street extended easterly through the parcel. All areas between the above described lines and Mill Stream are designated as Resource Protection District.

The amendment to the zoning map is consistent with the minimum requirements of the Mandatory Shoreland Zoning Act and the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*. Therefore, the Department approves the amendment as adopted by the townspeople.

If you or any other town official have any questions, please contact the DEP's Shoreland Zoning Coordinator, Richard Baker at 287-7730.

Sincerely,


Dawn R. Gallagher
Commissioner

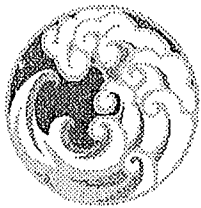
cc: Selectmen
Planning Board
Code Enforcement Officer
Richard Baker, DEP

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507



WHERE TWO
RIVERS
MEET

Town of
Anson

INCORPORATED MARCH 1, 1798
P.O. Box 297 Main Street, Anson 04911

March 9, 2004

Rich Baker, Shoreland Zoning Coordinator
Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Dear Mr. Baker:

The Town of Anson adopted an amendment to the Anson Shoreland Zoning Map at its annual meeting on March 6, 2004. Enclosed is a copy of the article as enacted and a copy of a map showing the changes. The parcel involved is an old mill. There are 3 separate buildings on the property, all included within the general development district. The current owner is doing some wood product manufacturing and plans to expand operations if he can remodel and connect the buildings.

I understand that DEP approval is required for the change to become effective.
Please contact me if you need any additional information.

Sincerely,

Robert S. Worthley
Administrative Assistant

ARTICLE 50) To see if the Inhabitants of the Town of Anson will authorize the Board of Selectmen to expend departmental revenues received during the year.

Selectmen Recommendation: Yes

Motion carried 4-0

Advisory Board Recommendation: Yes

Motion carried 5-0

M/M/S to move as written. Vote carried.

ARTICLE 51) To see if the Inhabitants of the Town of Anson will vote to amend the Shoreland Zoning Ordinance for the Town of Anson, Maine, by changing the property on Willow Street defined as Anson property tax map 6 lot 50 from Limited Residential to General Development and Resource Protection. The General Development district shall be that portion of the parcel that is less than 250' from Mill Stream, westerly of a line parallel to and 250 feet easterly from the centerline of Willow Street and southerly of a line parallel to and 37 feet northerly of the centerline of High Street extended easterly through the parcel. All areas between the above described lines and Mill Stream shall be designated as Resource Protection District.

Selectmen Recommendation: Yes

Motion carried 4-0

Advisory Board Recommendation: Yes

Motion carried 6-0

M/M/S to move as written. Vote carried.

ARTICLE 52) To see if the Inhabitants of the Town of Anson will vote to amend the "Town of Anson Automobile Graveyards, Junkyards and Automobile Recycling Businesses Ordinance" to bring the ordinance into agreement with State law.

Selectmen Recommendation: Yes

Motion carried 4-0

Advisory Board Recommendation: Yes

Motion carried 5-0

M/M/S to move as written. Vote carried.

ARTICLE 53) Shall an ordinance entitled "Floodplain Management Ordinance for the Town of Anson, Maine" dated December 5, 2003, be enacted? This ordinance replaces the previous ordinance adopted March 7, 1995.

Selectmen Recommendation: Yes

Motion carried 4-0

Advisory Board Recommendation:

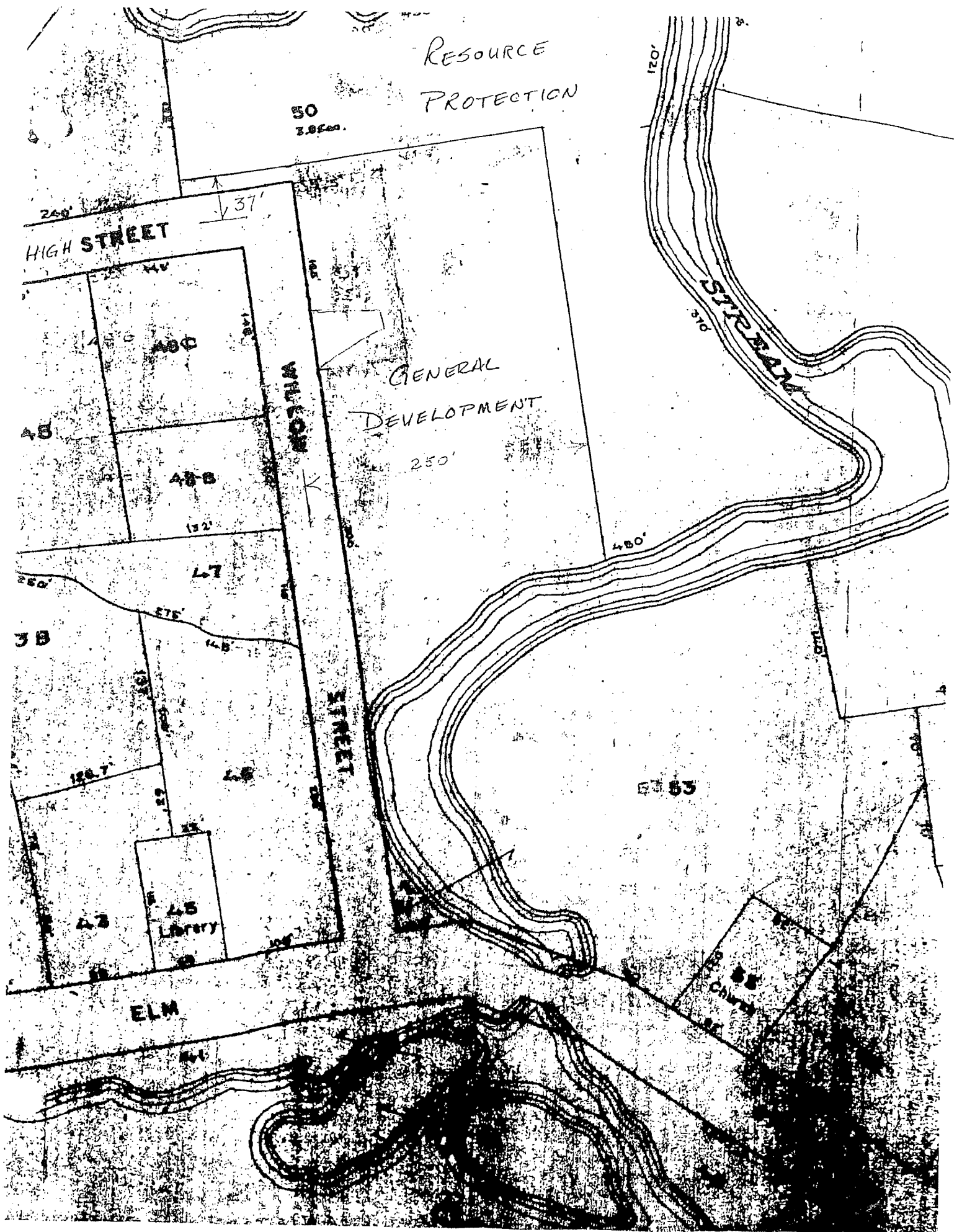
M/M/S to move as written. Vote carried.

Meeting adjourned at 4:35 p.m.

True copy of minutes of Town of Anson Annual Town Meeting
March 6, 2004.

Robert S. Worthley
Robert S. Worthley Town Clerk

RESOURCE
PROTECTION



Article ____ To see if the Inhabitants of the Town of Anson will vote to amend the Shoreland Zoning Ordinance for the Town of Anson, Maine, by changing the property on Willow Street defined as Anson property tax map 6 lot 50 from Limited Residential to General Development and Resource Protection. The General Development district shall be that portion of the parcel that is less than 250' from Mill Stream, westerly of a line parallel to and 250' easterly from the centerline of Willow Street and southerly of a line parallel to and 37' northerly of the centerline of High Street extended easterly through the parcel. All areas between the above described lines and Mill Stream shall be designated as Resource Protection District.

TOWN OF ANSON

SIGN ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

SECTION 1. PURPOSE

The purpose of this ordinance is to regulate the placement of business and institutional signs within the Town of Anson in order to protect the health, safety, and general welfare of the residents and travelers within the Town.

SECTION 2. AUTHORITY

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VII, Part 2, Section 1 of the constitution of the State of Maine and Title 30-a M.R.S.A., § 3001. Provisions within this ordinance are authorized under the Maine Traveler Information Services Act. 23 M.R.S.A. § 1914.

SECTION 3. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by a court of law to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

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

ARTICLE II. PROCEDURAL REQUIREMENTS

SECTION 5. APPLICABILITY

1. This ordinance shall apply to signs erected or placed within the Town of Anson for commercial or institutional purposes. This includes replacement of signs where the replacement includes relocation, addition or expansion of sign area. Repair or repainting of existing signs to the extent that the signs remain in the same location and size as they existed, is not subject to requirement of this ordinance.
2. This ordinance shall apply to all changeable message signs, regardless of whether they are in existence on the effective date of this ordinance.
3. Displays and signs placed in, on, or behind windows.
4. Flags, banners, sidewalk sandwich boards, or other displays commonly removed at the end of a business day.

SECTION 6. PERMIT REQUIRED

A permit from the Town of Anson is required for all signs subject to the provisions of this ordinance at no charge.

The permit shall be issued by the Code Enforcement Officer, subject to the procedures in Section 3 of this Article, except that signs associated with development subject to the Anson Site Plan Review Ordinance are considered permitted to the extent that they comply with the approval of the development under that ordinance.

SECTION 7. PERMITTING PROCEDURE

1. An applicant for a permit shall submit an application to the office of the Code Enforcement Officer. The application shall contain an image of the sign or signs to be placed, a rough site layout showing the placement of the sign(s), and a brief narrative description of the proposed sign(s).

2. The Code Enforcement Officer shall approve or reject the application for a sign permit and issue the permit, if approved within ten (10) working days of its submittal. Any conditions applying to the approval of the permit shall be stated in writing. If an application is rejected, the reasons for rejection shall be stated in writing.
3. The Code Enforcement Officer shall approve an application and issue a permit for any signs which comply with the standards set forth in Article 3 of this Ordinance.
4. Signs shall be erected in substantially the manner described in the application.

SECTION 4. APPEAL AND VARIANCE

1. The applicant for a sign permit or any part aggrieved by the decision of the Code Enforcement Officer may appeal the decision of the Code Enforcement Officer to the Town of Anson Board of Appeals. Appeals shall be heard as administrative appeals.
2. An applicant for a sign permit may request a variance from the dimensional standards in Article III of this ordinance. Variance requests shall be heard by the Town of Anson Board of Appeals under the conditions provided for in 30-A M.R.S.A. §4353(4).

ARTICLE III. STANDARD FOR SIGN PLACEMENT

SECTION 1. GENERAL STANDARD

All signs shall conform to the standards of the Maine Traveler Information Services Act, 23 M.R.S.A. §1901 et seq. or successor statute, except as provided below. Unless licensed as an Official Business Directional Sign in accordance with 23 M.R.S.A. §1918, or successor statute, signs must be located on the property of the business or institution offering the goods or service being advertised, except that signs are permitted to advertise community events provided that the owner of the sign receives no compensation for the advertising.

SECTION 2. LOCATION AND PLACEMENT OF FREE-STANDING SIGNS

1. In order to maintain vehicle and pedestrian safety, signs shall not be placed at a height or location which obstructs views from the road or sidewalks or driveway entrances.
2. Signs shall not be placed within five (5) feet of a property line, and shall not be erected more than twenty (20) feet in height as measured from the elevation of the road centerline.
3. Signs shall be sufficiently affixed to the ground or building to withstand strong winds.

SECTION 3. CHANGEABLE MESSAGE SIGNS

1. The message displayed on a sign shall not change more often than once every ten (10) seconds. Signs which display exclusively time and temperature may change once every four (4) seconds.
2. No lightening element within a changeable message sign may flash, blink, or change color with a duration of less than one-half (1/2) second. This means that messages are not permitted to scroll, travel, or be otherwise animated. Video or graphic animation is prohibited. Messages are permitted to dissolve or blend provided they do so without flashing.
3. Illumination between the hours of sunset and sunrise shall not exceed five hundred (500) nits. Signs capable of producing more than 500 nits shall be equipped with a daylight sensor or timer so that illumination will be reduced during regulated hours.

ARTICLE IV: DEFINATIONS OF TERM USED IN THIS ORDINANCE

Words and terms used in this ordinance shall have their ordinary dictionary meaning, except as provided below.

CHANGEABLE MESSAGE SIGN: A sign containing a text or graphic display which changes on a regular or periodic basis, whether electronically, digitally, mechanically or by other means.

COMMUNITY EVENT: An organized gathering of limited duration sponsored by a governmental or non-profit organization.

FREE STANDING SIGN: A sign which is physically separated and not attached to a building.

NIT: A unit of luminance commonly used in sign illumination, which is equal to one candela (one candle) per square meter.

SIGN: Any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, identify, attract attention to, or convey information regarding any goods, product, service, business, location, institution, or activity.

CERTIFICATION:

We the Selectmen of the Town of Anson hereby Certify to the Clerk that the foregoing document entitled "**SIGN ORDINANCE OF THE TOWN OF ANSON**" is to be the subject of a town meeting vote to take place on May 8, 2018, during town meeting as conducted at the Town Office at 5 Kennebec Street, Anson, Me 04911

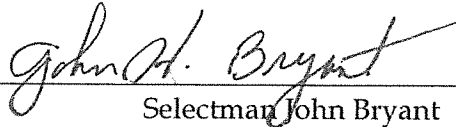
Date of Certification: 5-8-18



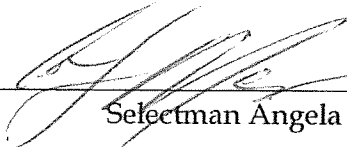
Selectman Arnold Luce



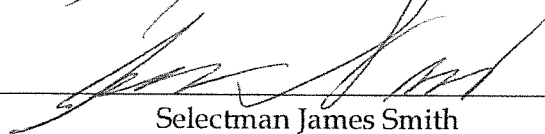
Selectman Brenda Garland



Selectman John Bryant



Selectman Angela Manzer



Selectman James Smith

ATTEST:

Attested to be a true copy of an ordinance entitled "**SIGN ORDINANCE OF THE TOWN OF ANSON**" as certified to me by the municipal officers of Anson.

Date of Attestation: 5-8, 2018

Signature:


Tammy Murray, Town Clerk

EFFECTIVE DATE

This ordinance shall become effective on 5-8-18.

SIGNATURE PAGE FOR 1ST AMMENDMENT TO TOWN OF ANSON MASS GATHERING ORDINANCE
AMENDED AT ANNUAL TOWN MEETING HELD ON MARCH 5, 2022.
SIGNED BY SELECTBOARD ON MARCH 22, 2022

ARNOLD P. LUCE

BRENDA GARLAND

ANGELA HAWKINS

JAMES SMITH

LARRY MCHUGH

Attest: a true copy of 1st Amendment to Town of Anson Mass Gathering Ordinance "AMENDED" AS
CERTIFIED TO ME BY THE MINICIPAL OFFICER OF Anson, Maine on

Date: _____

Signature _____

TAMMY MURRAY, TOWN CLERK – TOWN OF ANSON, MAINE

Site Plan Ordinance

Anson, ME

Adopted: March 6, 2009

Amended: March 2, 2013

TABLE OF CONTENTS

	Page
1. Purposes	4
2. Authority	4
3. Applicability	4
4. Effective Date	5
5. Availability	5
6. Severability	5
7. Conflicts with Other Ordinances	5
8. Amendments	5
9. Fee Schedule.....	6
10. Administering Bodies and Agents.....	7
11. Enforcement.....	8
12. Performance Guarantees.....	10
13. Waivers.....	12
14. Permits.....	13
15. Non-conformance.....	23

TABLE OF CONTENTS

	Page
16. Development Standards	25
A. Home Occupation	25
B. Street and Site Access	26
C. Parking Site Design	29
D. Parking Supply	34
E. Signs	37
F. Management of Open Space	37
G. Stormwater Management	38
H. Water Quality	38
I. Water Supply	39
J. Waste	39
K. Soils	40
L. Erosion and Sedimentation Control	40
M. Agriculture	41
N. Mineral Exploration and Extraction	42
O. Storage of Materials	44
P. Automobile Graveyards and Junkyards	44
Q. Archaeological, Historic, Scenic and Rare Natural Areas	45
R. Telecommunication Facilities	46
S. Wind Energy Generating Facilities	47
T. Outdoor Lighting	50
17. Definitions	52

1. Purposes.

The purposes of this ordinance are to promote, protect, and facilitate the health, safety, and general welfare of the Anson residents; to prevent and control pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect freshwater wetlands; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological, historic and cultural resources; to control building sites, placement of structures and land uses; to assure that a minimal level of services and facilities are available to the residents of Anson; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; to anticipate and respond to the impacts of development; and to assure that new development meets the goals and conforms to the policies of the Town of Anson Comprehensive Plan.

2. Authority.

This ordinance is prepared in accordance with the provisions of Title 30-A section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. Applicability.

This ordinance applies to all development proposals meeting at least one of the following categories:

1. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, totaling 2,500 square feet or more of building footprint.
2. The expansion of an existing non-residential building or structure, including accessory buildings and structures, that will enlarge the building or structure to 2,500 square feet or more of building footprint.
3. The conversion of an existing building, in whole or in part, from a residential use to a non-residential use, provided the non-residential building or structure will total 2,500 square feet or more of building footprint.
4. The conversion of an existing non-residential use, in whole or in part, to another non-residential use, provided the non-residential building or structure will total 2,500 square feet or more of building footprint.
5. The establishment of a new, non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, golf courses, and roads and driveways provided the use will develop an area of at least 25,000 square feet.

6. The expansion of an existing non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, golf courses, and roads and driveways, provided the developed area after expansion will total 25,000 square feet or more.
7. All development thirty-five (35) feet or over in height, except for wind energy generating facilities. This ordinance is only applicable to wind energy generating facilities consisting of at least one wind turbine with an electricity generating capacity of 100 kW or greater.
8. For an existing non-residential use with at least 25,000 square feet of development: construction or modification of any use or structure on-site, such as, but not limited to signs, lighting, parking areas, or landscaping.

4. Effective Date.

This ordinance is effective upon adoption.

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 in the Town Office.

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.

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 administered by the Town of Anson, the more restrictive provision shall control.

8. Amendments.

This ordinance may only be amended by majority vote of the legislative body. Proposed amendments may be initiated by a majority vote of the Board of Selectpersons, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of

votes cast in the municipality in the last gubernatorial election. No proposed amendments to this ordinance shall be referred to the legislative body until the Board of Selectpersons have held a public hearing on the proposal, notice of which shall be posted at least 14 days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least 2 times, with the date of first publication being at least 14 days prior to the hearing and the 2nd at least 7 days prior to the hearing.

9. Fee Schedule.

Developers of complex activities must review Section 11 Enforcement and Section 12 Performance Guarantees in this ordinance for additional costs relative to inspection and construction.

A. Application fees:

All site plan review development applications shall be accompanied by a nonrefundable fee payable to the Town of Anson. This application fee amount is defined by the Board of Selectpersons, and can be found in the Town of Anson Development Fee Schedule.

A double fee shall be charged for any application submitted after the proposed use or construction has been initiated without the appropriate permit in violation of this ordinance. This does not void any fines or actions taken for ordinance violations.

B. Escrow fund fees:

In addition to the application fee outlined in Section 9.A., all applicants for a site review permit shall pay an escrow fee of \$1,000 per application, to be deposited in a special escrow account designated for that development application. This fee shall be used for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with this ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Failure to comply with this escrow fee requirement, at any time during the review process, renders the application incomplete, and precludes further review of the application. Any remaining balance in the escrow account after a final decision on the application shall be returned to the applicant. At any time during the application review the municipality shall provide the applicant, upon written request, an accounting of the expenditures from the fund.

10. Administering Bodies and Agents.

A. Code Enforcement Officer.

The Code Enforcement Officer shall have the following powers and duties, relative to site plan review development:

- a. To enforce the provisions of this ordinance.
- b. To perform permit reviews as authorized by this ordinance.
- c. To issue stop work orders and other appropriate notices of violations.
- d. To investigate complaints and reported violations.
- e. To maintain an appropriate public record of all permits issued, permit applications, enforcement actions and other appropriate documents.
- f. To provide the state of Maine with information concerning permits and development activity as required.
- g. To assist the public with inquiries and other requests for information concerning this ordinance.
- h. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this ordinance.
- i. To exercise additional powers and duties authorized by statute.

B. Planning Board.

The Planning Board shall have the following powers and duties, relative to site plan review development:

- a. To administer the provisions of this ordinance.
- b. To hear and decide upon applications in accordance with this ordinance.
- c. To issue permits and perform permit reviews in accordance with this ordinance.
- d. To revoke permits issued in error or which are based upon erroneous information.
- e. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this ordinance.
- f. To develop application forms for permits issued in accordance with this ordinance.
- g. To review and propose updates to this ordinance.
- h. To perform other duties as authorized by the Town of Anson.
- i. To exercise additional powers and duties authorized by statute.

C. Board of Appeals.

All appeals regarding the administration and application of this ordinance shall be directed to the Town of Anson Board of Appeals, following the provisions outlined in the Board of Appeals Ordinance for the Town of Anson, Maine.

11. Enforcement.

It is the Code Enforcement Officer's duty to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he 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.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality. The municipal officers, or 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 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.

The CEO 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.

Any violation of this ordinance shall be deemed a nuisance. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this ordinance shall be penalized in accordance with Title 30-A M.R.S.A. section 4452.

A. Violations.

- (1) The Code Enforcement Officer shall investigate all complaints of alleged violations of this ordinance.
- (2) A person shall not convey, offer or agree to convey any land or development within the jurisdiction of this ordinance that has not been approved by the Planning Board and recorded in the Registry of Deeds.
- (3) A person shall not occupy or conduct business in a development within the jurisdiction of this ordinance until final approval is granted by the Planning Board, and all required improvements have been provided and approved by the town.

- (4) No public utility, water district, sanitary district or any utility company of any kind shall serve any development within the jurisdiction of this ordinance until final approval is granted by the Planning Board.
- (5) No development within the jurisdiction of this ordinance can be performed without Planning Board approval. Performing such development, without Planning Board approval, shall be a violation of law.
- (6) The Code Enforcement Officer may represent the Town in District Court pursuant to Rule 80K of the Maine Rules of Civil Procedure.

B. Inspections.

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

- (1) At least 5 days prior to commencing construction of required improvements, the builder shall:
 - a. Notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the CEO can inspect and assure that all municipal specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
 - b. Deposit with the town a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus shall be refunded to the builder. If the inspection account shall be drawn down by 75%, the builder shall deposit sufficient funds to bring the account up to the original deposit amount.
- (2) If the Code Enforcement Officer finds upon inspection of the improvements that any of the required improvements are not constructed in accordance with the plans and specifications filed by the developer, he shall issue an immediate stop work order and report in writing to the Planning Board and the builder. The stop work order shall only be removed with the Planning Board's approval, and following the regulations of the above Section 11.B.(1).
- (3) If at any time before or during the construction of the required improvements, it appears necessary or desirable to modify the required improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed

with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the developer shall obtain permission to modify the plans from the Planning Board.

- (4) At the close of each summer construction season the Town shall, at the expense of the developer, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- (5) Prior to the sale of any real property, the developer shall provide the Planning Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- (6) Upon completion of street construction and prior to a vote by the selectpersons to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to them at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of any applicable ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the selectpersons.
- (7) The developer is required to maintain all improvements and provide for snow removal on streets, parking lots, and sidewalks until acceptance of the improvements by the town or the control is placed with a other responsible entity.

12. Performance Guarantees.

Performance guarantees shall be tendered for the construction of streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, erosion and sedimentation control measures, and mitigation following resource extraction or abandonment or decommissioning of a tower structure.

With submittal of the application for a site plan permit, the applicant shall provide one of the following three performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

A. Escrow account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the

municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

B. Performance bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the development for which approval is sought.

C. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the state of Maine shall indicate that funds have been set aside for construction of the development for the duration of the project and may not be used for any other project or loan. If construction is inadequate, the municipality shall have the ability to draw on these funds.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the road commissioner, municipal officers, and municipal attorney.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

D. Release of Guarantees.

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the development for which the release is requested.

If upon inspection, the CEO or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Planning Board, the municipal officers, and the applicant or builder. The

CEO shall issue an immediate stop work order. The stop work order shall only be removed with the Planning Board's approval.

The Planning Board may approve plans to develop in separate and distinct phases. This may be accomplished by limiting final approval to those lots or structures abutting that section of the proposed development street covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots or structures in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13. Waivers.

The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. If a waiver request is submitted with the application, the Planning Board shall review this request as part of the overall application review for completeness. If any part of the waiver request is denied, it shall render the application incomplete, and the Planning Board shall so notify the applicant, in writing, as part of the notification of whether the application is complete. If the waiver request is granted, the Planning Board shall specify, in writing, the conditions under which the waiver was granted, and notify the applicant as part of the notification of whether the application is complete. When granting waivers, the Planning Board shall set conditions so that the purposes of this ordinance are met.

The Planning Board may only grant a waiver according to A. or B. below.

A. Submission Requirements.

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel or development project, it may waive portions of the submission requirements unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Comprehensive Plan or this ordinance.

B. Improvements.

Where the Planning Board makes findings of fact that due to special circumstances of a particular development, the provision of certain required improvements normally requiring a performance guarantee is not required to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this

ordinance, and further provided the performance standards of this ordinance will be met by the proposed development.

14. Permits.

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 according to the applicability standards of this ordinance. A person who is issued a permit pursuant to this ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

Any permit required by this ordinance shall be in addition to any other permit required by other law or ordinance.

The submittal of a permit application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

A. Review Criteria

The applicant must prove that the proposed development activity is in conformity with the purposes and provisions of this ordinance. Following submission of a complete application, the Planning Board shall approve or approve with conditions only if it finds, based on the information presented, that the proposed project:

- (1) Will not result in undue water or air pollution.

In making this determination, the reviewer shall at least consider:

- a. The elevation of the land above sea level and its relation to the flood plains.
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal.
 - c. The slope of the land and its effect on effluents.
 - d. The availability of streams for disposal of effluents.
 - e. The applicable state and local health and water resources rules and regulations.
 - f. Erosion and dust control during construction.
- (2) Has sufficient safe drinking water available for the reasonably foreseeable needs of the development.
 - (3) Will not cause an unreasonable burden on an existing drinking water supply, if one is to be used.

- (4) Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- (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 and, if the proposed development requires driveways or entrances onto a state or state aid highway, located outside the urban compact area, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 M.R.S.A. section 704 and any rules adopted under that section.
- (6) Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- (7) Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic and archaeological resources, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife, rare and irreplaceable natural areas, any public rights for physical or visual access to the shoreline, or any other unique or special resources identified by the Anson Comprehensive Plan.
- (9) Is in conformance with the Anson Comprehensive Plan, as well as any other duly adopted regulations or ordinances. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.
- (10) Demonstrates that the developer has adequate financial and technical capacity to meet the standards of this ordinance.
- (11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of surface waters.
- (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- (13) Must determine whether the proposed project is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the development, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the development. The proposed development or project plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

- (14) Will identify all freshwater wetlands within the proposed development on any maps submitted as part of the application, regardless of the size of these wetlands. For purposes of this section, "freshwater wetlands" has the same meaning as in Title 38 M.R.S.A. section 480-B.
- (15) Will identify any river, stream or brook within or abutting the proposed development on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. section 480-B.
- (16) Will provide for adequate storm water management, without undue adverse effects on adjoining properties, including waterbodies.
- (17) Will properly store and dispose of hazardous material.
- (18) If crossing municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

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 violate any other local ordinance, regulation or statute administered by the municipality.

In determining whether conditions are appropriate or necessary, the Planning Board shall consider the unique features of the site, off-site impacts, the surrounding area, the proposed use, and the proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this ordinance. The findings of fact and the conditions shall be incorporated by the applicant into the application. The conditions shall be listed on the permit and shall be made enforceable under this ordinance.

B. Preapplication.

Prior to submitting a formal application, the applicant or a representative may request a preapplication conference with the Planning Board. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application. No decision on the substance of the plan shall be made at the preapplication conference.

There are no submission requirements for the preapplication conference.

A request for a preapplication conference must be made at least 14 days prior to a Planning Board meeting. Any materials submitted with the request shall be copied and sent to all Planning Board members.

C. Site Plan Permit.

(1) Review Procedure

- a. Within 7 days of receiving the application, the Code Enforcement Officer shall:
 1. Issue a dated receipt to the applicant.
 2. Notify the clerk and the review authority of neighboring municipalities if any portion of the development abuts or crosses the municipal boundary.
- b. Within 30 days of receiving the application, the Planning Board shall make a determination of whether the application is complete. If the Planning Board determines that the application is complete, the Planning Board shall notify the applicant in writing of the determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
- c. If the application is complete, the Code Enforcement Officer shall notify the Road Commissioner, Fire Chief, Police Chief, Superintendent of Schools, Board of Selectpersons, and any other relevant official of the proposed development, including, but not limited to, the length of proposed new roadways (if any), and the size and construction characteristics of the structures (if any). The Code Enforcement Officer shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed development.
- d. If the Planning Board decides to hold a public hearing, it shall hold a public hearing within 30 days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least 2 times, the date of the first publication to be at least 7 days prior to the hearing. In addition, the notice of the hearing shall be posted in at least 3 prominent places within the municipality at least 7 days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting property owners and to the applicant, at least 10 days prior to the hearing. Failure to attend the public hearing by the applicant, or applicant's representative, shall constitute grounds for denial of the application.
- e. The Planning Board may vote to continue the Public Hearing to receive additional public comment or information concerning the application. The Planning Board is not required to meet the notice requirements listed above for the continued Public Hearing.
- f. Within 30 days from the conclusion of the public hearing or within 60 days of determining a complete application has been received, if no hearing is held, or

within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the site plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. If the Planning Board approves or approves with conditions the site plan application, then the written findings of facts shall be the site plan permit.

- g. If a large-scale retail development is proposed, the specific procedures outlined in the Maine state "Informed Growth Act" (Title 30-A M.R.S.A sections 4365 et. seq.) shall be followed.

(2) Submission requirements

The following items shall be submitted as part of the Site Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Section 13 Waivers. Seven (7) copies of all materials shall be delivered to the Town Office. The Planning Board may require additional information be submitted to determine whether the criteria of Section 14.A. above are met.

All required engineering plans shall be submitted to the Anson Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as .pdf, word processing, database or spreadsheet files. The applicant may provide reduced-size copies of maps and plans, provided at least one full-size (typically 24" x 36" depending upon readability) set of maps and plans is submitted.

- a. Application form, including applicable fees.
- b. Written evidence that abutting property owners have been notified of the proposed development, including a copy of the notice.
- c. Location map

The location map shall be drawn at a size adequate to show the relationship of the proposed development to adjacent properties, and allow the review authority to locate the development within the municipality. The location map shall show:

1. The date the map was prepared, north point, and graphic map scale.
2. Existing development in the proximity of the proposed development.
3. Locations and names of existing and proposed streets.

4. An outline of the proposed development and any remaining portion of the owner's property if the plan submitted covers only a portion of the owner's entire contiguous holding.

d. Development plan

The development plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch. The development plan shall be embossed with the seal of the professional land surveyor and be signed by that individual. Any documents produced by registered engineers must also be signed by those individuals. Space shall be reserved on the development plan for endorsement by the Planning Board. The development plan shall include the following information:

1. Proposed name of the development (if applicable) and the Tax Map(s) and Lot Number(s).
2. A copy of the most recently recorded deed for the parcel. A copy of all current and proposed deed restrictions, easements, rights-of-way, or other encumbrances affecting the property. For public or private open space, include description of management.
3. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
4. The date the plan was prepared, north point, and graphic map scale.
5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
6. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown.
7. The number of acres within the proposed development, location of property lines (including dimensions and lot areas), vegetative cover type, including the identification of all specimen trees, and other essential existing physical features. On wooded sites, the plan shall indicate the areas where clearing is proposed, and any clearing restrictions or buffer areas proposed.
8. The location of all rivers, streams and brooks within or adjacent to the proposed development. The application shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.

9. The location of all existing and proposed trails, such as, but not limited to, snowmobile and hiking trails.
10. When a site shows soil constraints, such as wetlands or artificial soils from a filled gravel pit, a high intensity soil survey by a registered soil scientist. Wetland areas shall be delineated on the survey, regardless of size.
11. If any portion of the development is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
12. Contour lines at 5 feet intervals, unless otherwise specified by the Planning Board, showing elevations in relation to mean sea level. Post-development finished grade elevations within the site shall also be delineated.
13. An indication of the type of sewage disposal to be used in the development.
 - i. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the public agency providing sewer stating that the system has the capacity to collect and treat the waste water shall be provided.
 - ii. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
14. An indication of the type of water supply system(s) to be used in the development.
 - i. When water is to be supplied by a local well, a written statement from a local well driller shall be submitted indicating there is sufficient water available for the reasonably foreseeable needs of the development.
 - ii. When water is to be supplied by public water supply, a written statement from the servicing public agency providing the water shall be submitted indicating there is adequate supply and pressure for the development, and that the new connections will not create an unreasonable burden upon the water district.
15. The location and size of existing and proposed sewers, water mains, culverts, drainage ways, and power and communication lines on or adjacent to the property in question.
16. The location, names, and widths of existing and proposed streets and highways on or adjacent to the property in question.

17. Street plans, meeting the standards of this ordinance.
18. Location and necessary design details of all parking and paved areas, sidewalks, curbing, fencing, and other site improvements.
19. Description of any raw, finished, or waste materials to be stored on-site, including plans for disposal of solid or liquid wastes and any stored materials of a hazardous nature.
20. The location, front view, materials, dimensions, floor plans, and ground floor elevation of all existing and proposed buildings and building expansions.
21. The location, front view, materials, dimensions, and lighting of existing and proposed signs.
22. The location, type, and dimensions of all existing and proposed lighting.
23. The location of the nearest fire hydrant, dry hydrant, or other water supply for fire protection.
24. The location and method of disposal for land clearing and construction debris.
25. Areas within or adjacent to the proposed development which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the Anson Comprehensive Plan as a unique natural area or high or moderate value wildlife habitat. If any such areas exist, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
26. All areas within or adjacent to the proposed development which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the Anson Comprehensive Plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites. If any such sites exist, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
27. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

For all developments estimated to generate peak hour traffic in excess of 100 passenger car equivalents, a traffic impact analysis shall be required. A

registered professional engineer with experience in traffic engineering must conduct the traffic impact analysis.

The traffic impact analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. The purpose of the Traffic Impact Analysis is to assist Planning Board members in determining whether the proposed development shall require improvements to the street(s) providing access to the development. All required traffic improvements shall be implemented at the applicant's expense, and shall be subject to Performance Guarantees as outlined in this ordinance.

28. An erosion and sedimentation control plan prepared in accordance with the most recent edition of the *Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices*, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District.
29. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection.
30. The following approvals, where applicable, shall be obtained in writing and submitted as part of the application.
 - i. Town of Anson E911 Addressing Officer, for the names of any proposed new streets.
 - ii. Maine Department of Environmental Protection, under the Site Location of Development Act.
 - iii. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
 - iv. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 - v. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

- vi. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- vii. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit.
- viii. Comprehensive Economic Impact Study, if a large-scale retail development is proposed.
- ix. Maine Department of Environmental Protection, for grid-scale wind energy developments.

Note: If the Planning Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

(3) Final approval and filing

- a. No plan shall be approved by the Planning Board as long as the applicant(s) is/are in violation of the provisions of a previously approved Plan within the municipality.
- b. Upon findings of fact and determination that all standards in this ordinance have been met, and upon voting to approve the development, the Planning Board shall sign the development plan. One copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. No plumbing permit shall be issued until the Planning Board signs the development proposal. Any development not recorded in the Somerset County Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
- c. No changes, erasures, modifications, or revisions shall be made in any site plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless a revised site plan is first submitted and the Planning Board approves any modifications, in accordance with Section 14.D. below. The Planning Board shall make findings that the revised plan meets the criteria of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- d. The approval by the Planning Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street,

easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

D. Revisions to approved plans.

An applicant for a revision to a previously approved plan shall submit all materials to the Town Office. The review procedures outlined above shall be followed.

(1) Submissions

The applicant shall submit a copy of the approved plan, as well as 7 copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of this ordinance. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the identifying numbers by which the original plan is recorded at the Registry of Deeds.

(2) Scope of Review

The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

E. Permit Expiration.

Permits shall expire 12 months from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. Upon determining that a development's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

15. Non-conformance.

A. Purpose.

It is the intent of this ordinance to promote land use conformities, except that non-conforming conditions existing prior to adoption of this ordinance shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.

(1) Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this ordinance.

(2) Repair and Maintenance

This ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures.

(1) Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(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 requirements of this ordinance. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

(3) Reconstruction or Replacement

Any non-conforming structure which is damaged or destroyed, regardless of the cause, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage or destruction. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

(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 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, natural beauty, floodplain management, and archaeological and historic resources.

D. Non-conforming Uses.

(1) Expansions

Expansions of non-conforming uses are prohibited.

(2) Resumption Prohibited

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding 1 year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.

(3) Change of Use

An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board.

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, natural beauty, floodplain management, and archaeological and historic resources.

16. Development Standards.

All site plan development activities shall conform with the following provisions, as applicable.

A. Home Occupation.

- (1) Home occupations are business or commercial activities that are conducted in a dwelling by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the building and the neighborhood. The home occupation use is designed for low impact business activities that can co-exist with residential neighborhoods without causing noise, odors, excessive traffic or detract from the comfort and expectations of homeowners.
- (2) The use of a dwelling shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses. The home occupation shall be

carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products is prohibited.

- (3) The traffic generated by the home occupation shall not create greater traffic than normal for the area in which it is located.

B. Street and Site Access.

The proposed development must accommodate the number and size of vehicles expected to be generated without an undue impact on mobility or safety on public streets.

(1) Access to the street:

- a. All access points onto a state or state aid highway shall be designed in accordance with the Maine Department of Transportation *Highway Driveway and Entrance Rules*, Maine Administrative Rules, Title 17, Chapter 299. A Driveway, Entrance, or Traffic Movement Permit issued by Maine DOT must be provided by the applicant prior to approval of the development by the Planning Board.
- b. All access points onto a town way or other public way shall be designed to meet "basic safety standards," as outlined in Part B, section 2.1 of the *Highway Driveway and Entrance Rules*, Maine Administrative Rules, Title 17, Chapter 299.
- c. All access onto public streets shall meet the following standards:
 1. To maintain adequate sight lines, the area adjacent to access points shall be kept free from visual obstructions, including parking stalls, landscaping, and signs above 2 feet in height, within a triangular area defined by legs of 30 feet measured along the driveway and street lines.
 2. Driveways shall be paved with a surface similar to that of the street, from the edge of the existing pavement to the edge of the right-of-way of the street, or to the length of the design vehicle, whichever is greater. All driveways entering curbed streets shall be similarly curbed along the radius of the access point and extending the length of the paved section of driveway.
 3. Pavement radii connecting street and driveway shall be appropriate to the size and turning radius of the design vehicle. The minimum radius for two-way access points shall be 10 feet. The radius for one-way access points or access points with median islands shall be between 5 and 10 feet on the inside corner and a minimum of 30 feet on the outside corner.

4. From the edge of the street, the driveway shall not exceed a grade of 2% for at least 40 feet, or, where a traffic study has been completed, for the full distance of the peak hour predicted queue of vehicles.
5. Inbound and outbound traffic at high volume entrances (as defined by the Maine DOT), and medium volume entrances at the discretion of the Planning Board, shall be separated by median islands. Islands shall be no less than 4 feet in width and shall create a throat (entry and exit lanes) of adequate length based upon the traffic study, but in no case less than 60 feet. Islands may be vegetated with plants selected not to obstruct sight lines, but shall not contain structures or signs within the sight triangle, except as necessary to direct traffic.
6. Separation of access points:
 - i. Access points shall be separated from adjacent access points, including those approved but not yet built, by a minimum of 50 feet, as measured from the near edge of the driveway, excluding radius.
 - ii. Medium volume entrances shall be separated from other medium- or high-volume entrances by a minimum of 75 feet.
 - iii. High volume entrances shall be separated from other high volume entrances by a minimum of 150 feet.
 - iv. Access points shall be aligned exactly opposite those across the street, if possible. If not possible, they shall be separated from opposing driveways according to the criteria above.

(2) Improvements to public streets:

- a. Streets anticipated to carry development traffic shall have sufficient capacity or be suitable improved to accommodate the amount and types of traffic generated by the development. No development shall increase the volume to capacity ratio of a public street above 0.55 nor reduce Level of Service below "C." If a street affected by development traffic currently operates at a Level of Service of "D" or "E" or "F," it shall be suitable improved to achieve a Level of Service of "C" or above.
- b. Intersections shall be of a design and have sufficient capacity to limit the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, bicycle lanes, or other traffic controls within public streets. All improvements to public streets shall conform to standards in the most recent edition of the *Manual on Uniform Traffic Control Devices*, published by

the American Traffic Safety Services Association, and be approved by the Maine DOT Regional Traffic Engineer prior to installation.

- (3) The street or street system shall be designed to coordinate with existing, proposed, and planned roads. Where proposed development abuts existing development, the proposed development plan must include at least 2 egress points for traffic accessing the proposed development. This should not be construed to provide every lot or parcel its own individual access to existing roads. Individual lots and parcels should share access to common roads or driveways, and those common roads or driveways should then access existing roads. Wherever a proposed development abuts unplatted land, street stubs shall be provided to gain access to abutting properties or to logically extend the street system.
- (4) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
- c. On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30° angle downslope from a line perpendicular to the centerline of the road or driveway.
- d. Ditch relief culverts shall be sufficiently sized and properly installed to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (5) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

- (6) The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus 2 feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay or organic matter, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above the top of the pipe.
- (7) Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets in the municipality, and shall be subject to approval by the Planning Board. The developer shall install street name, traffic safety and control signs meeting municipal specifications.
- (8) All street, road, and driveway lighting shall be full-cutoff.
- (9) During road or driveway construction, only that portion necessary shall be cleared of existing vegetation. The entire right of way shall only be cleared if the applicant provides sufficient evidence that construction work, such as installation of utilities, will occur over the entire right of way. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris created during the street construction process.
- (10) No road shall intersect with another road at an angle of less than 60°.
- (11) Where a lot has frontage on 2 or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

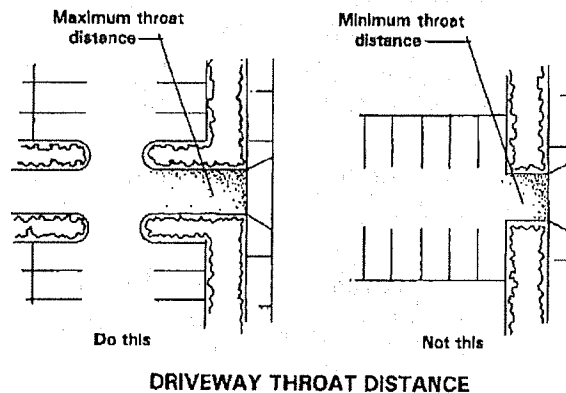
C. Parking Site Design.

The site shall be designed to facilitate the safe and free flow of pedestrians and vehicles while minimizing physical impacts on the land.

- (1) Parking lots shall not be located between the street and the front façade of the building.
 - a. Parking lots shall be buffered from adjoining properties, except for any vehicle, pedestrian, or bicycle connections to the adjoining property.
 - 1. A minimum buffer width of 20 feet, as measured from the property line, shall be maintained, if the buffer consists of existing woodland.
 - 2. A minimum buffer width of 30 feet, as measured from the property line, shall be maintained, if the buffer consists of existing non-woodland vegetation.

3. Where a development shares parking or a driveway entrance from a road with an adjoining property, the requirement for buffering is eliminated.
- (2) All driveways, aisles, and parking areas shall be designed and constructed to support the intended use:
- a. All areas intended for vehicle circulation and parking shall be constructed with a minimum of 6 inches of gravel meeting Maine DOT spec. 703.06C for subbase and six inches of crushed gravel meeting Maine DOT spec. 703.06A for a surface.
 - b. Parking lots or portions thereof expected to experience heavier use, such as serving primarily trucks or heavy-duty equipment, shall be designed to sustain greater loads. Areas so designed shall be surfaced with a minimum of 12 inches of gravel meeting Maine DOT spec. 703.06C for subbase and 6 inches of crushed gravel meeting Maine DOT spec. 703.06A for a base, and paved to a minimum thickness of 4 inches.
 - c. Parking lots designed for 12 or more vehicles, or designed for heavy-duty use, shall be paved to a minimum thickness of 4 inches.
 1. Porous paving materials (porous asphalt or pervious concrete) shall be used where available, to aid in the dispersal of stormwater and reduce ice/water buildup in parking areas. Porous pavement must be designed and placed by a licensed contractor certified in the installation of the materials.
 2. If non-porous pavement is used, it shall consist of a bituminous paving mix applied in two lifts. The finish course shall conform to Maine DOT spec. 403.209, 9.5 mm nominal Hot Mix asphalt.
 - d. Use of lots for outside storage or sales:
 1. The use of a portion of a parking lot for outside storage or sales of merchandise must be designated on the site plan.
 2. Parking lot sales areas shall be located adjacent to buildings or oriented such that customers may access the area without crossing active traffic lanes.
 3. Outside storage or sales areas shall not obstruct emergency access to the development.
 - e. Parking lots must include accommodation for adequate storage of snow on a short-term basis. This snow storage area need not be paved. Wide landscaped aisles could serve as snow storage areas.

- (3) The site design shall show that maneuvering and parking of vehicles will take place outside of the street right-of-way and such that vehicles will not stop on or back onto a public street.
- a. Driveways shall include a throat area sufficient to deter vehicle conflicts and congestion at the entrances.
 1. The throat area shall be designed to stack the average number of vehicles waiting to exit the property during the peak hour of the development. Unless otherwise recommended by a traffic study, the throat shall be a minimum of 20 feet in length, plus an additional 20 feet for every 40 parking spaces, or portion thereof, provided.



2. Parking spaces shall not be accessible along the length of the throat area.
- b. Vehicle aisles will provide access to all parking on the site. All parking spaces must be accessible from an aisle without the necessity of moving other vehicles.
 1. Where a parking lot consists of multiple aisles and tiers of parking spaces, the tiers shall be oriented perpendicular to the face of the building containing the principal entrance, unless another orientation will enhance pedestrian safety.
 2. Two-way aisles shall be a minimum of 24 feet in width. One-way aisles shall be a minimum of 18 feet in width.
 - c. Travel lanes shall be located to provide emergency access to all structures on the site and easy access to the rear of all buildings. Upon recommendation by the Fire Chief, the Planning Board may require a fire lane be designated adjacent to any structures or buildings in the development.
 - d. Any design that includes the use of vehicular service ("drive-up") windows shall provide queuing space, designed so that it will not interfere with parking and circulation on the remainder of the site.

1. For food service, a minimum of 100 linear feet of queuing space shall be provided on the incoming side of the ordering station or window.
 2. For all other types of service windows, a minimum of 60 linear feet shall be provided on the incoming side of each window.
 - e. Freight loading or delivery areas must be oriented and designed so that trucks may access them without blocking traffic flow or parking spaces.
- (4) If a development adjoins a public road, the developer will plan for or provide connections to adjoining properties.
- a. If adjoining property is undeveloped or is developed with a non-compatible use (see below), the site design shall show an area of land reserved for future interconnection at a suitable location. The applicant shall submit a written commitment to participate in the construction of the connection at such time as it is deemed necessary by the municipality.
 - b. If adjoining property is developed with a compatible use, the design shall show the construction of a connecting driveway in a location appropriate to both developments. At a minimum, the connection shall be fully constructed to the property line. The applicant shall make a reasonable effort to negotiate with the owner of adjoining property for completion of the connection.
 - c. Adjoining developments are considered compatible if both developments contain retail uses, or if one of the developments is an eating establishment, or if a traffic study shows that more than one percent of traffic generation can be distributed directly between the two developments.
 - d. Connections to adjoining properties will not be required if the development will be accessed by a service road, frontage road, or other multi-user private road, or if the development is located within an existing building in a *downtown* district (already built-up area that is clearly walkable).
- (5) Developments shall be designed and constructed to be accessible to pedestrian and bicycle traffic.
- a. Pedestrian access to the site shall be provided wherever a development is located in a growth area, as defined in the Anson Comprehensive Plan.
 1. Pedestrian access shall be provided from the street to the principal entrance of the development. This shall consist of at least one travel way dedicated to pedestrians, with a paved travel surface a minimum of 5 feet in width.
 2. Pedestrian ways shall be free of barriers to persons with disabilities for their entire width and length.

3. Where the pedestrian ways crosses vehicle travel lanes, the surface shall consist of textured or stamped bituminous pavement, Portland cement concrete or other construction technique to clearly designate pedestrian priority. Curbing shall be ramped suitable for persons with disabilities.
 4. Sidewalks shall be constructed using a base of crushed gravel a minimum of 12 inches of thickness, meeting MDOT spec. 703.06A. Portland cement concrete shall be a minimum thickness of 4 inches, and be reinforced with six-inch mesh, number 10 reinforcing wire. Bituminous surface shall be a minimum thickness of 2 inches and shall conform to MDOT spec. 403.209, 9.5 mm nominal Hot Mix asphalt.
 - b. Wherever the property to be developed adjoins property with an existing sidewalk, the developer shall continue that sidewalk for the entire length of the property to be developed. Existing sidewalks on property to be developed shall be rebuilt or improved as necessary to meet the standards of this ordinance.
 - c. Accommodation for bicycle access to the site shall be provided wherever a development is located in a growth area, as defined in the Anson Comprehensive Plan. Accommodation shall include a designated bicycle lane or trail through the site and a bicycle parking facility containing at least 4 bicycle parking spaces for every 40 vehicle parking spaces, or portion thereof.
 1. A designated bicycle lane or trail shall be a minimum of 4 feet in width, graded, and surfaced with stone dust, asphalt, or similar material.
 2. Each bicycle parking space shall consist of a hard-surfaced area 2 feet in width by 6 feet in length, equipped with a structure suitable for securing a bicycle. Alternative bicycle parking space designs may be approved, provided they offer suitable space and security. All bicycle parking spaces must be clearly marked to prohibit encroachment by motor vehicles.
 3. Required vehicle parking spaces may be reduced in exchange for additional bicycle parking. For every 4 bicycle parking spaces in excess of the requirements of this ordinance, 2 vehicle parking spaces may be eliminated from the minimum required by this ordinance.
- (6) A minimum of 10 percent of the overall parking area shall be devoted to interior vegetated landscaping.
- a. In parking lots containing 40 or more parking spaces, landscaped aisles shall be required, to restrict driving movements diagonally across parking bays and provide opportunities for stormwater management. Landscaped aisles shall be sufficient to divide the lot into multiple smaller cells of no more than 20 spaces each.

1. Landscaped aisles shall have a minimum width of 15 feet, if containing a pedestrian walkway, or 10 feet if consisting entirely of vegetation.
 - b. Landscaping must consist of native vegetation.
 - c. A landscaping plan must provide for regular maintenance and replacement, as necessary.
- (7) All parking area lighting shall be full-cutoff.

D. Parking Supply.

The development must provide vehicle parking for employees and customers sufficient to avoid congestion of public streets or parking facilities.

- (1) The design of vehicle parking spaces shall be consistent with the type of vehicle most likely to use them.
 - a. Parking stalls for head-in parking shall be a minimum of 9 feet in width by 18 feet in length. Stalls may be angled up to 45 degrees, provided aisles are designated one-way, and each stall contains a rectangular area of at least 9 feet by 18 feet.
 - b. Stalls for parking parallel to a travel lane shall be no less than 9 feet in width by 22 feet in length.
 - c. Stalls designated for use by persons with disabilities shall be separated by a minimum of 5 feet from adjoining stalls. The separation must be clearly marked to discourage vehicle encroachment.
 - d. Oversized parking spaces shall be provided for uses that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.
 - e. In paved lots, parking stalls shall be delineated by pavement markings a minimum of 4 inches in width. Where double lines are used, they should be separated a minimum of 12 inches on center.
- (2) The development shall provide adequate supply of parking. Minimum standards are listed below, subject to adjustments as outlined in this ordinance.

Number of Spaces	Land Use Activity
Places of Residence or Accommodation -- spaces per room or dwelling unit	
0.25	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
1.5	Multifamily buildings
Places of Public Assembly -- spaces per seat based on maximum seating capacity	
0.25	Theater, spectator sports venue
0.33	Place of Worship, Restaurant (except fast food)
0.5	Convention Center, Meeting Hall, Fraternal Building, Bottle Club
Places of Commerce and Industry -- spaces per 1,000 sq. ft. of gross floor area	
0.5	Warehouses, including self-storage
1	Industrial and Manufacturing Facilities, furniture and appliance stores
2	Grocery Stores over 5,000 sq. ft.; Offices, except as noted
2.5	Retail Sales (except as noted), Fitness and Recreation Centers
4	Banks, Medical, Dental, and Veterinary Offices, Child Care
4	Fast food restaurant, snack bar
Public and Institutional Facilities -- spaces per 1,000 sq. ft. of gross floor area	
2	Elementary Schools, Library, Museum, Hospital
4	Secondary Schools and Colleges (classroom buildings only), Community Center, Municipal Office
Miscellaneous -- criteria as specified	
15 per developed acre	Mini-golf, Go-Carts, and other Outdoor Amusements
2 per hole	Golf Course
2 per lane	Bowling Alley
2 per service bay + 1 per 20 vehicles displayed	Motor Vehicle Sales or Service

- a. Within each development, at least one space, plus one additional space for every 25, or portion thereof, required, shall be designated as available for persons with disabilities.
- b. Where the proposed development is for expansion of or addition to an existing use, the requirement for parking spaces will include sufficient spaces for the existing use, even if the existing use did not previously have sufficient spaces.

- c. Where a building or use consists of multiple segregated uses, such as a factory with retail outlet, a bowling alley with restaurant, or college with office and classroom buildings, each separate area shall be calculated independently and summed to arrive at the required parking supply.
 - d. When a development has been approved for construction in phases, the Planning Board may permit phased installation of parking supply, provided the parking is completed in the same timeframe as its corresponding building phase. The performance guarantee for the parking shall contain a schedule showing the construction phase or development conditions under which the required parking shall be provided.
 - e. Required parking shall not be occupied by vehicles associated with the ordinary conduct of the business, such as construction equipment, storage trailers, or vehicles displayed for sale.
- (3) To reduce the costs and environmental impact of development, the amount of land devoted to impervious surface for parking shall be minimized. Paved parking spaces shall not exceed the minimum requirements outlined in this ordinance by more than 10 percent.
- a. Within a mixed-use development consisting of any residential use combined with any commercial use, the Planning Board may eliminate space requirements for the residential use until the residential use comprises more than 2/3 of the total floor space. If the residential use covers more than 2/3 of the total floor space of the development, adequate parking must be provided for both the residential and commercial uses.
 - b. The Planning Board is permitted to reduce the required number of parking spaces if a parking analysis shows that similar uses under similar circumstances generate less demand at the 30th highest hour.
 - c. Within a growth district, as defined in the Comprehensive Plan, if the provided off-street parking will not be posted for the exclusive use of customers, employees, or tenants of the development, the Planning Board may reduce the minimum requirement by up to 20 percent.
 - d. The Planning Board may permit some or all of the parking requirement to be met by the provision of parking spaces not located on the same lot, provided that, a) spaces are located within 500 feet of the development and accessible by an existing or proposed sidewalk, b) a written agreement is in place for long-term use of the spaces for the proposed use, and c) the spaces would not be among the minimum required for the use already existing on that lot.

- e. Where a proposed development will share parking with another existing or proposed development, and these developments have opposing peak parking demands, the Planning Board may grant a reduction of up to 50 percent of the parking space requirement. For example, an office building with weekday daytime peak parking demands, and a recreational facility with night and weekend peak parking demands.

(4) Loading/delivery bays shall be provided as necessary.

- a. Space devoted to a loading bay shall be no less than 12 feet by 55 feet.
- b. Loading bays shall be located where they will not interfere with traffic on public ways.

E. Signs.

- (1) Signs relating to goods and services sold on the premises are allowed, provided that such signs shall not exceed 32 square feet in area and 3 signs per premises.

Signs relating to goods or services not sold or rendered on the premises are prohibited.

- (2) Name signs are allowed, provided such signs shall not exceed 2 signs per premises, and shall not exceed 12 square feet in area in the aggregate.

- (3) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed 2 square feet in area.

- (4) Signs relating to public safety shall be allowed without restriction to size or number of signs per parcel.

- (5) No sign shall extend higher than 20 feet above the ground.

- (6) Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon which the sign is located.

F. Management of Open Space.

- (1) All common open space land, facilities, and property shall be owned by:

- a. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

- b. The municipality.
- (2) Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, is prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

G. Stormwater Management.

- (1) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Any increase in stormwater flow shall not create soil erosion, flooding, property damage, damage to natural resources or create safety hazards to downstream properties. Low-impact development techniques should be utilized, including retaining existing or creating natural runoff control features, such as berms, swales, terraces and wooded areas.
- (2) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

H. Water Quality.

- (1) No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- (2) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (3) Any development proposed within a Sand and Gravel Aquifer or significant bedrock aquifers as identified in the Anson Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals:
 - a. Any industrial use.
 - b. Any manufacturing facility.
 - c. Auto junkyard.
 - d. Auto repair facility.
 - e. Chemical storage or processing facility.
 - f. Oil or fuel storage facility.
 - g. Truck repair.

- h. Any structure with oil, fuel or chemical storage that exceeds a total of 1,000 gallons for the entire site.
- (4) When a hydrogeologic assessment is required, the assessment shall contain at least the following information:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the development.
 - c. Drainage conditions throughout the development.
 - d. Data on the existing ground water quality, either from test wells or existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the development on ground water resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

I. Water Supply.

Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

- (1) Due to the increased chance of contamination from surface water, dug wells are prohibited on lots of smaller than 1 acre. On lots of 1 acre or smaller, the applicant shall prohibit dug wells by deed restrictions.
- (2) Wells are prohibited within 100 feet of the traveled way of any street.

J. Waste.

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.
- (2) No permit shall be issued for any structure or use involving construction, or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant in accordance with the Maine Subsurface Wastewater Disposal Rules and the Internal Plumbing Rules. This includes the applicant submitting evidence of site suitability for subsurface sewage disposal.
 - a. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for

future replacement of the disposal area. The reserve area shall be shown on the development plan and restricted in the deed so as not to be built upon.

- b. In no instance shall a disposal area be on a site which requires a New System Variance from the subsurface wastewater disposal rules.
- (3) The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulations and in a manner approved by the Planning Board.
- (4) At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off-site. All such plans shall be in conformance with applicable state and federal regulations.

K. 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 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.

L. Erosion and Sedimentation Control.

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and 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 rip-rap.
- (2) 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 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 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 1 bale per 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 drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed to carry water from a 25 year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- (6) All erosion controls must be inspected and repaired every week and before and after any significant rainfall events (0.5 inches or greater).
- (7) The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property.

M. Agriculture.

- (1) Following the Maine Agriculture Protection Act (7 M.R.S.A. sections 151 through 161), a farm, farm operation, or agricultural composting operation may not be considered a nuisance, nor may said operation violate this ordinance, if it follows the conditions of the Act.

- (2) Agricultural practices should follow the most recent edition of the *Manual of Best Management Practices for Maine Agriculture*, published by the Maine Department of Agriculture, Food & Rural Resources.
- (3) All spreading of manure shall be accomplished in conformance with the most recent edition of the *Manure Utilization Guidelines* published by the Maine Department of Agriculture, Food & Rural Resources, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (4) If there are any issues with the manner in which agricultural practices are conducted, the practices shall be investigated following the *Rules for the Agricultural Compliance Program*, published by the Maine Department of Agriculture, Food & Rural Resources.

N. 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 100 square feet of ground surface. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Applications to the planning board for a five-year mineral extraction permit shall include the following elements:

- (1) A site plan including the following features:
 - a. Topography indicating not greater than ten (10) foot contour intervals, based on USGS data.
 - b. The location and slope of grades existing and proposed upon completion of the extraction operation.
 - c. Proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits.
- (2) A written statement of the proposed operating procedure and working hours.
- (3) A five-year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of completed excavation.
- (4) The planning board may require a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality in the vicinity.

Mineral Extraction Standards

- (5) No part of any extraction operation shall be permitted within 100 feet of any property

or street line.

- (6) No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site.
- (7) The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.
- (8) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.
- (9) The hours of operation at any extraction site may be limited, if necessary to ensure operational compatibility with neighboring residences.
- (10) All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
- (11) The five-year reclamation plan shall show that within twelve (12) months following the completion of extraction operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.

Final slopes shall not be steeper than two feet horizontal to one vertical (2:1). All stormwater drainage patterns shall be restored to their pre-development standards, such that any water exiting the site shall closely resemble pre-development volume and location. The reclamation plan shall include a stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection.

Any mineral extraction process in lawful operation as of the effective date of this ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.

Discontinuation of any existing operation for a period of more than two (2) years shall result in the operation being required to apply for a site review permit as if it were a new development. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2) year period.

O. Storage of Materials.

- (1) All materials stored outdoors shall be stored in such a manner to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means.
- (2) All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent.
- (3) Where a potential safety hazard to children is recognized by the planning board, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
- (4) The storage of all flammable or explosive liquids, solids, or gases shall be allowed and all materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate Federal and State regulations.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

P. Automobile Graveyards and Junkyards.

- (1) All automobile graveyards, automobile recycling businesses and junkyards shall be licensed in accordance with Title 30-A M.R.S.A. Sections 3751 through 3760.
- (2) Any new automobile graveyard, automobile recycling business and junkyard shall first obtain a permit as required by this ordinance, and after obtaining such approval shall obtain a permit from the Board of Selectpersons. A permit from the Board of Selectpersons shall be issued in accordance with Title 30-A M.R.S.A., Sections 3751 through 3760.
- (3) All applications reviewed by the Planning Board after the effective date of this ordinance shall meet the following requirements:

- a. The area used for the facility shall be set back a minimum of 100 feet from all property lines.
 - b. A buffer consisting of vegetation, fences or berms or any combination thereof shall be installed, or if naturally existing shall not be removed, along all property lines and shall be capable of providing a year-round screen to a minimum height of 8 feet.
- (4) The Board of Selectpersons, prior to consideration of the permit for a automobile graveyard, automobile recycling business or junkyard according to Title 30-A M.R.S.A. Sections 3751 through 3760, may request that the Planning Board and/or the Code Enforcement Officer review the application and site for compliance with this ordinance and the State Law and Regulations. The Planning Board and/or the Code Enforcement Officer shall report their findings to the Board of Selectpersons.

Q. Archaeological, Historic, Scenic and Rare Natural Areas.

If any archaeological, historic, wildlife habitat, scenic or rare and natural areas are located in the tract or parcel of land being proposed for development (as defined and/or identified by either the Anson Comprehensive Plan or a state agency), a protection plan shall be developed in accordance with the following:

- (1) If any portion of the developed area is listed on, or eligible to be listed on the National Register of Historic Places, the proposed land use activity shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment. The applicant shall submit the Commission's comments with the final development plan.
- (2) If any portion of the developed area is designated as a significant archaeological or historic site by the Maine Historic Preservation Commission or Anson Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
- (3) If any portion of the developed area is located within an area designated as a scenic area or unique natural area by the Beginning with Habitat Program or the Anson Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
- (4) If any portion of the developed area is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries & Wildlife or a qualified biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife areas include the following:
 - a. Habitat for or endangered species appearing on the official state or federal lists of endangered or threatened species.

- b. Moderate or high value waterfowl and wading bird habitat, including nesting and feeding areas, as defined by the Maine Department of Inland Fisheries and Wildlife.
- c. High and moderate value deer wintering areas and travel corridors as defined by the Maine Department of Inland Fisheries and Wildlife.

R. Telecommunication Facilities.

- (1) New towers shall be designed to accommodate and facilitate multiple uses, such as co-location of cell phone communication networks.
- (2) The maximum height is 200 feet.
- (3) All commercial operations shall install tubular, monopole-type towers.
- (4) No external lights are allowed, except as required by the Federal Aviation Administration or other applicable authority.
- (5) All systems shall be installed and maintained to meet all federal, state, local, industry, and manufacturer standards, specifications and accepted practices. The applicant shall submit safety and stability data from test facilities or other operating towers, if available.
- (6) The applicant shall provide all connections to the existing utility network.
- (7) Colors and surface treatment of the tower shall minimize visual disruption.
- (8) Towers shall not display advertising, except for reasonable identification of the manufacturer or operator of the tower.
- (9) A tower that is not in operation for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing, and order the removal of the facility within 90 days of receipt of the written notice. Removal of the facility includes proper disposal of the tower and all accessory structures and equipment, according to local and state solid waste disposal regulations. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility is not abandoned.

After the 90 day period has expired, with the owner neither removing the facility, nor demonstrating that the facility is in use, the municipality shall remove the facility at the owner's expense.

S. Wind Energy Generating Facilities.

- (1) Applications to the Planning Board for a wind energy generating facility permit shall include the following elements:
 - a. Description of the proposed wind energy development including an overview and approximate generating capacity of the project, the number, type(s), make(s), model(s), picture and manufacturer's specifications, noise characteristics, a description of associated facilities, and data pertaining to the wind turbine's safety and stability, including safety results from test facilities.
 - b. A site plan showing the location of each proposed wind turbine, property lines, roads, driveways, right of ways, overhead utility lines, and buildings including their purpose. The site plan must additionally show access road and turnout locations, substation(s), electrical cabling from the wind energy development to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures.
 - c. A survey map showing within 2,500 feet of the proposed wind energy development any parks and other designated areas considered locally important in a Comprehensive Plan or Open Space Plan, recognized historic sites and important bird areas as identified by the Maine Beginning with Habitat Program.
 - d. A landscape plan showing all proposed changes to the site, including temporary or permanent roads or driveways, grading, vegetation, clearing and planting.
 - e. Structural drawings from the manufacturer or engineer showing foundation and anchor design.
 - f. Sound level analysis prepared by the wind turbine manufacturer or a qualified engineer.
 - g. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.
 - h. Emergency and normal shutdown procedures.
 - i. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator.
 - j. Decommissioning documents.
 - k. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

- l. Results from shadow flicker modeling software approved by the Department of Environmental Protection.
 - m. Sight lines, photographs, and elevations.
 1. A sight line representation shall be drawn from representative locations that show the lowest point of the tower visible from each location. These locations shall include a sight line representation from the closest occupied building to the applicable wind energy development and any public road or public area within 300 feet. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight lines from the closest occupied building or public roads or areas included in the application.
 2. Photographs of existing conditions on site, and manipulated photographs showing post-development conditions.
 3. Elevations of all structures on property.
 - n. A plan for maintenance of access roads and stormwater control mechanisms, as well as general procedures for operational maintenance of the wind energy development.
 - o. Copies of all proposed leases required to be secured by the applicant. Boundaries of said leases shall be clearly illustrated on the site plan.
- (2) Wind Energy Generating Facilities Standards.
- a. Wind turbines shall be set back from the nearest occupied building a distance not less than 4 times the turbine height or 1,000 feet, whichever is greater.
 - b. The design of the wind energy development shall conform to applicable industry standards, including those of the American National Standards Institute and shall comply with at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.
 - c. All wind turbines shall be equipped with redundant braking systems. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall operate in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - d. All ground-mounted electrical and control equipment and all access doors to wind turbines shall be labeled and secured to prevent unauthorized access. Wind towers shall not be climbable up to 15 feet above the ground.

- e. The minimum distance between the ground and any blades of a free standing wind turbine shall be 25 feet as measured at the lowest arc of the blade.
 - f. A free-standing wind turbine tower shall be a monopole without guy wires.
 - g. Wind energy developments shall be designed and turbines sited to avoid unreasonable adverse shadow flicker effects on any occupied building at the time of application.
 - h. Wind turbines shall be a non-obtrusive color such as white, off-white, or grey.
 - i. Wind turbines shall not be artificially lit, except for state or federal requirements.
 - j. Wind turbines shall not include advertising or signs, except for reasonable identification of the manufacturer, facility owner, and operator, and for warnings.
 - k. Wherever possible, wind energy developments shall be located to make maximum use of existing vegetation and structures for visual screening.
 - l. Whenever possible, wind energy developments should be located at the edge of clear public views, rather than dominating the center of the view.
 - m. Audible sound from wind energy developments shall not exceed 50 dBA, as measured at the property line.
 - n. The wind energy development shall avoid, to the extent possible, the creation of artificial habitat for raptors or raptor prey, such as electrical equipment boxes on or near the ground that can provide shelter and warmth, or horizontal perching opportunities.
 - o. The wind energy development shall not significantly compromise views from a scenic resource of state or national significance.
- (3) A tower that is not in operation for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing, and order the removal of the facility within 90 days of receipt of the written notice. Removal of the facility includes proper disposal of the tower and all accessory structures and equipment, according to local and state solid waste disposal regulations. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility is not abandoned.

After the 90 day period has expired, with the owner neither removing the facility, nor demonstrating that the facility is in use, the municipality shall remove the facility using the performance guarantee provided at the time of application.

- (4) The facility shall be decommissioned at the end of its useful life. Decommissioning shall include removal of all turbines, accessory structures, cabling, electrical components, and foundations to a depth of 36 inches. The facility shall reach the end of its useful life when no electricity is generated for a continuous period of 12 months.

The Code Enforcement Officer shall notify the owner of a wind turbine that has reached the end of its useful life in writing, and order its decommissioning within 90 days of receipt of the written notice. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not reached the end of its useful life.

After the 90 day period has expired, with the owner neither decommissioning, nor demonstrating that the turbine is in use, the municipality shall decommission the turbine using the performance guarantee provided at the time of application.

- (5) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning the facility. Said estimate shall be provided to the municipality at time of application, and every five years thereafter.

The applicant shall provide a Performance Guarantee that will cover an amount equal to that estimated for the total cost of decommissioning. The applicant shall modify the Performance Guarantee amount every five years based upon the new calculation.

T. Outdoor Lighting.

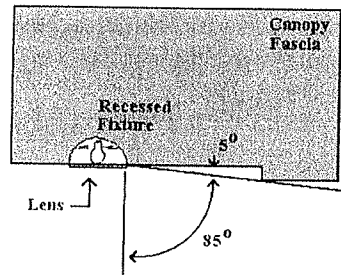
- (1) The following types of outdoor lighting are specifically prohibited.
 - a. Lighting that could be confused for a traffic signal device.
 - b. Searchlights, beacons, and laser source light fixtures.
 - c. Lights that blink, flash, move, revolve, flicker, change intensity or change color.
 - d. Lighting inside of an awning when the awning material is translucent.
- (2) Lighting must be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.
- (3) Free-standing lighting fixtures must not be taller than 20 feet.
- (4) Building-mounted lighting fixtures must not be attached to sloped roofs, and must not be taller than 30 feet, or the height of the principal building, whichever is less. This lighting must be directed downward, along the plane of the building, and not outward away from the building. The use of wall-mounted unshielded lighting (e.g. "wall-pack") is prohibited.

- (5) Light poles must be anodized, painted, or otherwise coated to minimize glare from the light source.
- (6) Lighting in vehicle parking areas containing 20 parking spaces or more must be reduced to 50% of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50% of permitted levels, no adjustment is required.
- (7) Full-cutoff lighting is required for all outdoor lighting fixtures. Post top luminaires ("period lighting") are allowed only when the developer can demonstrate the historic value to having this type of lighting. All post-top luminaires must have a cover on top, such that no light is directed directly upward.
- (8) Average lighting levels must not exceed the standards provided for in the following table. An average to minimum uniformity ratio of 4:1 must be maintained.

Maximum Average Light Levels	
Location	Foot-candles
At building entries	5
At loading areas	8
Parking areas	5
Along sidewalks and other pedestrian areas	3
Under service station canopies	8
In general storage areas	5
In vehicular display areas	8

- (9) Public statues, memorials, monuments, state flags, flags of the United States, and flags of foreign nations may be illuminated from the ground, provided the following standards are met:
 - a. Upward-aiming lights must be placed as close to the flag pole base as possible.
 - b. The lights must be shielded, such that light is only directed at the flag, and does not cause visual glare.
 - c. The lights must not collectively exceed 20,000 lumens.
- (10) Signs may be internally lit or lit from above only.
- (11) Lighting associated with a canopy used for a vehicular shelter must meet the following standards:

- a. Lights beneath a canopy must not project below the bottom of the canopy surface (see image below, courtesy International Dark-Sky Association).



- b. The sides and top of the canopy must not be illuminated.
- c. Lighting beyond the perimeter of the canopy must be consistent with the lighting standards for parking areas.

17. Definitions.

Abutting Property – Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street, stream, river, or right of way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

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

Agriculture - The production, keeping or maintenance for sale or lease, of plants and/or animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products.

Applicant – The person applying for approval under this ordinance.

Automobile Graveyard or Junkyard – A yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-A M.R.S.A. Section 101, or parts of such vehicles. The definition includes discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture, scrap or junked lumber, copper, brass, rope, rags, paper, trash, rubber debris, waste, and all scrap iron, steel and other ferrous or non-ferrous material. The definition also includes an area used for automobile dismantling, salvage and recycling operations. The

definition excludes any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable. Temporary storage shall not exceed 90 days.

Average Daily Traffic (ADT) – The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Building – Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals, or property.

Building Footprint – The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

Design Vehicle – The type of vehicle most likely to use the development.

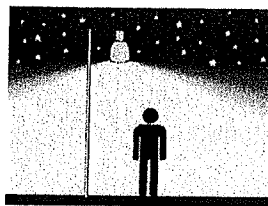
Developed Area – Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

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

Driveway - A vehicular access-way serving two lots or less.

Foot-candle – A measure of light falling on a given surface. One foot-candle is equal to one lumen per square foot.

Full-cutoff Light – A lamp where all light is directed down towards the ground, and no light is directed up into the sky (graphics below courtesy The University of Texas McDonald Observatory).



Full-cutoff Light



NOT full-cutoff

Grid-scale Wind Energy Development – A wind energy development that is of a size that would qualify as a development of state or regional significance that may substantially affect the environment, as defined in 38 M.R.S.A. section 482 subsection 2.

High Intensity Soil Survey – A map prepared by a certified soil scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the development plan submitted. The

soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Impervious Area – An area of land that has been covered by an impervious surface.

Impervious Surface – A low-permeability material, such as asphalt, brick, concrete, or gravel which has been or will be compacted through design or use to reduce its permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

Large-scale Retail Development – A development as defined in 30-A M.R.S.A. section 4366.

Level of Service (LOS) – A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are 6 levels of service, ranging from A, with free traffic flow and no delays to F, with forced flow and congestion resulting in complete failure of the roadway (“bumper to bumper traffic”).

Lumen – A measure of light energy generated by a light source. Manufacturers list ratings for all their lamps.

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 12 month period which removes more than 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.

Non-conforming Condition – Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming Structure - A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Use - Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Road - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. In this ordinance, street has the same meaning as road.

Road Frontage – The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Sight Distance – The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

Tower – A lattice or tubular structure, greater than 35 feet tall, supporting items such as, but not limited to, cell phone communication networks and wind turbines.

Site Plan Ordinance

Anson, ME

Adopted: March 6, 2009

Amended: March 2, 2013

TABLE OF CONTENTS

	Page
1. Purposes	4
2. Authority	4
3. Applicability	4
4. Effective Date	5
5. Availability	5
6. Severability	5
7. Conflicts with Other Ordinances	5
8. Amendments	5
9. Fee Schedule.....	6
10. Administering Bodies and Agents.....	7
11. Enforcement.....	8
12. Performance Guarantees.....	10
13. Waivers.....	12
14. Permits.....	13
15. Non-conformance.....	23

TABLE OF CONTENTS

	Page
16. Development Standards	25
A. Home Occupation	25
B. Street and Site Access	26
C. Parking Site Design.....	29
D. Parking Supply.....	34
E. Signs.....	37
F. Management of Open Space	37
G. Stormwater Management	38
H. Water Quality	38
I. Water Supply	39
J. Waste.....	39
K. Soils.....	40
L. Erosion and Sedimentation Control	40
M. Agriculture	41
N. Mineral Exploration and Extraction.....	42
O. Storage of Materials.....	44
P. Automobile Graveyards and Junkyards	44
Q. Archaeological, Historic, Scenic and Rare Natural Areas.....	45
R. Telecommunication Facilities.....	46
S. Wind Energy Generating Facilities.....	47
T. Outdoor Lighting.....	50
17. Definitions	52

1. Purposes.

The purposes of this ordinance are to promote, protect, and facilitate the health, safety, and general welfare of the Anson residents; to prevent and control pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect freshwater wetlands; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological, historic and cultural resources; to control building sites, placement of structures and land uses; to assure that a minimal level of services and facilities are available to the residents of Anson; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; to anticipate and respond to the impacts of development; and to assure that new development meets the goals and conforms to the policies of the Town of Anson Comprehensive Plan.

2. Authority.

This ordinance is prepared in accordance with the provisions of Title 30-A section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. Applicability.

This ordinance applies to all development proposals meeting at least one of the following categories:

1. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, totaling 2,500 square feet or more of building footprint.
2. The expansion of an existing non-residential building or structure, including accessory buildings and structures, that will enlarge the building or structure to 2,500 square feet or more of building footprint.
3. The conversion of an existing building, in whole or in part, from a residential use to a non-residential use, provided the non-residential building or structure will total 2,500 square feet or more of building footprint.
4. The conversion of an existing non-residential use, in whole or in part, to another non-residential use, provided the non-residential building or structure will total 2,500 square feet or more of building footprint.
5. The establishment of a new, non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, golf courses, and roads and driveways provided the use will develop an area of at least 25,000 square feet.

6. The expansion of an existing non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, golf courses, and roads and driveways, provided the developed area after expansion will total 25,000 square feet or more.
7. All development thirty-five (35) feet or over in height, except for wind energy generating facilities. This ordinance is only applicable to wind energy generating facilities consisting of at least one wind turbine with an electricity generating capacity of 100 kW or greater.
8. For an existing non-residential use with at least 25,000 square feet of development: construction or modification of any use or structure on-site, such as, but not limited to signs, lighting, parking areas, or landscaping.

4. Effective Date.

This ordinance is effective upon adoption.

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 in the Town Office.

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.

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 administered by the Town of Anson, the more restrictive provision shall control.

8. Amendments.

This ordinance may only be amended by majority vote of the legislative body. Proposed amendments may be initiated by a majority vote of the Board of Selectpersons, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of

votes cast in the municipality in the last gubernatorial election. No proposed amendments to this ordinance shall be referred to the legislative body until the Board of Selectpersons have held a public hearing on the proposal, notice of which shall be posted at least 14 days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least 2 times, with the date of first publication being at least 14 days prior to the hearing and the 2nd at least 7 days prior to the hearing.

9. Fee Schedule.

Developers of complex activities must review Section 11 Enforcement and Section 12 Performance Guarantees in this ordinance for additional costs relative to inspection and construction.

A. Application fees:

All site plan review development applications shall be accompanied by a nonrefundable fee payable to the Town of Anson. This application fee amount is defined by the Board of Selectpersons, and can be found in the Town of Anson Development Fee Schedule.

A double fee shall be charged for any application submitted after the proposed use or construction has been initiated without the appropriate permit in violation of this ordinance. This does not void any fines or actions taken for ordinance violations.

B. Escrow fund fees:

In addition to the application fee outlined in Section 9.A., all applicants for a site review permit shall pay an escrow fee of \$1,000 per application, to be deposited in a special escrow account designated for that development application. This fee shall be used for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with this ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Failure to comply with this escrow fee requirement, at any time during the review process, renders the application incomplete, and precludes further review of the application. Any remaining balance in the escrow account after a final decision on the application shall be returned to the applicant. At any time during the application review the municipality shall provide the applicant, upon written request, an accounting of the expenditures from the fund.

10. Administering Bodies and Agents.

A. Code Enforcement Officer.

The Code Enforcement Officer shall have the following powers and duties, relative to site plan review development:

- a. To enforce the provisions of this ordinance.
- b. To perform permit reviews as authorized by this ordinance.
- c. To issue stop work orders and other appropriate notices of violations.
- d. To investigate complaints and reported violations.
- e. To maintain an appropriate public record of all permits issued, permit applications, enforcement actions and other appropriate documents.
- f. To provide the state of Maine with information concerning permits and development activity as required.
- g. To assist the public with inquiries and other requests for information concerning this ordinance.
- h. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this ordinance.
- i. To exercise additional powers and duties authorized by statute.

B. Planning Board.

The Planning Board shall have the following powers and duties, relative to site plan review development:

- a. To administer the provisions of this ordinance.
- b. To hear and decide upon applications in accordance with this ordinance.
- c. To issue permits and perform permit reviews in accordance with this ordinance.
- d. To revoke permits issued in error or which are based upon erroneous information.
- e. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this ordinance.
- f. To develop application forms for permits issued in accordance with this ordinance.
- g. To review and propose updates to this ordinance.
- h. To perform other duties as authorized by the Town of Anson.
- i. To exercise additional powers and duties authorized by statute.

C. Board of Appeals.

All appeals regarding the administration and application of this ordinance shall be directed to the Town of Anson Board of Appeals, following the provisions outlined in the Board of Appeals Ordinance for the Town of Anson, Maine.

11. Enforcement.

It is the Code Enforcement Officer's duty to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he 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.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality. The municipal officers, or 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 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.

The CEO 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.

Any violation of this ordinance shall be deemed a nuisance. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this ordinance shall be penalized in accordance with Title 30-A M.R.S.A. section 4452.

A. Violations.

- (1) The Code Enforcement Officer shall investigate all complaints of alleged violations of this ordinance.
- (2) A person shall not convey, offer or agree to convey any land or development within the jurisdiction of this ordinance that has not been approved by the Planning Board and recorded in the Registry of Deeds.
- (3) A person shall not occupy or conduct business in a development within the jurisdiction of this ordinance until final approval is granted by the Planning Board, and all required improvements have been provided and approved by the town.

- (4) No public utility, water district, sanitary district or any utility company of any kind shall serve any development within the jurisdiction of this ordinance until final approval is granted by the Planning Board.
- (5) No development within the jurisdiction of this ordinance can be performed without Planning Board approval. Performing such development, without Planning Board approval, shall be a violation of law.
- (6) The Code Enforcement Officer may represent the Town in District Court pursuant to Rule 80K of the Maine Rules of Civil Procedure.

B. Inspections.

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

- (1) At least 5 days prior to commencing construction of required improvements, the builder shall:
 - a. Notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the CEO can inspect and assure that all municipal specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
 - b. Deposit with the town a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus shall be refunded to the builder. If the inspection account shall be drawn down by 75%, the builder shall deposit sufficient funds to bring the account up to the original deposit amount.
- (2) If the Code Enforcement Officer finds upon inspection of the improvements that any of the required improvements are not constructed in accordance with the plans and specifications filed by the developer, he shall issue an immediate stop work order and report in writing to the Planning Board and the builder. The stop work order shall only be removed with the Planning Board's approval, and following the regulations of the above Section 11.B.(1).
- (3) If at any time before or during the construction of the required improvements, it appears necessary or desirable to modify the required improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed

with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the developer shall obtain permission to modify the plans from the Planning Board.

- (4) At the close of each summer construction season the Town shall, at the expense of the developer, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- (5) Prior to the sale of any real property, the developer shall provide the Planning Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- (6) Upon completion of street construction and prior to a vote by the selectpersons to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to them at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of any applicable ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the selectpersons.
- (7) The developer is required to maintain all improvements and provide for snow removal on streets, parking lots, and sidewalks until acceptance of the improvements by the town or the control is placed with a other responsible entity.

12. Performance Guarantees.

Performance guarantees shall be tendered for the construction of streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, erosion and sedimentation control measures, and mitigation following resource extraction or abandonment or decommissioning of a tower structure.

With submittal of the application for a site plan permit, the applicant shall provide one of the following three performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

A. Escrow account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the

municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

B. Performance bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the development for which approval is sought.

C. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the state of Maine shall indicate that funds have been set aside for construction of the development for the duration of the project and may not be used for any other project or loan. If construction is inadequate, the municipality shall have the ability to draw on these funds.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the road commissioner, municipal officers, and municipal attorney.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

D. Release of Guarantees.

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the development for which the release is requested.

If upon inspection, the CEO or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Planning Board, the municipal officers, and the applicant or builder. The

CEO shall issue an immediate stop work order. The stop work order shall only be removed with the Planning Board's approval.

The Planning Board may approve plans to develop in separate and distinct phases. This may be accomplished by limiting final approval to those lots or structures abutting that section of the proposed development street covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots or structures in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

13. Waivers.

The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. If a waiver request is submitted with the application, the Planning Board shall review this request as part of the overall application review for completeness. If any part of the waiver request is denied, it shall render the application incomplete, and the Planning Board shall so notify the applicant, in writing, as part of the notification of whether the application is complete. If the waiver request is granted, the Planning Board shall specify, in writing, the conditions under which the waiver was granted, and notify the applicant as part of the notification of whether the application is complete. When granting waivers, the Planning Board shall set conditions so that the purposes of this ordinance are met.

The Planning Board may only grant a waiver according to A. or B. below.

A. Submission Requirements.

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel or development project, it may waive portions of the submission requirements unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Comprehensive Plan or this ordinance.

B. Improvements.

Where the Planning Board makes findings of fact that due to special circumstances of a particular development, the provision of certain required improvements normally requiring a performance guarantee is not required to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this

ordinance, and further provided the performance standards of this ordinance will be met by the proposed development.

14. Permits.

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 according to the applicability standards of this ordinance. A person who is issued a permit pursuant to this ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

Any permit required by this ordinance shall be in addition to any other permit required by other law or ordinance.

The submittal of a permit application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

A. Review Criteria

The applicant must prove that the proposed development activity is in conformity with the purposes and provisions of this ordinance. Following submission of a complete application, the Planning Board shall approve or approve with conditions only if it finds, based on the information presented, that the proposed project:

- (1) Will not result in undue water or air pollution.

In making this determination, the reviewer shall at least consider:

- a. The elevation of the land above sea level and its relation to the flood plains.
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal.
 - c. The slope of the land and its effect on effluents.
 - d. The availability of streams for disposal of effluents.
 - e. The applicable state and local health and water resources rules and regulations.
 - f. Erosion and dust control during construction.
- (2) Has sufficient safe drinking water available for the reasonably foreseeable needs of the development.
 - (3) Will not cause an unreasonable burden on an existing drinking water supply, if one is to be used.

- (4) Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- (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 and, if the proposed development requires driveways or entrances onto a state or state aid highway, located outside the urban compact area, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 M.R.S.A. section 704 and any rules adopted under that section.
- (6) Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- (7) Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic and archaeological resources, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife, rare and irreplaceable natural areas, any public rights for physical or visual access to the shoreline, or any other unique or special resources identified by the Anson Comprehensive Plan.
- (9) Is in conformance with the Anson Comprehensive Plan, as well as any other duly adopted regulations or ordinances. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.
- (10) Demonstrates that the developer has adequate financial and technical capacity to meet the standards of this ordinance.
- (11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of surface waters.
- (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- (13) Must determine whether the proposed project is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the development, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the development. The proposed development or project plan must include a condition of plan approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

- (14) Will identify all freshwater wetlands within the proposed development on any maps submitted as part of the application, regardless of the size of these wetlands. For purposes of this section, "freshwater wetlands" has the same meaning as in Title 38 M.R.S.A. section 480-B.
- (15) Will identify any river, stream or brook within or abutting the proposed development on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. section 480-B.
- (16) Will provide for adequate storm water management, without undue adverse effects on adjoining properties, including waterbodies.
- (17) Will properly store and dispose of hazardous material.
- (18) If crossing municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

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 violate any other local ordinance, regulation or statute administered by the municipality.

In determining whether conditions are appropriate or necessary, the Planning Board shall consider the unique features of the site, off-site impacts, the surrounding area, the proposed use, and the proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this ordinance. The findings of fact and the conditions shall be incorporated by the applicant into the application. The conditions shall be listed on the permit and shall be made enforceable under this ordinance.

B. Preapplication.

Prior to submitting a formal application, the applicant or a representative may request a preapplication conference with the Planning Board. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application. No decision on the substance of the plan shall be made at the preapplication conference.

There are no submission requirements for the preapplication conference.

A request for a preapplication conference must be made at least 14 days prior to a Planning Board meeting. Any materials submitted with the request shall be copied and sent to all Planning Board members.

C. Site Plan Permit.

(1) Review Procedure

- a. Within 7 days of receiving the application, the Code Enforcement Officer shall:
 1. Issue a dated receipt to the applicant.
 2. Notify the clerk and the review authority of neighboring municipalities if any portion of the development abuts or crosses the municipal boundary.
- b. Within 30 days of receiving the application, the Planning Board shall make a determination of whether the application is complete. If the Planning Board determines that the application is complete, the Planning Board shall notify the applicant in writing of the determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
- c. If the application is complete, the Code Enforcement Officer shall notify the Road Commissioner, Fire Chief, Police Chief, Superintendent of Schools, Board of Selectpersons, and any other relevant official of the proposed development, including, but not limited to, the length of proposed new roadways (if any), and the size and construction characteristics of the structures (if any). The Code Enforcement Officer shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed development.
- d. If the Planning Board decides to hold a public hearing, it shall hold a public hearing within 30 days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least 2 times, the date of the first publication to be at least 7 days prior to the hearing. In addition, the notice of the hearing shall be posted in at least 3 prominent places within the municipality at least 7 days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting property owners and to the applicant, at least 10 days prior to the hearing. Failure to attend the public hearing by the applicant, or applicant's representative, shall constitute grounds for denial of the application.
- e. The Planning Board may vote to continue the Public Hearing to receive additional public comment or information concerning the application. The Planning Board is not required to meet the notice requirements listed above for the continued Public Hearing.
- f. Within 30 days from the conclusion of the public hearing or within 60 days of determining a complete application has been received, if no hearing is held, or

within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the site plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. If the Planning Board approves or approves with conditions the site plan application, then the written findings of facts shall be the site plan permit.

- g. If a large-scale retail development is proposed, the specific procedures outlined in the Maine state “Informed Growth Act” (Title 30-A M.R.S.A sections 4365 et. seq.) shall be followed.

(2) Submission requirements

The following items shall be submitted as part of the Site Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Section 13 Waivers. Seven (7) copies of all materials shall be delivered to the Town Office. The Planning Board may require additional information be submitted to determine whether the criteria of Section 14.A. above are met.

All required engineering plans shall be submitted to the Anson Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as .pdf, word processing, database or spreadsheet files. The applicant may provide reduced-size copies of maps and plans, provided at least one full-size (typically 24” x 36” depending upon readability) set of maps and plans is submitted.

- a. Application form, including applicable fees.
- b. Written evidence that abutting property owners have been notified of the proposed development, including a copy of the notice.
- c. Location map

The location map shall be drawn at a size adequate to show the relationship of the proposed development to adjacent properties, and allow the review authority to locate the development within the municipality. The location map shall show:

1. The date the map was prepared, north point, and graphic map scale.
2. Existing development in the proximity of the proposed development.
3. Locations and names of existing and proposed streets.

4. An outline of the proposed development and any remaining portion of the owner's property if the plan submitted covers only a portion of the owner's entire contiguous holding.

d. Development plan

The development plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch. The development plan shall be embossed with the seal of the professional land surveyor and be signed by that individual. Any documents produced by registered engineers must also be signed by those individuals. Space shall be reserved on the development plan for endorsement by the Planning Board. The development plan shall include the following information:

1. Proposed name of the development (if applicable) and the Tax Map(s) and Lot Number(s).
2. A copy of the most recently recorded deed for the parcel. A copy of all current and proposed deed restrictions, easements, rights-of-way, or other encumbrances affecting the property. For public or private open space, include description of management.
3. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
4. The date the plan was prepared, north point, and graphic map scale.
5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
6. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown.
7. The number of acres within the proposed development, location of property lines (including dimensions and lot areas), vegetative cover type, including the identification of all specimen trees, and other essential existing physical features. On wooded sites, the plan shall indicate the areas where clearing is proposed, and any clearing restrictions or buffer areas proposed.
8. The location of all rivers, streams and brooks within or adjacent to the proposed development. The application shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.

9. The location of all existing and proposed trails, such as, but not limited to, snowmobile and hiking trails.
10. When a site shows soil constraints, such as wetlands or artificial soils from a filled gravel pit, a high intensity soil survey by a registered soil scientist. Wetland areas shall be delineated on the survey, regardless of size.
11. If any portion of the development is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
12. Contour lines at 5 feet intervals, unless otherwise specified by the Planning Board, showing elevations in relation to mean sea level. Post-development finished grade elevations within the site shall also be delineated.
13. An indication of the type of sewage disposal to be used in the development.
 - i. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the public agency providing sewer stating that the system has the capacity to collect and treat the waste water shall be provided.
 - ii. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
14. An indication of the type of water supply system(s) to be used in the development.
 - i. When water is to be supplied by a local well, a written statement from a local well driller shall be submitted indicating there is sufficient water available for the reasonably foreseeable needs of the development.
 - ii. When water is to be supplied by public water supply, a written statement from the servicing public agency providing the water shall be submitted indicating there is adequate supply and pressure for the development, and that the new connections will not create an unreasonable burden upon the water district.
15. The location and size of existing and proposed sewers, water mains, culverts, drainage ways, and power and communication lines on or adjacent to the property in question.
16. The location, names, and widths of existing and proposed streets and highways on or adjacent to the property in question.

17. Street plans, meeting the standards of this ordinance.
18. Location and necessary design details of all parking and paved areas, sidewalks, curbing, fencing, and other site improvements.
19. Description of any raw, finished, or waste materials to be stored on-site, including plans for disposal of solid or liquid wastes and any stored materials of a hazardous nature.
20. The location, front view, materials, dimensions, floor plans, and ground floor elevation of all existing and proposed buildings and building expansions.
21. The location, front view, materials, dimensions, and lighting of existing and proposed signs.
22. The location, type, and dimensions of all existing and proposed lighting.
23. The location of the nearest fire hydrant, dry hydrant, or other water supply for fire protection.
24. The location and method of disposal for land clearing and construction debris.
25. Areas within or adjacent to the proposed development which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the Anson Comprehensive Plan as a unique natural area or high or moderate value wildlife habitat. If any such areas exist, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
26. All areas within or adjacent to the proposed development which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the Anson Comprehensive Plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites. If any such sites exist, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
27. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

For all developments estimated to generate peak hour traffic in excess of 100 passenger car equivalents, a traffic impact analysis shall be required. A

registered professional engineer with experience in traffic engineering must conduct the traffic impact analysis.

The traffic impact analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. The purpose of the Traffic Impact Analysis is to assist Planning Board members in determining whether the proposed development shall require improvements to the street(s) providing access to the development. All required traffic improvements shall be implemented at the applicant's expense, and shall be subject to Performance Guarantees as outlined in this ordinance.

28. An erosion and sedimentation control plan prepared in accordance with the most recent edition of the *Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices*, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District.
29. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection.
30. The following approvals, where applicable, shall be obtained in writing and submitted as part of the application.
 - i. Town of Anson E911 Addressing Officer, for the names of any proposed new streets.
 - ii. Maine Department of Environmental Protection, under the Site Location of Development Act.
 - iii. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
 - iv. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 - v. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

- vi. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- vii. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit.
- viii. Comprehensive Economic Impact Study, if a large-scale retail development is proposed.
- ix. Maine Department of Environmental Protection, for grid-scale wind energy developments.

Note: If the Planning Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

(3) Final approval and filing

- a. No plan shall be approved by the Planning Board as long as the applicant(s) is/are in violation of the provisions of a previously approved Plan within the municipality.
- b. Upon findings of fact and determination that all standards in this ordinance have been met, and upon voting to approve the development, the Planning Board shall sign the development plan. One copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. No plumbing permit shall be issued until the Planning Board signs the development proposal. Any development not recorded in the Somerset County Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
- c. No changes, erasures, modifications, or revisions shall be made in any site plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless a revised site plan is first submitted and the Planning Board approves any modifications, in accordance with Section 14.D. below. The Planning Board shall make findings that the revised plan meets the criteria of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- d. The approval by the Planning Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street,

easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

D. Revisions to approved plans.

An applicant for a revision to a previously approved plan shall submit all materials to the Town Office. The review procedures outlined above shall be followed.

(1) Submissions

The applicant shall submit a copy of the approved plan, as well as 7 copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of this ordinance. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the identifying numbers by which the original plan is recorded at the Registry of Deeds.

(2) Scope of Review

The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

E. Permit Expiration.

Permits shall expire 12 months from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. Upon determining that a development's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

15. Non-conformance.

A. Purpose.

It is the intent of this ordinance to promote land use conformities, except that non-conforming conditions existing prior to adoption of this ordinance shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.

(1) Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this ordinance.

(2) Repair and Maintenance

This ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures.

(1) Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(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 requirements of this ordinance. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

(3) Reconstruction or Replacement

Any non-conforming structure which is damaged or destroyed, regardless of the cause, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage or destruction. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

(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 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, natural beauty, floodplain management, and archaeological and historic resources.

D. Non-conforming Uses.

(1) Expansions

Expansions of non-conforming uses are prohibited.

(2) Resumption Prohibited

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding 1 year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.

(3) Change of Use

An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board.

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, natural beauty, floodplain management, and archaeological and historic resources.

16. Development Standards.

All site plan development activities shall conform with the following provisions, as applicable.

A. Home Occupation.

- (1) Home occupations are business or commercial activities that are conducted in a dwelling by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the building and the neighborhood. The home occupation use is designed for low impact business activities that can co-exist with residential neighborhoods without causing noise, odors, excessive traffic or detract from the comfort and expectations of homeowners.
- (2) The use of a dwelling shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses. The home occupation shall be

carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products is prohibited.

- (3) The traffic generated by the home occupation shall not create greater traffic than normal for the area in which it is located.

B. Street and Site Access.

The proposed development must accommodate the number and size of vehicles expected to be generated without an undue impact on mobility or safety on public streets.

(1) Access to the street:

- a. All access points onto a state or state aid highway shall be designed in accordance with the Maine Department of Transportation *Highway Driveway and Entrance Rules*, Maine Administrative Rules, Title 17, Chapter 299. A Driveway, Entrance, or Traffic Movement Permit issued by Maine DOT must be provided by the applicant prior to approval of the development by the Planning Board.
- b. All access points onto a town way or other public way shall be designed to meet "basic safety standards," as outlined in Part B, section 2.1 of the *Highway Driveway and Entrance Rules*, Maine Administrative Rules, Title 17, Chapter 299.
- c. All access onto public streets shall meet the following standards:
 1. To maintain adequate sight lines, the area adjacent to access points shall be kept free from visual obstructions, including parking stalls, landscaping, and signs above 2 feet in height, within a triangular area defined by legs of 30 feet measured along the driveway and street lines.
 2. Driveways shall be paved with a surface similar to that of the street, from the edge of the existing pavement to the edge of the right-of-way of the street, or to the length of the design vehicle, whichever is greater. All driveways entering curbed streets shall be similarly curbed along the radius of the access point and extending the length of the paved section of driveway.
 3. Pavement radii connecting street and driveway shall be appropriate to the size and turning radius of the design vehicle. The minimum radius for two-way access points shall be 10 feet. The radius for one-way access points or access points with median islands shall be between 5 and 10 feet on the inside corner and a minimum of 30 feet on the outside corner.

4. From the edge of the street, the driveway shall not exceed a grade of 2% for at least 40 feet, or, where a traffic study has been completed, for the full distance of the peak hour predicted queue of vehicles.
5. Inbound and outbound traffic at high volume entrances (as defined by the Maine DOT), and medium volume entrances at the discretion of the Planning Board, shall be separated by median islands. Islands shall be no less than 4 feet in width and shall create a throat (entry and exit lanes) of adequate length based upon the traffic study, but in no case less than 60 feet. Islands may be vegetated with plants selected not to obstruct sight lines, but shall not contain structures or signs within the sight triangle, except as necessary to direct traffic.
6. Separation of access points:
 - i. Access points shall be separated from adjacent access points, including those approved but not yet built, by a minimum of 50 feet, as measured from the near edge of the driveway, excluding radius.
 - ii. Medium volume entrances shall be separated from other medium- or high-volume entrances by a minimum of 75 feet.
 - iii. High volume entrances shall be separated from other high volume entrances by a minimum of 150 feet.
 - iv. Access points shall be aligned exactly opposite those across the street, if possible. If not possible, they shall be separated from opposing driveways according to the criteria above.

(2) Improvements to public streets:

- a. Streets anticipated to carry development traffic shall have sufficient capacity or be suitable improved to accommodate the amount and types of traffic generated by the development. No development shall increase the volume to capacity ratio of a public street above 0.55 nor reduce Level of Service below "C." If a street affected by development traffic currently operates at a Level of Service of "D" or "E" or "F," it shall be suitable improved to achieve a Level of Service of "C" or above.
- b. Intersections shall be of a design and have sufficient capacity to limit the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, bicycle lanes, or other traffic controls within public streets. All improvements to public streets shall conform to standards in the most recent edition of the *Manual on Uniform Traffic Control Devices*, published by

the American Traffic Safety Services Association, and be approved by the Maine DOT Regional Traffic Engineer prior to installation.

- (3) The street or street system shall be designed to coordinate with existing, proposed, and planned roads. Where proposed development abuts existing development, the proposed development plan must include at least 2 egress points for traffic accessing the proposed development. This should not be construed to provide every lot or parcel its own individual access to existing roads. Individual lots and parcels should share access to common roads or driveways, and those common roads or driveways should then access existing roads. Wherever a proposed development abuts unplatted land, street stubs shall be provided to gain access to abutting properties or to logically extend the street system.
- (4) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
- c. On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30° angle downslope from a line perpendicular to the centerline of the road or driveway.
- d. Ditch relief culverts shall be sufficiently sized and properly installed to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (5) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

- (6) The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus 2 feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay or organic matter, reaching a minimum of 6 inches below the bottom of the pipe extending to 6 inches above the top of the pipe.
- (7) Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets in the municipality, and shall be subject to approval by the Planning Board. The developer shall install street name, traffic safety and control signs meeting municipal specifications.
- (8) All street, road, and driveway lighting shall be full-cutoff.
- (9) During road or driveway construction, only that portion necessary shall be cleared of existing vegetation. The entire right of way shall only be cleared if the applicant provides sufficient evidence that construction work, such as installation of utilities, will occur over the entire right of way. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris created during the street construction process.
- (10) No road shall intersect with another road at an angle of less than 60°.
- (11) Where a lot has frontage on 2 or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

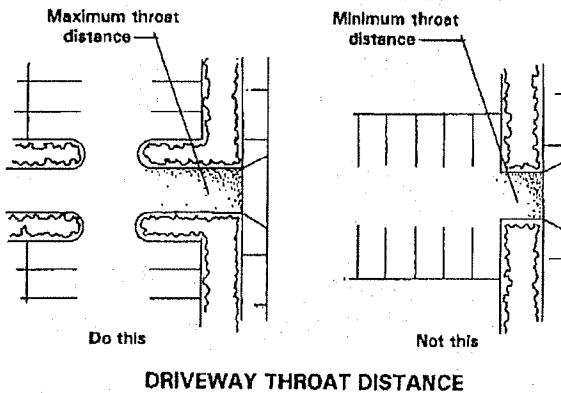
C. Parking Site Design.

The site shall be designed to facilitate the safe and free flow of pedestrians and vehicles while minimizing physical impacts on the land.

- (1) Parking lots shall not be located between the street and the front façade of the building.
 - a. Parking lots shall be buffered from adjoining properties, except for any vehicle, pedestrian, or bicycle connections to the adjoining property.
 - 1. A minimum buffer width of 20 feet, as measured from the property line, shall be maintained, if the buffer consists of existing woodland.
 - 2. A minimum buffer width of 30 feet, as measured from the property line, shall be maintained, if the buffer consists of existing non-woodland vegetation.

3. Where a development shares parking or a driveway entrance from a road with an adjoining property, the requirement for buffering is eliminated.
- (2) All driveways, aisles, and parking areas shall be designed and constructed to support the intended use:
- a. All areas intended for vehicle circulation and parking shall be constructed with a minimum of 6 inches of gravel meeting Maine DOT spec. 703.06C for subbase and six inches of crushed gravel meeting Maine DOT spec. 703.06A for a surface.
 - b. Parking lots or portions thereof expected to experience heavier use, such as serving primarily trucks or heavy-duty equipment, shall be designed to sustain greater loads. Areas so designed shall be surfaced with a minimum of 12 inches of gravel meeting Maine DOT spec. 703.06C for subbase and 6 inches of crushed gravel meeting Maine DOT spec. 703.06A for a base, and paved to a minimum thickness of 4 inches.
 - c. Parking lots designed for 12 or more vehicles, or designed for heavy-duty use, shall be paved to a minimum thickness of 4 inches.
 1. Porous paving materials (porous asphalt or pervious concrete) shall be used where available, to aid in the dispersal of stormwater and reduce ice/water buildup in parking areas. Porous pavement must be designed and placed by a licensed contractor certified in the installation of the materials.
 2. If non-porous pavement is used, it shall consist of a bituminous paving mix applied in two lifts. The finish course shall conform to Maine DOT spec. 403.209, 9.5 mm nominal Hot Mix asphalt.
 - d. Use of lots for outside storage or sales:
 1. The use of a portion of a parking lot for outside storage or sales of merchandise must be designated on the site plan.
 2. Parking lot sales areas shall be located adjacent to buildings or oriented such that customers may access the area without crossing active traffic lanes.
 3. Outside storage or sales areas shall not obstruct emergency access to the development.
 - e. Parking lots must include accommodation for adequate storage of snow on a short-term basis. This snow storage area need not be paved. Wide landscaped aisles could serve as snow storage areas.

- (3) The site design shall show that maneuvering and parking of vehicles will take place outside of the street right-of-way and such that vehicles will not stop on or back onto a public street.
- a. Driveways shall include a throat area sufficient to deter vehicle conflicts and congestion at the entrances.
 1. The throat area shall be designed to stack the average number of vehicles waiting to exit the property during the peak hour of the development. Unless otherwise recommended by a traffic study, the throat shall be a minimum of 20 feet in length, plus an additional 20 feet for every 40 parking spaces, or portion thereof, provided.



2. Parking spaces shall not be accessible along the length of the throat area.
- b. Vehicle aisles will provide access to all parking on the site. All parking spaces must be accessible from an aisle without the necessity of moving other vehicles.
 1. Where a parking lot consists of multiple aisles and tiers of parking spaces, the tiers shall be oriented perpendicular to the face of the building containing the principal entrance, unless another orientation will enhance pedestrian safety.
 2. Two-way aisles shall be a minimum of 24 feet in width. One-way aisles shall be a minimum of 18 feet in width.
 - c. Travel lanes shall be located to provide emergency access to all structures on the site and easy access to the rear of all buildings. Upon recommendation by the Fire Chief, the Planning Board may require a fire lane be designated adjacent to any structures or buildings in the development.
 - d. Any design that includes the use of vehicular service (“drive-up”) windows shall provide queuing space, designed so that it will not interfere with parking and circulation on the remainder of the site.

1. For food service, a minimum of 100 linear feet of queuing space shall be provided on the incoming side of the ordering station or window.
 2. For all other types of service windows, a minimum of 60 linear feet shall be provided on the incoming side of each window.
 - e. Freight loading or delivery areas must be oriented and designed so that trucks may access them without blocking traffic flow or parking spaces.
- (4) If a development adjoins a public road, the developer will plan for or provide connections to adjoining properties.
- a. If adjoining property is undeveloped or is developed with a non-compatible use (see below), the site design shall show an area of land reserved for future interconnection at a suitable location. The applicant shall submit a written commitment to participate in the construction of the connection at such time as it is deemed necessary by the municipality.
 - b. If adjoining property is developed with a compatible use, the design shall show the construction of a connecting driveway in a location appropriate to both developments. At a minimum, the connection shall be fully constructed to the property line. The applicant shall make a reasonable effort to negotiate with the owner of adjoining property for completion of the connection.
 - c. Adjoining developments are considered compatible if both developments contain retail uses, or if one of the developments is an eating establishment, or if a traffic study shows that more than one percent of traffic generation can be distributed directly between the two developments.
 - d. Connections to adjoining properties will not be required if the development will be accessed by a service road, frontage road, or other multi-user private road, or if the development is located within an existing building in a *downtown* district (already built-up area that is clearly walkable).
- (5) Developments shall be designed and constructed to be accessible to pedestrian and bicycle traffic.
- a. Pedestrian access to the site shall be provided wherever a development is located in a growth area, as defined in the Anson Comprehensive Plan.
 1. Pedestrian access shall be provided from the street to the principal entrance of the development. This shall consist of at least one travel way dedicated to pedestrians, with a paved travel surface a minimum of 5 feet in width.
 2. Pedestrian ways shall be free of barriers to persons with disabilities for their entire width and length.

3. Where the pedestrian ways crosses vehicle travel lanes, the surface shall consist of textured or stamped bituminous pavement, Portland cement concrete or other construction technique to clearly designate pedestrian priority. Curbing shall be ramped suitable for persons with disabilities.
 4. Sidewalks shall be constructed using a base of crushed gravel a minimum of 12 inches of thickness, meeting MDOT spec. 703.06A. Portland cement concrete shall be a minimum thickness of 4 inches, and be reinforced with six-inch mesh, number 10 reinforcing wire. Bituminous surface shall be a minimum thickness of 2 inches and shall conform to MDOT spec. 403.209, 9.5 mm nominal Hot Mix asphalt.
- b. Wherever the property to be developed adjoins property with an existing sidewalk, the developer shall continue that sidewalk for the entire length of the property to be developed. Existing sidewalks on property to be developed shall be rebuilt or improved as necessary to meet the standards of this ordinance.
 - c. Accommodation for bicycle access to the site shall be provided wherever a development is located in a growth area, as defined in the Anson Comprehensive Plan. Accommodation shall include a designated bicycle lane or trail through the site and a bicycle parking facility containing at least 4 bicycle parking spaces for every 40 vehicle parking spaces, or portion thereof.
 1. A designated bicycle lane or trail shall be a minimum of 4 feet in width, graded, and surfaced with stone dust, asphalt, or similar material.
 2. Each bicycle parking space shall consist of a hard-surfaced area 2 feet in width by 6 feet in length, equipped with a structure suitable for securing a bicycle. Alternative bicycle parking space designs may be approved, provided they offer suitable space and security. All bicycle parking spaces must be clearly marked to prohibit encroachment by motor vehicles.
 3. Required vehicle parking spaces may be reduced in exchange for additional bicycle parking. For every 4 bicycle parking spaces in excess of the requirements of this ordinance, 2 vehicle parking spaces may be eliminated from the minimum required by this ordinance.
- (6) A minimum of 10 percent of the overall parking area shall be devoted to interior vegetated landscaping.
- a. In parking lots containing 40 or more parking spaces, landscaped aisles shall be required, to restrict driving movements diagonally across parking bays and provide opportunities for stormwater management. Landscaped aisles shall be sufficient to divide the lot into multiple smaller cells of no more than 20 spaces each.

1. Landscaped aisles shall have a minimum width of 15 feet, if containing a pedestrian walkway, or 10 feet if consisting entirely of vegetation.
 - b. Landscaping must consist of native vegetation.
 - c. A landscaping plan must provide for regular maintenance and replacement, as necessary.
- (7) All parking area lighting shall be full-cutoff.

D. Parking Supply.

The development must provide vehicle parking for employees and customers sufficient to avoid congestion of public streets or parking facilities.

- (1) The design of vehicle parking spaces shall be consistent with the type of vehicle most likely to use them.
 - a. Parking stalls for head-in parking shall be a minimum of 9 feet in width by 18 feet in length. Stalls may be angled up to 45 degrees, provided aisles are designated one-way, and each stall contains a rectangular area of at least 9 feet by 18 feet.
 - b. Stalls for parking parallel to a travel lane shall be no less than 9 feet in width by 22 feet in length.
 - c. Stalls designated for use by persons with disabilities shall be separated by a minimum of 5 feet from adjoining stalls. The separation must be clearly marked to discourage vehicle encroachment.
 - d. Oversized parking spaces shall be provided for uses that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.
 - e. In paved lots, parking stalls shall be delineated by pavement markings a minimum of 4 inches in width. Where double lines are used, they should be separated a minimum of 12 inches on center.
- (2) The development shall provide adequate supply of parking. Minimum standards are listed below, subject to adjustments as outlined in this ordinance.

Number of Spaces	Land Use Activity
Places of Residence or Accommodation -- spaces per room or dwelling unit	
0.25	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
1.5	Multifamily buildings
Places of Public Assembly -- spaces per seat based on maximum seating capacity	
0.25	Theater, spectator sports venue
0.33	Place of Worship, Restaurant (except fast food)
0.5	Convention Center, Meeting Hall, Fraternal Building, Bottle Club
Places of Commerce and Industry -- spaces per 1,000 sq. ft. of gross floor area	
0.5	Warehouses, including self-storage
1	Industrial and Manufacturing Facilities, furniture and appliance stores
2	Grocery Stores over 5,000 sq. ft.; Offices, except as noted
2.5	Retail Sales (except as noted), Fitness and Recreation Centers
4	Banks, Medical, Dental, and Veterinary Offices, Child Care
4	Fast food restaurant, snack bar
Public and Institutional Facilities -- spaces per 1,000 sq. ft. of gross floor area	
2	Elementary Schools, Library, Museum, Hospital
4	Secondary Schools and Colleges (classroom buildings only), Community Center, Municipal Office
Miscellaneous -- criteria as specified	
15 per developed acre	Mini-golf, Go-Carts, and other Outdoor Amusements
2 per hole	Golf Course
2 per lane	Bowling Alley
2 per service bay + 1 per 20 vehicles displayed	Motor Vehicle Sales or Service

- a. Within each development, at least one space, plus one additional space for every 25, or portion thereof, required, shall be designated as available for persons with disabilities.
- b. Where the proposed development is for expansion of or addition to an existing use, the requirement for parking spaces will include sufficient spaces for the existing use, even if the existing use did not previously have sufficient spaces.

- c. Where a building or use consists of multiple segregated uses, such as a factory with retail outlet, a bowling alley with restaurant, or college with office and classroom buildings, each separate area shall be calculated independently and summed to arrive at the required parking supply.
 - d. When a development has been approved for construction in phases, the Planning Board may permit phased installation of parking supply, provided the parking is completed in the same timeframe as its corresponding building phase. The performance guarantee for the parking shall contain a schedule showing the construction phase or development conditions under which the required parking shall be provided.
 - e. Required parking shall not be occupied by vehicles associated with the ordinary conduct of the business, such as construction equipment, storage trailers, or vehicles displayed for sale.
- (3) To reduce the costs and environmental impact of development, the amount of land devoted to impervious surface for parking shall be minimized. Paved parking spaces shall not exceed the minimum requirements outlined in this ordinance by more than 10 percent.
- a. Within a mixed-use development consisting of any residential use combined with any commercial use, the Planning Board may eliminate space requirements for the residential use until the residential use comprises more than 2/3 of the total floor space. If the residential use covers more than 2/3 of the total floor space of the development, adequate parking must be provided for both the residential and commercial uses.
 - b. The Planning Board is permitted to reduce the required number of parking spaces if a parking analysis shows that similar uses under similar circumstances generate less demand at the 30th highest hour.
 - c. Within a growth district, as defined in the Comprehensive Plan, if the provided off-street parking will not be posted for the exclusive use of customers, employees, or tenants of the development, the Planning Board may reduce the minimum requirement by up to 20 percent.
 - d. The Planning Board may permit some or all of the parking requirement to be met by the provision of parking spaces not located on the same lot, provided that, a) spaces are located within 500 feet of the development and accessible by an existing or proposed sidewalk, b) a written agreement is in place for long-term use of the spaces for the proposed use, and c) the spaces would not be among the minimum required for the use already existing on that lot.

- e. Where a proposed development will share parking with another existing or proposed development, and these developments have opposing peak parking demands, the Planning Board may grant a reduction of up to 50 percent of the parking space requirement. For example, an office building with weekday daytime peak parking demands, and a recreational facility with night and weekend peak parking demands.

(4) Loading/delivery bays shall be provided as necessary.

- a. Space devoted to a loading bay shall be no less than 12 feet by 55 feet.
- b. Loading bays shall be located where they will not interfere with traffic on public ways.

E. Signs.

- (1) Signs relating to goods and services sold on the premises are allowed, provided that such signs shall not exceed 32 square feet in area and 3 signs per premises.

Signs relating to goods or services not sold or rendered on the premises are prohibited.

- (2) Name signs are allowed, provided such signs shall not exceed 2 signs per premises, and shall not exceed 12 square feet in area in the aggregate.

- (3) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed 2 square feet in area.

- (4) Signs relating to public safety shall be allowed without restriction to size or number of signs per parcel.

- (5) No sign shall extend higher than 20 feet above the ground.

- (6) Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon which the sign is located.

F. Management of Open Space.

- (1) All common open space land, facilities, and property shall be owned by:

- a. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

- b. The municipality.
- (2) Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, is prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.

G. Stormwater Management.

- (1) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Any increase in stormwater flow shall not create soil erosion, flooding, property damage, damage to natural resources or create safety hazards to downstream properties. Low-impact development techniques should be utilized, including retaining existing or creating natural runoff control features, such as berms, swales, terraces and wooded areas.
- (2) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

H. Water Quality.

- (1) No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- (2) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (3) Any development proposed within a Sand and Gravel Aquifer or significant bedrock aquifers as identified in the Anson Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals:
 - a. Any industrial use.
 - b. Any manufacturing facility.
 - c. Auto junkyard.
 - d. Auto repair facility.
 - e. Chemical storage or processing facility.
 - f. Oil or fuel storage facility.
 - g. Truck repair.

- h. Any structure with oil, fuel or chemical storage that exceeds a total of 1,000 gallons for the entire site.
- (4) When a hydrogeologic assessment is required, the assessment shall contain at least the following information:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the development.
 - c. Drainage conditions throughout the development.
 - d. Data on the existing ground water quality, either from test wells or existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the development on ground water resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

I. Water Supply.

Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

- (1) Due to the increased chance of contamination from surface water, dug wells are prohibited on lots of smaller than 1 acre. On lots of 1 acre or smaller, the applicant shall prohibit dug wells by deed restrictions.
- (2) Wells are prohibited within 100 feet of the traveled way of any street.

J. Waste.

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.
- (2) No permit shall be issued for any structure or use involving construction, or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant in accordance with the Maine Subsurface Wastewater Disposal Rules and the Internal Plumbing Rules. This includes the applicant submitting evidence of site suitability for subsurface sewage disposal.
 - a. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for

future replacement of the disposal area. The reserve area shall be shown on the development plan and restricted in the deed so as not to be built upon.

- b. In no instance shall a disposal area be on a site which requires a New System Variance from the subsurface wastewater disposal rules.
- (3) The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulations and in a manner approved by the Planning Board.
- (4) At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off-site. All such plans shall be in conformance with applicable state and federal regulations.

K. 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 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.

L. Erosion and Sedimentation Control.

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and 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 rip-rap.
- (2) 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 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 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 1 bale per 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 drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed to carry water from a 25 year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- (6) All erosion controls must be inspected and repaired every week and before and after any significant rainfall events (0.5 inches or greater).
- (7) The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property.

M. Agriculture.

- (1) Following the Maine Agriculture Protection Act (7 M.R.S.A. sections 151 through 161), a farm, farm operation, or agricultural composting operation may not be considered a nuisance, nor may said operation violate this ordinance, if it follows the conditions of the Act.

- (2) Agricultural practices should follow the most recent edition of the *Manual of Best Management Practices for Maine Agriculture*, published by the Maine Department of Agriculture, Food & Rural Resources.
- (3) All spreading of manure shall be accomplished in conformance with the most recent edition of the *Manure Utilization Guidelines* published by the Maine Department of Agriculture, Food & Rural Resources, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (4) If there are any issues with the manner in which agricultural practices are conducted, the practices shall be investigated following the *Rules for the Agricultural Compliance Program*, published by the Maine Department of Agriculture, Food & Rural Resources.

N. 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 100 square feet of ground surface. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Applications to the planning board for a five-year mineral extraction permit shall include the following elements:

- (1) A site plan including the following features:
 - a. Topography indicating not greater than ten (10) foot contour intervals, based on USGS data.
 - b. The location and slope of grades existing and proposed upon completion of the extraction operation.
 - c. Proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits.
- (2) A written statement of the proposed operating procedure and working hours.
- (3) A five-year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of completed excavation.
- (4) The planning board may require a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality in the vicinity.

Mineral Extraction Standards

- (5) No part of any extraction operation shall be permitted within 100 feet of any property

or street line.

- (6) No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site.
- (7) The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.
- (8) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.
- (9) The hours of operation at any extraction site may be limited, if necessary to ensure operational compatibility with neighboring residences.
- (10) All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
- (11) The five-year reclamation plan shall show that within twelve (12) months following the completion of extraction operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.

Final slopes shall not be steeper than two feet horizontal to one vertical (2:1). All stormwater drainage patterns shall be restored to their pre-development standards, such that any water exiting the site shall closely resemble pre-development volume and location. The reclamation plan shall include a stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection.

Any mineral extraction process in lawful operation as of the effective date of this ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.

Discontinuation of any existing operation for a period of more than two (2) years shall result in the operation being required to apply for a site review permit as if it were a new development. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2) year period.

O. Storage of Materials.

- (1) All materials stored outdoors shall be stored in such a manner to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means.
- (2) All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent.
- (3) Where a potential safety hazard to children is recognized by the planning board, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
- (4) The storage of all flammable or explosive liquids, solids, or gases shall be allowed and all materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate Federal and State regulations.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

P. Automobile Graveyards and Junkyards.

- (1) All automobile graveyards, automobile recycling businesses and junkyards shall be licensed in accordance with Title 30-A M.R.S.A. Sections 3751 through 3760.
- (2) Any new automobile graveyard, automobile recycling business and junkyard shall first obtain a permit as required by this ordinance, and after obtaining such approval shall obtain a permit from the Board of Selectpersons. A permit from the Board of Selectpersons shall be issued in accordance with Title 30-A M.R.S.A., Sections 3751 through 3760.
- (3) All applications reviewed by the Planning Board after the effective date of this ordinance shall meet the following requirements:

- a. The area used for the facility shall be set back a minimum of 100 feet from all property lines.
 - b. A buffer consisting of vegetation, fences or berms or any combination thereof shall be installed, or if naturally existing shall not be removed, along all property lines and shall be capable of providing a year-round screen to a minimum height of 8 feet.
- (4) The Board of Selectpersons, prior to consideration of the permit for a automobile graveyard, automobile recycling business or junkyard according to Title 30-A M.R.S.A. Sections 3751 through 3760, may request that the Planning Board and/or the Code Enforcement Officer review the application and site for compliance with this ordinance and the State Law and Regulations. The Planning Board and/or the Code Enforcement Officer shall report their findings to the Board of Selectpersons.

Q. Archaeological, Historic, Scenic and Rare Natural Areas.

If any archaeological, historic, wildlife habitat, scenic or rare and natural areas are located in the tract or parcel of land being proposed for development (as defined and/or identified by either the Anson Comprehensive Plan or a state agency), a protection plan shall be developed in accordance with the following:

- (1) If any portion of the developed area is listed on, or eligible to be listed on the National Register of Historic Places, the proposed land use activity shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment. The applicant shall submit the Commission's comments with the final development plan.
- (2) If any portion of the developed area is designated as a significant archaeological or historic site by the Maine Historic Preservation Commission or Anson Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
- (3) If any portion of the developed area is located within an area designated as a scenic area or unique natural area by the Beginning with Habitat Program or the Anson Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
- (4) If any portion of the developed area is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries & Wildlife or a qualified biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife areas include the following:
 - a. Habitat for or endangered species appearing on the official state or federal lists of endangered or threatened species.

- b. Moderate or high value waterfowl and wading bird habitat, including nesting and feeding areas, as defined by the Maine Department of Inland Fisheries and Wildlife.
- c. High and moderate value deer wintering areas and travel corridors as defined by the Maine Department of Inland Fisheries and Wildlife.

R. Telecommunication Facilities.

- (1) New towers shall be designed to accommodate and facilitate multiple uses, such as co-location of cell phone communication networks.
- (2) The maximum height is 200 feet.
- (3) All commercial operations shall install tubular, monopole-type towers.
- (4) No external lights are allowed, except as required by the Federal Aviation Administration or other applicable authority.
- (5) All systems shall be installed and maintained to meet all federal, state, local, industry, and manufacturer standards, specifications and accepted practices. The applicant shall submit safety and stability data from test facilities or other operating towers, if available.
- (6) The applicant shall provide all connections to the existing utility network.
- (7) Colors and surface treatment of the tower shall minimize visual disruption.
- (8) Towers shall not display advertising, except for reasonable identification of the manufacturer or operator of the tower.
- (9) A tower that is not in operation for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing, and order the removal of the facility within 90 days of receipt of the written notice. Removal of the facility includes proper disposal of the tower and all accessory structures and equipment, according to local and state solid waste disposal regulations. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility is not abandoned.

After the 90 day period has expired, with the owner neither removing the facility, nor demonstrating that the facility is in use, the municipality shall remove the facility at the owner's expense.

S. Wind Energy Generating Facilities.

- (1) Applications to the Planning Board for a wind energy generating facility permit shall include the following elements:
 - a. Description of the proposed wind energy development including an overview and approximate generating capacity of the project, the number, type(s), make(s), model(s), picture and manufacturer's specifications, noise characteristics, a description of associated facilities, and data pertaining to the wind turbine's safety and stability, including safety results from test facilities.
 - b. A site plan showing the location of each proposed wind turbine, property lines, roads, driveways, right of ways, overhead utility lines, and buildings including their purpose. The site plan must additionally show access road and turnout locations, substation(s), electrical cabling from the wind energy development to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures.
 - c. A survey map showing within 2,500 feet of the proposed wind energy development any parks and other designated areas considered locally important in a Comprehensive Plan or Open Space Plan, recognized historic sites and important bird areas as identified by the Maine Beginning with Habitat Program.
 - d. A landscape plan showing all proposed changes to the site, including temporary or permanent roads or driveways, grading, vegetation, clearing and planting.
 - e. Structural drawings from the manufacturer or engineer showing foundation and anchor design.
 - f. Sound level analysis prepared by the wind turbine manufacturer or a qualified engineer.
 - g. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.
 - h. Emergency and normal shutdown procedures.
 - i. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator.
 - j. Decommissioning documents.
 - k. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

- l. Results from shadow flicker modeling software approved by the Department of Environmental Protection.
- m. Sight lines, photographs, and elevations.
 1. A sight line representation shall be drawn from representative locations that show the lowest point of the tower visible from each location. These locations shall include a sight line representation from the closest occupied building to the applicable wind energy development and any public road or public area within 300 feet. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight lines from the closest occupied building or public roads or areas included in the application.
 2. Photographs of existing conditions on site, and manipulated photographs showing post-development conditions.
 3. Elevations of all structures on property.
- n. A plan for maintenance of access roads and stormwater control mechanisms, as well as general procedures for operational maintenance of the wind energy development.
- o. Copies of all proposed leases required to be secured by the applicant. Boundaries of said leases shall be clearly illustrated on the site plan.

(2) Wind Energy Generating Facilities Standards.

- a. Wind turbines shall be set back from the nearest occupied building a distance not less than 4 times the turbine height or 1,000 feet, whichever is greater.
- b. The design of the wind energy development shall conform to applicable industry standards, including those of the American National Standards Institute and shall comply with at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.
- c. All wind turbines shall be equipped with redundant braking systems. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall operate in fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- d. All ground-mounted electrical and control equipment and all access doors to wind turbines shall be labeled and secured to prevent unauthorized access. Wind towers shall not be climbable up to 15 feet above the ground.

- e. The minimum distance between the ground and any blades of a free standing wind turbine shall be 25 feet as measured at the lowest arc of the blade.
 - f. A free-standing wind turbine tower shall be a monopole without guy wires.
 - g. Wind energy developments shall be designed and turbines sited to avoid unreasonable adverse shadow flicker effects on any occupied building at the time of application.
 - h. Wind turbines shall be a non-obtrusive color such as white, off-white, or grey.
 - i. Wind turbines shall not be artificially lit, except for state or federal requirements.
 - j. Wind turbines shall not include advertising or signs, except for reasonable identification of the manufacturer, facility owner, and operator, and for warnings.
 - k. Wherever possible, wind energy developments shall be located to make maximum use of existing vegetation and structures for visual screening.
 - l. Whenever possible, wind energy developments should be located at the edge of clear public views, rather than dominating the center of the view.
 - m. Audible sound from wind energy developments shall not exceed 50 dBA, as measured at the property line.
 - n. The wind energy development shall avoid, to the extent possible, the creation of artificial habitat for raptors or raptor prey, such as electrical equipment boxes on or near the ground that can provide shelter and warmth, or horizontal perching opportunities.
 - o. The wind energy development shall not significantly compromise views from a scenic resource of state or national significance.
- (3) A tower that is not in operation for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing, and order the removal of the facility within 90 days of receipt of the written notice. Removal of the facility includes proper disposal of the tower and all accessory structures and equipment, according to local and state solid waste disposal regulations. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility is not abandoned.

After the 90 day period has expired, with the owner neither removing the facility, nor demonstrating that the facility is in use, the municipality shall remove the facility using the performance guarantee provided at the time of application.

- (4) The facility shall be decommissioned at the end of its useful life. Decommissioning shall include removal of all turbines, accessory structures, cabling, electrical components, and foundations to a depth of 36 inches. The facility shall reach the end of its useful life when no electricity is generated for a continuous period of 12 months.

The Code Enforcement Officer shall notify the owner of a wind turbine that has reached the end of its useful life in writing, and order its decommissioning within 90 days of receipt of the written notice. The owner shall have 30 days from receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not reached the end of its useful life.

After the 90 day period has expired, with the owner neither decommissioning, nor demonstrating that the turbine is in use, the municipality shall decommission the turbine using the performance guarantee provided at the time of application.

- (5) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning the facility. Said estimate shall be provided to the municipality at time of application, and every five years thereafter.

The applicant shall provide a Performance Guarantee that will cover an amount equal to that estimated for the total cost of decommissioning. The applicant shall modify the Performance Guarantee amount every five years based upon the new calculation.

T. Outdoor Lighting.

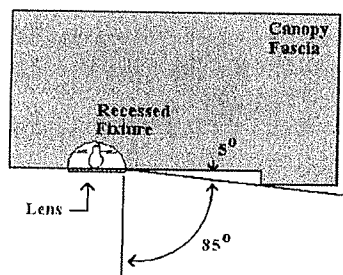
- (1) The following types of outdoor lighting are specifically prohibited.
 - a. Lighting that could be confused for a traffic signal device.
 - b. Searchlights, beacons, and laser source light fixtures.
 - c. Lights that blink, flash, move, revolve, flicker, change intensity or change color.
 - d. Lighting inside of an awning when the awning material is translucent.
- (2) Lighting must be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.
- (3) Free-standing lighting fixtures must not be taller than 20 feet.
- (4) Building-mounted lighting fixtures must not be attached to sloped roofs, and must not be taller than 30 feet, or the height of the principal building, whichever is less. This lighting must be directed downward, along the plane of the building, and not outward away from the building. The use of wall-mounted unshielded lighting (e.g. "wall-pack") is prohibited.

- (5) Light poles must be anodized, painted, or otherwise coated to minimize glare from the light source.
- (6) Lighting in vehicle parking areas containing 20 parking spaces or more must be reduced to 50% of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50% of permitted levels, no adjustment is required.
- (7) Full-cutoff lighting is required for all outdoor lighting fixtures. Post top luminaires ("period lighting") are allowed only when the developer can demonstrate the historic value to having this type of lighting. All post-top luminaires must have a cover on top, such that no light is directed directly upward.
- (8) Average lighting levels must not exceed the standards provided for in the following table. An average to minimum uniformity ratio of 4:1 must be maintained.

Maximum Average Light Levels	
Location	Foot-candles
At building entries	5
At loading areas	8
Parking areas	5
Along sidewalks and other pedestrian areas	3
Under service station canopies	8
In general storage areas	5
In vehicular display areas	8

- (9) Public statues, memorials, monuments, state flags, flags of the United States, and flags of foreign nations may be illuminated from the ground, provided the following standards are met:
 - a. Upward-aiming lights must be placed as close to the flag pole base as possible.
 - b. The lights must be shielded, such that light is only directed at the flag, and does not cause visual glare.
 - c. The lights must not collectively exceed 20,000 lumens.
- (10) Signs may be internally lit or lit from above only.
- (11) Lighting associated with a canopy used for a vehicular shelter must meet the following standards:

- a. Lights beneath a canopy must not project below the bottom of the canopy surface (see image below, courtesy International Dark-Sky Association).



- b. The sides and top of the canopy must not be illuminated.
- c. Lighting beyond the perimeter of the canopy must be consistent with the lighting standards for parking areas.

17. Definitions.

Abutting Property – Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street, stream, river, or right of way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

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

Agriculture - The production, keeping or maintenance for sale or lease, of plants and/or animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products.

Applicant – The person applying for approval under this ordinance.

Automobile Graveyard or Junkyard – A yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-A M.R.S.A. Section 101, or parts of such vehicles. The definition includes discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture, scrap or junked lumber, copper, brass, rope, rags, paper, trash, rubber debris, waste, and all scrap iron, steel and other ferrous or non-ferrous material. The definition also includes an area used for automobile dismantling, salvage and recycling operations. The

definition excludes any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable. Temporary storage shall not exceed 90 days.

Average Daily Traffic (ADT) – The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Building – Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals, or property.

Building Footprint – The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

Design Vehicle – The type of vehicle most likely to use the development.

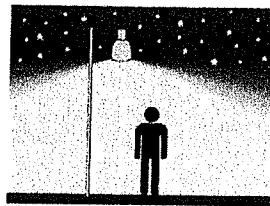
Developed Area – Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

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

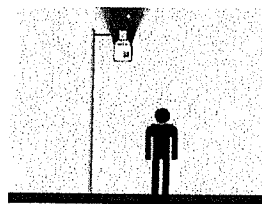
Driveway – A vehicular access-way serving two lots or less.

Foot-candle – A measure of light falling on a given surface. One foot-candle is equal to one lumen per square foot.

Full-cutoff Light – A lamp where all light is directed down towards the ground, and no light is directed up into the sky (graphics below courtesy The University of Texas McDonald Observatory).



Full-cutoff Light



NOT full-cutoff

Grid-scale Wind Energy Development – A wind energy development that is of a size that would qualify as a development of state or regional significance that may substantially affect the environment, as defined in 38 M.R.S.A. section 482 subsection 2.

High Intensity Soil Survey – A map prepared by a certified soil scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the development plan submitted. The

soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Impervious Area – An area of land that has been covered by an impervious surface.

Impervious Surface – A low-permeability material, such as asphalt, brick, concrete, or gravel which has been or will be compacted through design or use to reduce its permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

Large-scale Retail Development – A development as defined in 30-A M.R.S.A. section 4366.

Level of Service (LOS) – A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are 6 levels of service, ranging from A, with free traffic flow and no delays to F, with forced flow and congestion resulting in complete failure of the roadway (“bumper to bumper traffic”).

Lumen – A measure of light energy generated by a light source. Manufacturers list ratings for all their lamps.

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 12 month period which removes more than 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.

Non-conforming Condition – Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming Structure - A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Use - Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Road - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. In this ordinance, street has the same meaning as road.

Road Frontage – The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Sight Distance – The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

Tower – A lattice or tubular structure, greater than 35 feet tall, supporting items such as, but not limited to, cell phone communication networks and wind turbines.

**SOLID WASTE ORDINANCE
FOR THE
TOWN OF ANSON, MAINE**

Section I: Purpose

The purpose of this Ordinance is to protect the health, safety and general well being of the citizens of Anson; enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating, reducing, reusing and recycling the solid waste of the Town of Anson in accordance with the provisions of Title 38 M.R.S.A. Section 1301 et seq. as amended and the Home Rule Authority as granted in Article VIII-A of the Maine Constitution, Title 30-A M.R.S.A. Section 3001 et seq.

Section II: Applicability

This ordinance shall apply to all domestic, commercial and industrial producers of solid waste and recyclable materials in the Town of Anson.

Section III: Validity and 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 IV: Amendments and Effective Date

- A. This ordinance may be amended in the same manner as any other ordinance of the Town, subject to any contractual obligations the Town may have.
- B. This ordinance, and any amendment thereto, will become effective by a vote of a majority of voters at any regular or special town meeting.

Section V: Definitions

- A. The definitions set forth in 38 M.R.S.A. Section 1303-C apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

- B. Board of Selectmen: "Board of Selectmen" means the Board of Selectmen of the Town of Anson.
- C. Licensed Commercial Hauler: "Licensed Commercial Hauler" means any person, firm or organization that transports waste materials in Anson for a fee or other remuneration and has met all the administrative obligations set forth in Section 7.
- D. Disposal Facility: "Disposal Facility" means the facility which accepts solid waste under contract from the Town of Anson.
- E. Recyclable: "Recyclable" means any material that is considered recyclable under the Town of Anson Recycling Ordinance or through the guidelines set forth by the Kennebec Valley Regional Waste Corp.
- F. Town: "Town" means the Town of Anson.
- G. Waste Disposal Contract: "Waste Disposal Contract" means any contract between the Town of Anson and a licensed disposal facility.
- H. Acceptable Waste: "Acceptable Waste" is any waste not defined as "unacceptable" and may include but is not limited to: household waste, garbage, recyclables, white goods, construction/demolition debris and yard waste.

Section VI: Administration

- A. The Board of Selectmen of the Town of Anson will administer the provisions of this ordinance.
- B. The Board of Selectmen shall adopt, and amend, after public hearing, written rules and regulations governing the right of inspection of materials, preparation of materials before drop off and other matters pertaining to the disposal of solid waste. The rules and regulations shall be periodically reviewed and revised to satisfy the needs of the Town of Anson as well as State and Federal Laws.
- C. The Selectmen will consider all license applications and grant or deny each application within fifteen (15) days after receipt of a completed application at the Town Office or within such other time as the Municipal Officers and the applicant shall agree reasonable.

- D. The Selectmen will review any alleged violations of this ordinance.
- E. The Selectmen or their designee shall institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

Section VII: Permitting

- A. All commercial haulers must obtain a "Non-hazardous Waste Transporters License" from the Department of Environmental Protection.
- B. Any person who seeks to serve the Town as a commercial hauler, to collect and deliver waste to any disposal facility must have a valid commercial haulers license issued by the Town. This must be applied for on an annual basis and the license shall expire on December 31 of the year of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provisions of this ordinance.
- C. The collection and transportation of waste and recyclable material by a commercial hauler, generated in the Town of Anson, is prohibited unless the hauler is licensed as provided in this ordinance.
- D. The following items must be submitted to the Town of Anson when applying for a commercial haulers license:
 - 1. Current vehicle registration for all vehicles that will be used in the ordinary course of business.
 - 2. A certificate of insurance generated for the Town of Anson showing at a minimum General Liability coverage of \$500,000.00.
 - 3. Annual fee for Commercial Hauler License for the Town of Anson will be \$25.00.
 - 4. Name, address, and telephone number of the hauler.
 - 5. Types and quantities of solid waste to be deposited at the facility on a weekly or monthly basis. (For example: commercial, industrial, residential)
 - 6. State of Maine Department of Environmental Protection Non-Hazardous Waste Transporters Licenses.
 - 7. Route sheets for all routes serviced in the Town of Anson with the number of customers located on each route.

Section VIII: General Provisions

- A. Licensed Commercial Haulers are obligated to comply and adhere to any ordinances now in effect or passed in the future by the Town of Anson.
- B. All commercial solid waste haulers shall transport solid waste in a completely enclosed vehicle or have the waste covered in such a way which will render the waste or refuse material completely enclosed.
- C. No person operating a vehicle shall permit or cause any solid waste to leave such vehicle before reaching its final destination at a properly licensed disposal facility. No person shall transport any solid waste over any public way, street or place within the limits of the Town except when the material is covered in a manner that the refuse shall not be strewn along public ways. Proof that such solid waste has blown from or fallen from any truck or vehicle shall be prima facia evidence that said truck or vehicle was not sufficiently enclosed or covered.
- D. Solid waste may only be disposed of at a properly licensed disposal facility. No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town in any street, gutter, sidewalk, parking area, park or other public place or on any body of water within or adjacent to the Town.
- E. It is a violation of this ordinance to dispose of any solid or liquid waste, or to accumulate any solid or liquid waste (or allow it to be accumulated) in a manner which would constitute an annoyance, nuisance, public health or fire safety hazard. This provision does not apply to earth fill materials and does not prohibit compost piles or covered subsurface packaged garbage decomposing units so long as no annoyance, nuisance, ground or surface water pollution or any other health hazard is created.
- F. In the event that the Town of Anson has a tax based tipping fee, it shall be illegal for any hauler to mix loads from the Town of Anson with loads from any other location.
- G. The Town of Anson shall not be responsible for the tipping fees related to demolition debris or tires.

- H. In the event that the Town of Anson should provide a “leaf, grass or stump” dumping or recycling facility or area, commercial haulers shall not transport these items to the commercial facility unless the tipping fee is to be paid by the commercial hauler.

Section IX: Permit, Denial, Suspension or Revocation

- A. Issuance of a permit may be denied and any permit or license may be suspended or revoked by the Board of Selectmen, the Code Enforcement Officer or any Law Enforcement Officer for the following causes:
1. Violation of this ordinance;
 2. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this ordinance;
 3. Violations of any license condition(s);
 4. Falsehoods, misrepresentations or omissions in the license application; and
 5. Violation of any provision of the Recycling Ordinance for the Town of Anson.

Section X: Hearings

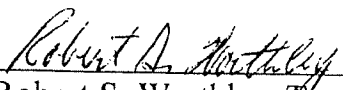
- A. Anyone denied a permit or license, or whose permit or license is suspended or revoked pursuant to Section 9, shall be entitled to notice and hearing before the Board of Selectmen if such a request is made, in writing, within thirty (30) days of the denial, suspension or revocation.
- B. Such hearing shall be held within thirty (30) days after receipt of the written request for a hearing.
- C. The permittee, licensee or applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The permittee, licensee or applicant shall be notified by certified mail, return receipt requested.
- D. The Board of Selectmen’s final determination, relative to denial, suspension or revocation of a permit or license and the period of suspension or revocation shall take effect as provided in the notice, but not later than ten (10) days after the date on which such notice has been mailed to the permittee, licensee or applicant and shall be conclusive.

- E. Notice of decision of the final determination shall set forth the reasons for denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in the Ordinance.
- F. Any controversy or claim arising out of or relating to the Board of Selectmen determinations shall be directly reviewable by the Anson Board of Appeals.

Section XI: Enforcement

- A. Enforcement of this ordinance shall be the responsibility of the Code Enforcement Officer, the Board of Selectmen or their designee, or any local, county or state law enforcement agency. Enforcement will include denial, suspension or revocation of a permit as outlined in Sections 9 and 10 and may involve any action necessary to protect the integrity of this ordinance, including any process either civil or criminal that is authorized by the State Statute.
- B. The minimum fine for violating this ordinance will be one hundred dollars (\$100.00) per offense. Each day that a violation continues will be a separate offense.
- C. Whoever violates any of the provisions of this Ordinance, if convicted, shall be punished by a fine as outlined above plus the cost of enforcement including reasonable attorney fees, which fines and costs shall be recovered on complaint to the Town.

Attest: A true copy of "Solid Waste Ordinance for the Town of Anson, Maine" as certified to me by the Anson Board of Selectmen on February 10, 2004.


Robert S. Worthley, Town Clerk

Adopted: March 6, 2004

**Town of Anson
Solid Waste Management
Rules and Regulations**

I. Authority

These rules and regulations are promulgated pursuant to the Solid Waste Ordinance for the Town of Anson, Maine.

II. Purpose

These rules and regulations provide a regulatory framework for the safe and efficient disposal of solid waste.

III. Definitions

The definitions provided in the Solid Waste Ordinance for the Town of Anson, Maine, and in Title 38 MRSA Section 1303 apply to these regulations. Any word not otherwise defined shall have its ordinary meaning.

IV. Amendment

These rules and regulations may be amended by a majority vote of the Board of Selectmen following at least 14 days public notice and a public hearing.

V. Rules and Regulations

- A. All persons shall comply with the provisions of the Solid Waste Ordinance for the Town of Anson.
- B. All persons shall comply with the provisions of the Recycling Ordinance for the Town of Anson.
- C. The Board of Selectmen, or its designated agent, may randomly inspect hauler's cargo to insure compliance with all appropriate rules, regulations, ordinances or laws.

Public hearing held on: APRIL 13, 2004

Dated:

APRIL 13, 2004

Anson Board of Selectmen

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Town of Anson

Special Amusement Permit Regulations

I. Purpose.

The purpose of these regulations is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor as required by Title 28-A M.R.S.A. §1054.

II. Authority.

These regulations are adopted pursuant to Title 28-A M.R.S.A. §1054.

III. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

A. Entertainment

Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full- or part-time employees of the licensee whose incidental duties include activities with an entertainment value.

B. Licensed Premises

Any building, structure or area for which a liquor license for on-premise consumption has been issued by the State of Maine.

C. Licensee

Any person, individual, partnership, firm, association, corporation, or other legal entity which is the holder of a state-issued license for sale of liquor to be consumed on premises owned by licensee, or any agent or employee of any such licensee acting on behalf of said licensee or left in charge or control of such licensee's premises.

IV. Application.

A. No licensee for the sale of liquor to be consumed on his/her licensed premises shall permit on said licensed premises any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen a special amusement permit.

B. Applications for special amusement permits shall be made in writing to the Board of Selectmen and shall state the following:

- 1) The name of the applicant;
- 2) The applicant's residence address;
- 3) The name and address of the business;
- 4) The nature of the business;
- 5) The location to be used;

- 6) All places of residence of the applicant during the past five years;
- 7) Whether the applicant has ever had a license to conduct special amusement and/or liquor license either denied or revoked and, if so, a specific description of the circumstances;
- 8) Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, a complete description of the circumstances;
- 9) A documented copy of the results of the latest inspection of the premises by an agent of the State Fire Marshal's Office; and
- 10) Any additional information as may be required by the Board of Selectmen including, but not limited to, a copy of the applicant's current liquor license.

V. General Requirements.

A. No special amusement permit shall be issued if the premises and buildings to be used do not fully comply with all ordinances, codes and regulations of the Town of Anson.

B. The application fee for a special amusement permit shall be set by order of the Board of Selectmen.

C. The Board of Selectmen shall, prior to granting a special amusement permit and after seven days' notice to the Town of Anson and the applicant, hold a public hearing at which testimony of the applicant and that of any interested members of the public shall be taken.

IF YOU ARE REAPPLYING, YOU DO NOT NEED A PUBLIC HEARING. YOU JUST APPEAR BEFORE THE BOARD ONLY.

Amended

D. The Board of Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to public health, safety or welfare, or would violate any other municipal ordinances, rules, or regulations.

E. A special amusement permit shall be valid only for the license year of the applicant's existing liquor license.

VI. Conduct constituting offenses by licensee.

A. Tumultuous conduct. The licensee shall not knowingly allow on any licensed premises any person or persons to disturb, tend to disturb or aid in disturbing the peace of others of ordinary sensibilities or to be disorderly by violent, tumultuous, offensive or obstreperous conduct, or to permit or gather a crowd or audience of patrons to witness any entertainment, amusement or show as to create a dangerous condition because of fire or other risks in derogation of the public health, comfort, convenience, safety or welfare.

B. Riots. The licensee shall not allow on any licensed premises any public entertainment, amusement or show of any kind which tends to or is calculated to cause or promote a riot or disturbance.

C. Unnecessary noise. The license shall not allow on any licensed premises the making, creation or maintenance of excessive or unnecessary or unnaturally loud noises so as to disturb, annoy, injure, prejudice, or endanger the comfort, repose, health, peace or safety of:

- 1) Individuals or ordinary sensibilities or the public in general; or
- 2) The property rights of others which noises affect and are detrimental to public health, comfort, convenience, safety, welfare and/or the prosperity of the residents of Anson.

D. Nuisances. The licensee shall not allow any licensed premises to be so conducted or operated as to amount to a nuisance in fact under any ordinances, rules or regulations of the Town of Anson or statutes of the State of Maine.

VII. Inspections.

Whenever inspection of the licensed premises is required by ordinance and/or state law, or is reasonably necessary to secure compliance with any town ordinance, regulation or state law, it shall be the duty of the licensee, or the person in charge of the premises, to admit any law enforcement officer, official or employee of the town duly authorized or directed by the Board of Selectmen to make the inspection at any reasonable time that admission is requested, and to assure that said person performing the inspection shall not be interfered with nor harassed in any way.

VIII. Suspension or Revocation.

The Board of Selectmen may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit which has been issued under these regulations on the grounds that the music, dancing, or entertainment permitted constitutes a detriment to the public health, safety or welfare or violates any town ordinance, regulations or rules or determines that the application was false or misleading in a fashion material to the approval.

IX. Appeals.

Any applicant who has requested a permit and has been denied or licensee whose permit has been revoked or suspended may, within thirty (30) days from the date of the denial, suspension or revocation, appeal the decision to the Anson Board of Appeals.

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Special Amusement Permit Regulations", which is to be presented to the voters for their consideration on March 5, 2016

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: February 23, 2016

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody

Adopted : _____

True Attested Copy

TOWN OF ANSON STREET OPENING ORDINANCE

Section I. Defamations.

As used in this ordinance, unless the context otherwise indicates:

- "Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.
- "Public Place" shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar property owned or controlled by the Town, and dedicated to public use.
- "Town" shall mean the Town of Anson or its Administrative Assistant.
- "Substructure" shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other similar structure located below the surface of any public place.
- "Facility" shall mean pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed, or maintained in, upon, along, across, under or over any public place.
- "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- "Utility" shall mean a private company, corporation or quasimunicipal corporation under the direction and control of the Public Utilities Commission.
- "Newly Constructed or Reconstructed Street" shall mean any street which has been newly built or rebuilt within the preceding three years.

Section II. Excavation Permit.

No person or utility shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the Town, except as otherwise provided in this ordinance.

No permit to make an excavation or fill an excavation in any public place shall be issued except as provided in this ordinance.

Section III. Permit and Street and Sidewalk Opening Fees.

A permit fee of **\$20.00** shall be paid to the Town, a copy of the receipt shall accompany the application. The Town may charge reasonable costs of replacement of street and sidewalk openings.

Special Conditions:

All work to be done at the expense of the applicant, by the applicant or agent.
Applicant or agent will be responsible for all work done for a term of 3 years and within 30 days of notification of deficiency or anytime over the 3 year period. All work will be remedied within 30 days within the date of notice.

Section V. Clearance for Vital Structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and all other vital equipment as designated by the Town.

Section VI. Protective Measures and Routing of Traffic.

The permittee shall in general maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one half (1/2) of the sidewalk width shall be maintained along such sidewalk line.
It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public.
Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Administrative Assistant or his/her designated representative.

Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical flashers or markers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflective material may be used to supplement, but not to replace, light sources.

The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

When traffic conditions permit, the Administrative Assistant or his/her designated representative, with the approval of the Communication, Ambulance and Fire departments of the Town, may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him, if in his opinion it is necessary. The written approval of the Administrative Assistant may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such written notice is given.

Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic, in accordance with the instructions of the Administrative Assistant, after his review of the proposed traffic control measures for the project.

The permittee shall hereby be informed that the Town may require special police protection at the location where the permittee, by his work, interferes with these designated school walk routes or crossing locations.

Section VII. Relocation and Protection of Utilities.

The permittee shall not interfere with any existing facility without the written consent of the Administrative Assistant and the owner of said facility. If it becomes necessary to relocate an existing facility,

this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless other arrangements are made with the owner of the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or other apparatus should be damaged, and for this purpose pipe coating or other encasement devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this paragraph that permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone due to such facility damage and such assumption of liability is a contractual obligation of the permittee.

The only exception will be such instances where damage is due, exclusively, to the negligence of the owning utility. The Town shall not be made a party to any action because of this paragraph. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

Section VIII. Protection of Public Property.

The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate Town Department or Town Official having control of such property.

Section IX. Care of Excavated Material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the permittee haul the excavated material to a storage site and then haul it back to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town. Whenever necessary in order to abate the dirt or dust nuisance, the application of calcium chloride may be required by the Town, at the expense of the permittee.

Section X. Breaking Through Pavement in Streets.

- A. All excavations on paved street surfaces shall be pre-cut in a neat straight line with pavement breakers or saws.
- B. Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property,

- C. Cutouts outside of the trench lines must be normal or parallel to the trench line.
- D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- E. Unstable pavement shall be removed over cave-outs and over breaks and the sub grade shall be treated as the main trench.

Section XI. Breaking Through Pavement in Sidewalks.

- A. All parts of Section X shall apply to this Section in all cases except gravel sidewalks.
- B. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the on the other side of the excavation.

Section XII. Backfilling of Excavation.

Fine material, free from lumps, stones larger than three (3) inches in any diameter, and any frozen material selected from the spoil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed in lifts of eight (8) to ten (10) inches and compacted thoroughly by approved mechanical compactors. Within eighteen (18) inches of the subgrade of the pavement, backfill shall be of good, clean, bank run gravel, compacted in eight (8) to ten (10) inch lifts. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, the backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Town. All expense for such tests shall be borne by the permittee.

Section XIII. Restoration of Surface in Streets.

- A. Permanent resurfacing of excavations shall be made by the Applicant or Agent. . The top surface of the backfill shall be covered with three (3) inches compacted depth of bituminous temporary resurfacing material, by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the Town may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding six (6) months after all backfilling is completed, unless additional time is required by the Town and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, by the Town. except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and lights where required herein.
- B. By the Permittee. Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, the Town, at its option, may allow the permittee to permanently resurface that portion of the street surface damaged by the permittee's excavation. In which event, permanent resurfacing shall be done in a manner and under specifications prescribed by the Town and subject to inspection by the Town and shall be completed within a period of ninety (90) days after such authorization to complete the final resurfacing. If such permanent resurfacing is satisfactory to the Town, all charges for resurfacing will be canceled.

Section XIV. Restoration of Surface Sidewalks.

- A. Permanent resurfacing of excavations in the sidewalk area shall be made by the Applicant or Agent.. If a large amount of square yardage is involved [one hundred (100) square yards or more] the permittee may repair the sidewalk area under the direct supervision and specifications of the Town.
- B. By the Permittee. Upon completion of the backfilling, the permittee shall place one (1) inch of temporary paving material [cold mix] on the top surface of the backfill to protect the pedestrian travel on the sidewalk excavated and shall maintain such temporary patch for ninety (90) days after backfilling is completed.

Section XV. Trenches.

The maximum length of open trench permissible at any time shall be two hundred (200) feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

Section XVI. Prompt Completion of Work.

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified herein. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle.

Section XVII. Urgent Work.

When traffic conditions, the safety or convenience of the traveling public, or public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee beyond the normal working hours including up to twenty four (24) hours a day to the end that such excavation work may be completed as soon as possible.

Section XVIII. Emergency Action.

Nothing in this ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation is started, the person or utility excavating must contact all utilities for on-the-spot locations.

Section XIX. Noise, Dust and Debris.

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris.

Section XX. Preservation of Monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Town to do so. Permission to remove or disturb such monuments, reference points or bench marks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing that the person or utility applying for such permission shall pay all expenses incident to the proper replacement of this monument by the Town.

Section XXI. Granite Curb.

No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town. Any curb missing, damaged, or misaligned shall be replaced or aligned by the permittee.

Section XXII. Bituminous Curb.

Any bituminous curbing damaged during the course of excavation work or any other reason, shall be replaced by the permittee.

Section XXIII. Excavation During Winter.

No person or utility shall be granted a permit to excavator open any street or sidewalk from the time of November 1, each year, to March 31, of the following year, unless an emergency condition exists and permission is obtained in writing from the Town. Any person or utility wishing to obtain a street opening permit between these dates shall first explain to the Town, fully, in writing, the emergency situation existing, before issuance is granted. If a hazardous condition, which could endanger life and/or property, exists, excavation work shall not be delayed by this section of this ordinance; however, a written explanation shall be delivered to the Town as soon as possible and a street opening permit for the opening made.

Section XXIV. Depth of Structures.

No person or utility shall, without written permission of the Town, install any substructure, except manholes, vaults, valve casings, culverts and catch basins at a vertical distance less than:

- A. Streets. Twenty four (24) inches below the established flow line of the nearest gutter.
 - a) If said flow line is not established, then the depth shall be at a minimum of twenty four (24) inches below the surface of the nearest outermost edge of the traveled portion of the street.
- B. The minimum depth of any substructure shall be eighteen (18) inches below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.
- C. Other Public Places. The minimum depth of any substructure on any other public place shall be eighteen (18) inches below the surface, provided, however; that the Town may permit a lesser depth in special cases.

Section XXV. Inspections.

The Town shall make inspections as are reasonably necessary in the enforcement of this ordinance. The Town shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Ordinance.

Section XXVI. Liability of the Town.

This ordinance shall not be construed as imposing upon the Town or any official or employee any liability of responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work.

Section XXVII. Penalty.

Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor and subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

If the work or any part thereof mention in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof, and in such case, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town Thereafter, upon completion of the work and the determination of the costs thereof, the Town shall issue no further or a new permit to any person or utility until it has received payment of said costs.

Any person or utility continuing to violate any section of this Ordinance shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this Ordinance.

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

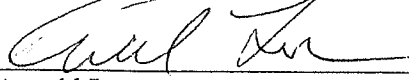
To the Town Clerk of the Town of Anson:

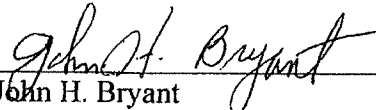
We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Special Amusement Permit Regulations", which is to be presented to the voters for their consideration on March 5, 2016

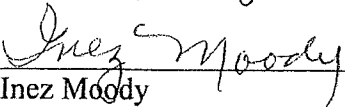
Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

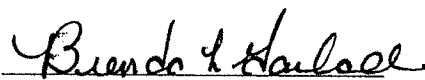
Dated: February 23, 2016

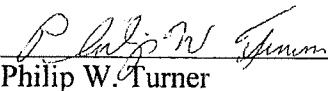
Anson Board of Selectmen:

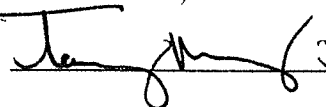

Arnold Luce


John H. Bryant


Inez Moody


Brenda L. Garland


Philip W. Turner

Adopted :  35-16

True Attested Copy
EXCAV.DOC

TOWN OF ANSON STREET OPENING ORDINANCE

Section I. Defamations.

As used in this ordinance, unless the context otherwise indicates:

- "Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.
- "Public Place" shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar property owned or controlled by the Town, and dedicated to public use.
- "Town" shall mean the Town of Anson or its Administrative Assistant.
- "Substructure" shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other similar structure located below the surface of any public place.
- "Facility" shall mean pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed, or maintained in, upon, along, across, under or over any public place.
- "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- "Utility" shall mean a private company, corporation or quasimunicipal corporation under the direction and control of the Public Utilities Commission.
- "Newly Constructed or Reconstructed Street" shall mean any street which has been newly built or rebuilt within the preceding three years.

Section II. Excavation Permit.

No person or utility shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the Town, except as otherwise provided in this ordinance. No permit to make an excavation or fill an excavation in any public place shall be issued except as provided in this ordinance.

Section III. Permit and Street and Sidewalk Opening Fees.

A permit fee of **\$20.00** shall be paid to the Town, a copy of the receipt shall accompany the application. The Town may charge reasonable costs of replacement of street and sidewalk openings.

Special Conditions:

All work to be done at the expense of the applicant, by the applicant or agent. Applicant or agent will be responsible for all work done for a term of 3 years and within 30 days of notification of deficiency or anytime over the 3 year period. All work will be remedied within 30 days within the date of notice.

Section V. Clearance for Vital Structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and all other vital equipment as designated by the Town.

Section VI. Protective Measures and Routing of Traffic.

The permittee shall in general maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one half (1/2) of the sidewalk width shall be maintained along such sidewalk line. It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian, and bicycle traffic shall be subject to final review and approval of the Administrative Assistant or his/her designated representative.

Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices." Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical flashers or markers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflective material may be used to supplement, but not to replace, light sources.

The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

When traffic conditions permit, the Administrative Assistant or his/her designated representative, with the approval of the Communication, Ambulance and Fire departments of the Town, may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him, if in his opinion it is necessary. The written approval of the Administrative Assistant may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such written notice is given.

Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic, in accordance with the instructions of the Administrative Assistant, after his review of the proposed traffic control measures for the project.

The permittee shall hereby be informed that the Town may require special police protection at the location where the permittee, by his work, interferes with these designated school walk routes or crossing locations.

Section VII. Relocation and Protection of Utilities.

The permittee shall not interfere with any existing facility without the written consent of the Administrative Assistant and the owner of said facility. If it becomes necessary to relocate an existing facility,

this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless other arrangements are made with the owner of the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or other apparatus should be damaged, and for this purpose pipe coating or other encasement devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this paragraph that permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone due to such facility damage and such assumption of liability is a contractual obligation of the permittee.

The only exception will be such instances where damage is due, exclusively, to the negligence of the owning utility. The Town shall not be made a party to any action because of this paragraph. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

Section VIII. Protection of Public Property.

The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate Town Department or Town Official having control of such property.

Section IX. Care of Excavated Material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets. and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the permittee haul the excavated material to a storage site and then haul it back to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town. Whenever necessary in order to abate the dirt or dust nuisance, the application of calcium chloride may be required by the Town. at the expense of the permittee.

Section X. Breaking Through Pavement in Streets.

- A. All excavations on paved street surfaces shall be pre-cut in a neat straight line with pavement breakers or saws.
- B. Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.

- C. Cutouts outside of the trench lines must be normal or parallel to the trench line.
- D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- E. Unstable pavement shall be removed over cave-outs and over breaks and the sub grade shall be treated as the main trench.

Section XI. Breaking Through Pavement in Sidewalks.

- A. All parts of Section X shall apply to this Section in all cases except gravel sidewalks.
- B. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.

Section XII. Backfilling of Excavation.

Fine material, free from lumps, stones larger than three (3) inches in any diameter, and any frozen material selected from the spoil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed in lifts of eight (8) to ten (10) inches and compacted thoroughly by approved mechanical compactors. Within eighteen (18) inches of the subgrade of the pavement, backfill shall be of good, clean, bank run gravel, compacted in eight (8) to ten (10) inch lifts. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in its opinion, the backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Town. All expense for such tests shall be borne by the permittee.

Section XIII. Restoration of Surface in Streets.

- A. Permanent resurfacing of excavations shall be made by the Applicant or Agent. . The top surface of the backfill shall be covered with three (3) inches compacted depth of bituminous temporary resurfacing material, by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the Town may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding six (6) months after all backfilling is completed, unless additional time is required by the Town and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving, by the Town, except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and lights where required herein.
- B. By the Permittee. Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, the Town, at its option, may allow the permittee to permanently resurface that portion of the street surface damaged by the permittee's excavation. In which event, permanent resurfacing shall be done in a manner and under specifications prescribed by the Town and subject to inspection by the Town and shall be completed within a period of ninety (90) days after such authorization to complete the final resurfacing. If such permanent resurfacing is satisfactory to the Town, all charges for resurfacing will be canceled.

Section XIV. Restoration of Surface Sidewalks.

- A. Permanent resurfacing of excavations in the sidewalk area shall be made by the Applicant or Agent.. If a large amount of square yardage is involved [one hundred (100) square yards or more] the permittee may repair the sidewalk area under the direct supervision and specifications of the Town.
- B. By the Permittee. Upon completion of the backfilling, the permittee shall place one (1) inch of temporary paving material [cold mix] on the top surface of the backfill to protect the pedestrian travel on the sidewalk excavated and shall maintain such temporary patch for ninety (90) days after backfilling is completed.

Section XV. Trenches.

The maximum length of open trench permissible at any time shall be two hundred (200) feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

Section XVI. Prompt Completion of Work.

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified herein. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle.

Section XVII. Urgent Work.

When traffic conditions, the safety or convenience of the traveling public, or public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee beyond the normal working hours including up to twenty four (24) hours a day to the end that such excavation work may be completed as soon as possible.

Section XVIII. Emergency Action.

Nothing in this ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation is started, the person or utility excavating must contact all utilities for on-the-spot locations.

Section XIX. Noise, Dust and Debris.

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris.

Section XX. Preservation of Monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Town to do so. Permission to remove or disturb such monuments, reference points or bench marks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing that the person or utility applying for such permission shall pay all expenses incident to the proper replacement of this monument by the Town.

Section XXI. Granite Curb.

No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town. Any curb missing, damaged, or misaligned shall be replaced or aligned by the permittee.

Section XXII. Bituminous Curb.

Any bituminous curbing damaged during the course of excavation work or any other reason, shall be replaced by the permittee.

Section XXIII. Excavation During Winter.

No person or utility shall be granted a permit to excavator open any street or sidewalk from the time of November 1, each year, to March 31, of the following year, unless an emergency condition exists and permission is obtained in writing from the Town. Any person or utility wishing to obtain a street opening permit between these dates shall first explain to the Town, fully, in writing, the emergency situation existing, before issuance is granted. If a hazardous condition, which could endanger life and/or property, exists, excavation work shall not be delayed by this section of this ordinance; however, a written explanation shall be delivered to the Town as soon as possible and a street opening permit for the opening made.

Section XXIV. Depth of Structures.

No person or utility shall, without written permission of the Town, install any substructure, except manholes, vaults, valve casings, culverts and catch basins at a vertical distance less than:

- A. Streets. Twenty four (24) inches below the established flow line of the nearest gutter.
 - a) If said flow line is not established, then the depth shall be at a minimum of twenty four (24) inches below the surface of the nearest outermost edge of the traveled portion of the street.
- B. The minimum depth of any substructure shall be eighteen (18) inches below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.
- C. Other Public Places. The minimum depth of any substructure on any other public place shall be eighteen (18) inches below the surface, provided, however, that the Town may permit a lesser depth in special cases.

Section XXV. Inspections.

The Town shall make inspections as are reasonably necessary in the enforcement of this ordinance. The Town shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Ordinance.

Section XXVI. Liability of the Town.

This ordinance shall not be construed as imposing upon the Town or any official or employee any liability of responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work.

Section XXVII. Penalty.

Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor and subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

If the work or any part thereof mention in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof, and in such case, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town Thereafter, upon completion of the work and the determination of the costs thereof, the Town shall issue no further or a new permit to any person or utility until it has received payment of said costs.

Any person or utility continuing to violate any section of this Ordinance shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this Ordinance.

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Special Amusement Permit Regulations", which is to be presented to the voters for their consideration on March 5, 2016

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: February 23, 2016

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody

Adopted : _____

True Attested Copy
EXCAV.DOC

Town of Anson

SUBDIVISION ORDINANCE

March 2006

TABLE OF CONTENTS

SECTION #	TITLE	PAGE
Section 1	General	1
Section 2	Definitions	2
Section 3	Review Criteria	3
Section 4	Administration and General Procedures	5
Section 5	Sketch Plan Review	11
Section 6	Preliminary Plan Review	12
Section 7	Final Plan Review	15
Section 8	Performance Standards	16
Section 9	Enforcement	22

Section 1 General

A. Title:

This Ordinance shall be known as the Town of Anson Subdivision Ordinance and will be referred to as "this Ordinance".

B. Authority:

This Ordinance has been prepared in accordance with the provisions of Title 30-A, M.R.S.A. Section 4403.

C. Purpose:

The purposes of this Ordinance are:

1. To provide for an expeditious and efficient process for the review of proposed subdivisions.
2. To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, M.R.S.A. Section 4404.
3. To preserve and enhance the rural character of the community.
4. To assure the safety, health, and welfare of the people of the Town of Anson.
5. To protect the natural resources of the Town of Anson.
6. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.
7. To promote the development of an economically sound and stable community.

D. Applicability:

The provisions of this Ordinance shall apply to all development considered a subdivision as defined by Title 30-A, M.R.S.A Section 4401 and this Ordinance.

E. Effective Date:

The effective date of this Ordinance shall be the date of the adoption by the Town of Anson on: March 4, 2005

F. Conflicts with other Ordinances:

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

G. Validity and 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.

H. Availability:

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

I. Application Forms:

The Town of Anson Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.

J. Application Fee:

All applications for subdivision approval shall be accompanied by the following non-refundable fee made payable to the Town of Anson: The fee for filing a preliminary plan shall be \$100.00 plus \$50.00 per lot and/or unit. (The fee for a minor subdivision that is permitted to file a final plan shall be the same as a preliminary plan)

K. Amendments:

Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts lands for which a permit 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 a permit.

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

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by the Planning Board.

Direct Watershed of a Pond: That portion of the watershed which drains directly to the pond without first passing through an upstream pond or river.

Final Plan: The final drawings and other required materials on which the applicant's plan

of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Minor Subdivision: A minor subdivision shall be considered a subdivision proposal consisting of no more than 4 lots and/or units which do not involve the construction of any private or public roads.

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

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

Property Owner: The owner of land shall be determined to be that person listed on the Town of Anson property tax assessment records.

Public Improvements: The term shall include all roads, fire protection structures and ponds, any structure or land proposed to be dedicated to the Town, any land or structure which is offered as an easement to the Town, and all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

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

Subdivision: As defined in Title 30-A, M.R.S.A. Section 4401.

Wetland: A swamp, marsh, bog or similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. This is also meant to include forested wetlands.

Section 3 Review Criteria

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 1. The elevation of the land above sea level and its relation to the floodplain,

2. The nature of the soils and subsoils and their ability to adequately support waste disposal,
 3. The slope of the land and its effect upon effluents, and,
 4. The applicable state and local health and water resource rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
 - C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply.
 - D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
 - E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
 - F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
 - G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
 - H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
 - I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.
 - J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.
 - K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
 - L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely

affect the quality or quantity of ground water.

- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is.

Section 4 Administration and General Procedures

A. Administration:

1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.
2. The Planning Board shall provide the Code Enforcement Officer and the Selectmen a copy of its decision on a subdivision application including all application materials.

B. Decisions:

1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing or meeting and begins a review of the application.
2. After review of a complete application the Planning Board shall determine whether the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

D. Additional Studies:

1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire, or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account to meet expenses.

E. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the

applicant that a complete application has been received.

F. Site Inspection:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.
2. The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover prohibits viewing land features of the proposed site.
3. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not render any decision concerning the application during the site inspection.

G. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
 - a. One or more of the review criteria and /or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
 - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

H. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three-tier review process as follows:

- Sketch Plan Review
- Preliminary Plan Review
- Final Plan Review

The Planning Board may vote to allow Minor Subdivisions to submit a final plan for review directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after reviewing the sketch plan proposal.

I. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the revision request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 5 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.
4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted to ensure that the review criteria are met.

J. As Built-Plans:

1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

K. Appeals to Superior Court:

1. An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.

L. Public Hearing Requirements:

1. The Planning Board may hold a public hearing on all preliminary and final plan applications to receive public comment and information concerning the

application.

2. The public hearing notice shall be made as follows:
 - a. The Planning Board shall hold a public hearing within 35 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
 - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
 - (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Joint Meetings:

1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

N. Performance Guarantee:

1. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee shall include one of the following:
 - a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
 - b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
 - c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
 - d. An irrevocable letter of credit from a bank or other lending institution which

shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the amount of the certified check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectman and decide on the contents of the performance guarantee.
4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.
5. If the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

O. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
 - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems. All roads proposed for public acceptance shall also be inspected by a professional engineer as per the road performance standards contained in the Town of Anson Road Design Ordinance.
 - b. The Local Plumbing Inspector shall inspect the installation of all subsurface wastewater treatment systems.
 - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision

and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

Section 5 Sketch Plan Review

A. Purpose:

The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

B. Procedure:

1. The applicant shall submit a complete sketch plan application to the Planning Board at a regularly scheduled Planning Board meeting.
2. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.
3. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated into the application.
4. The Planning Board shall determine the contour intervals to be shown on the plan.
5. The Planning Board shall decide if the proposed subdivision meets the definition of a minor subdivision and if the applicant may submit a final plan for consideration.

C. Submissions:

1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-hand penciled sketch.
2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
 - a. A copy of the Tax Assessors map of the site and surrounding area.
 - b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
 - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

Section 6 Preliminary Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Code Enforcement Officer. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda to be reviewed for a complete application.
2. The application shall consist of 5 complete copies including all maps and related attachments. The Planning Board shall receive 3 copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review.
3. As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.
4. Within 35 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board shall hold a public hearing or meeting within 35 days of determining that it has received a complete application.
6. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application. The Planning Board may vote to delay its review if it cannot conduct a site visit due to snow cover.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be

submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A preliminary plan application form and all required attachments and maps.
 - c. Waiver request form, if applicable.
 - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:
 - (1) Locations and names of existing and proposed roads as per the Town of Anson E-911 Ordinance.
 - (2) Boundaries and designations of all shoreland zoning and other land use districts.
 - (3) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.
 - e. The following general information:
 - (1) Name and address of the applicant and applicant's agent.
 - (2) The applicant shall provide proof of right, title or interest in the property.
 - (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - (4) The book and page and tax map and lot information of the property.
 - (5) The names of all property owners abutting the property.
 - (6) Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.
 - f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
 - (1) Name of the subdivision.
 - (2) Number of lots.
 - (3) Date, north point, graphic scale.
 - (4) Proposed lot lines with dimensions.
 - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corners of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate

the type of permanent marker proposed to be set or found at each lot corner.

- (6) Contour intervals as specified by the Planning Board.
 - (7) The location of all wetlands regardless of size.
 - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - (9) The location of all slopes in excess of 10% slope.
 - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - (11) The location of any significant sand and gravel aquifers,
 - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - (13) The boundaries of all shoreland zoning districts.
 - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - (16) The location of all scenic areas and rare and endangered plants as identified by the Town of Anson.
 - (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
 - (18) The location of all existing and proposed wells and appropriate documentation.
 - (19) All erosion control features proposed for the site.
 - (20) All stormwater control features proposed for the site.
 - (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
 - (22) Road plans and specifications and appropriate documentation.
 - (23) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
 - (24) The type and location of any proposed fire control features, and appropriate documentation.
- g. A statement indicating how the solid waste from the subdivision will be handled.
- h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
- i. Any other data necessary in order to meet the requirements of this Ordinance.
- j. List the anticipated types of land use that will be developed within the proposed subdivision.

- k. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or, for private roads and improvements, how they will be maintained over their lifespan.

Section 7 Final Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Code Enforcement Officer. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda to review for a complete application.
2. The application shall consist of 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for public review.
3. Within 35 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 35 days of determining that it has received a complete application.
5. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable - based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time shall be re-submitted to the Board according to the requirements of Section 7 of this Ordinance. The Applicant shall provide the Town proof that the Subdivision Plan was filed with the Register of Deeds, and shall submit to the Tax Assessors a copy of the subdivision plan showing the proposed lots, which corresponds to the scale of the Town Tax map showing the subdivision.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show

that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:

- a. A receipt from the Town indicating that the application fee has been paid.
- b. A final plan application form and all required attachments and maps.
- c. All the submission materials required for a preliminary plan.
- d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
- e. All waivers approved by the Planning Board shall be shown on the final plan.
- f. All additional studies and/or materials required by the Planning Board, as applicable.
- g. A signature block shall be provided on the final plan.
- h. A performance guarantee, if applicable.
- i. The location and type of all permanent markers set at all lot corners.
- j. If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads and are not eligible for acceptance by the Town of Anson, unless the road is improved to meet the appropriate standards for road acceptance.
- k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
- l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
- m. Proof that applicant has made application for all applicable State and Federal permits.

Section 8 Performance Standards

- A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Anson.
- B. General Lot Requirements:
 1. Subdivisions shall conform to the Town's minimum lot requirements.
 2. Land in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town's Shoreland Zoning Ordinance; areas within the floodway as defined in the Town's Floodplain Management Ordinance; and, areas within public and private rights-of- way.

C. Monuments:

1. Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
 - a. At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.
 - b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
 - c. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
 - d. If lot lines are not perpendicular to the road, the Planning Board may require monuments shall also be set 100 feet from the road at each side lot line.

D. Water Supply:

1. When a subdivision is to be served by Anson Water District, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Anson Water District and the fire chief.
2. When public water supply service is not available, water supply shall be from individual wells which shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
3. In meeting the standards of subsection 1 above, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Anson Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the District's system as necessary to alleviate existing deficiencies.

E. Fire Protection:

1. They shall design the subdivision so that the Town of Anson Fire Department shall have unrestricted access to all developed areas within the subdivision and they arrange for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plan's fire protection measures. This statement shall be submitted with the preliminary plan application.
2. The Fire Chief in making his/her determination that adequate provisions are made

for fire protection shall consider the following:

- a. The road is adequate for the passage of fire equipment.
 - b. An adequate water supply is available near or within the subdivision to serve the density of the development.
3. The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations, the Fire Chief may recommend the installation of fire ponds, cisterns, or other similar features.

F. Sewage Disposal:

1. Public System:

- a. Any subdivision within the area served by public sewage disposal service shall be connected to the public system.
- b. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
- c. The Town of Anson (if applicable) and the Anson-Madison Sanitary District shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- d. The Anson-Madison Sanitary District or the Town of Anson (whichever serves the area) shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing district.

2. Private Systems:

- a. When a proposed subdivision is not within the area served by public sewer, sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
 - (1) The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Licensed Site Evaluator in full compliance with the State of Maine Subsurface Wastewater Disposal Rules. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
 - (2) On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the

disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

- (3) In no instance shall a disposal area for a lot or structures require a New System Variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

G. Erosion Control:

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
 - a. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the "Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, as most recently amended.
 - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained to reduce runoff and encourage infiltration. Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in *the Stormwater Management for Maine: Best Management Practice*, published by the Maine Department of Environmental Protection, 1995, as most recently amended.

I. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternatives exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
 - a. A description of the proposed development including the reasons why this is the only alternative.
 - b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
 - c. A list of state and federal permits required, if applicable.

J. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified by the Town of Anson shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development, and existing conditions or problems within the area.

K. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
 - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
 - b. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program or the Town of Anson, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
 - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

 - (1) Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
 - (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
 - (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

L. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

- a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
- b. A list of all persons with inspection and oversight responsibilities for the development and, if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
- b. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

M. Conformity With All Other Applicable Local Ordinances:

- 1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, and Floodplain Management.

N. Agricultural, Forest and Rural Resources

- 1. Whenever a proposed subdivision is located adjacent to an active farm, pasture, field, a woodlot listed under Tree Growth, a productive forest site, or a borrow pit operation suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry or borrow operations.
- 2. Provisions to reduce conflicts between residential and activities of a working rural landscape shall be proposed based upon the size, density and site conditions of the particular subdivision. Some possible options include:
 - a. A mandatory structure set back of 100 feet from the farm, forest, or borrow site.
 - b. A vegetative buffer along property lines.
 - c. Location of homes away from the farm, forest, or borrow site.
 - d. A disclosure notice, included in the deed for each lot, to inform the new landowner that agricultural, forest or borrow pit activities generate noise, dust and odors.

O. Rural Design and Landscape Standards

- 1. Each subdivision proposal consisting of more than 4 lots shall include a landscape plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:
 - a. Road and lot layout shall be adapted to the existing topography.
 - b. Existing trails shall be preserved.
 - c. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.

- d. Trees located along the roads shall be preserved to the greatest extent possible in order to maintain a rural roadscape.
- e. Existing vegetation along all streams, ponds, wetlands shall be preserved.

P. Maintenance of Roads and Public Improvements

- 1. All roads and other public improvements that are not dedicated to the Town or during such time prior to the actual acceptance by the Town of Anson shall be maintained by the subdivision owners or developer. A legal agreement indicating how the infrastructure will be maintained shall be submitted to the Planning Board with the preliminary plan. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain all improvements for the applicable time period.

Section 9 Enforcement

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not convey or offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. Section 4452.

Public Hearing: January 10, 2006

22

Adopted: March 4, 2006

A TRUE COPY,

Robert S. Worthley
ROBERT S. WORTHLEY
Town Clerk

ANSON ORDINANCE TO ESTABLISH THE WORKPLACE OF THE TOWN CLERK, TREASURER AND TAX COLLECTOR

I. GENERAL PROVISION

The purpose of this ordinance shall be to establish the Town Office as the principle place of business for the administration of the Town of Anson elected officials.

II. POSITIONS

A. The position of the Town Clerk shall be administered from the Anson Town Office with hours posted at the Anson Town Office with those hours being a minimum of 10 hours. All records are to be housed at the Anson Town Office.

B. The position of Treasurer shall be administered from the Anson Town Office with hours posted at the Anson Town Office with a minimum of 22.5 hours. All records being housed at the Anson Town Office.

C. The position of Tax Collector shall be administered from the Anson Town Office with a minimum of 32 hours all records being housed at the Anson Town Office.

III. MINIMUM/MAXIMUM HOURS

The selectmen shall have the authority to adjust the number of minimum hours required for each position in the event the legislative body should vote to decrease the amount of compensation. If the legislative body increases the compensation then the hours can be adjusted additionally at the discretion of the selectmen.

IV. PENALTY

In the event that the tax collector, treasurer or town clerk fails to comply with this ordinance, either by failing to fulfill the requirements or failing to provide a deputy to fulfill those requirements shall forfeit the office. All deputies shall be compensated from the salary of the official.

V. AUTHORITY

This ordinance is adopted and enacted under MRSA 30-A Section 3001-3007 and a copy shall be kept permanently on file with the Anson Town clerk with copies available during regular business hours.

Amendments to this ordinance, except for those allowed in Section III shall be made after hearing by the Legislative body of Anson.

This ordinance shall become effective at annual town meeting, March 1996.

PUBLIC HEARING DATE: _____

TOWN MEETING ADOPTION: _____

TOWN CLERK

(SEAL)

Town of Anson
Ordinance Restricting Vehicle Weight on Posted Ways

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 Anson which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-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 judgement, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

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

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner. 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 traveled way.

Ordinance Restricting Vehicle Weight on Posted Ways - Page 2

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 (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance.

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

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

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

Ordinance Restricting Vehicle Weight on Posted Ways - Page 3

- 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 judgement, be relevant.

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

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the Anson Board of Selectmen or their duly authorized designee, the Anson Road Commissioner.

Section 7. Penalties

Any violation of the 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.

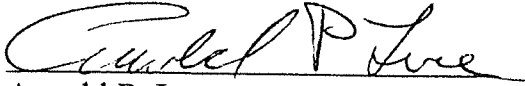
Section 9. Severability; Effective Date

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.

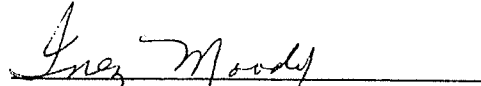
Ordinance Restricting Vehicle Weight on Posted Ways - Page 4

Given under our hands this 11th day of February, 2003 at Anson, Maine

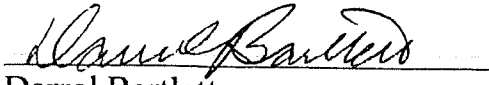
Selectmen of Anson



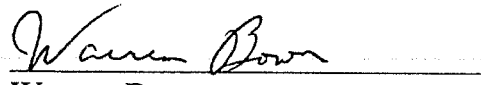
Arnold P. Luce



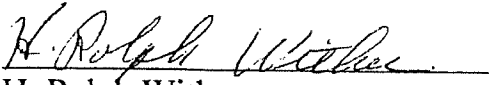
Inez Moody



Darrol Bartlett

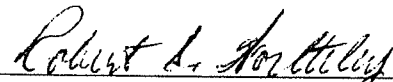


Warren Bown



H. Ralph Withee

Attest: A true copy of an ordinance entitled "Town of Anson Ordinance Restricting Vehicle Weight on Posted Ways", as certified to me by the municipal officer of Anson, Maine on the 11th day of February, 2003.

Signature: 
Robert S. Worthley, Town Clerk of Anson, Maine

17 DEPARTMENT OF TRANSPORTATION

229 OFFICE OF THE COMMISSIONER

Chapter 308: RULES TO ESTABLISH SEASONAL LOAD RESTRICTIONS ON CERTAIN
STATE AND STATE AID HIGHWAYS

SUMMARY: The following rules define the heavy load restrictions on posted State and State Aid Highways between November 15 to June 1, pursuant to the Department of Transportation's authority under Title 29-A M.R.S.A., Section 2395

SECTION 1. DEFINITIONS

1. The definitions contained in Title 29-A, Section 101 of the *Maine Revised Statutes Annotated* are hereby included.
2. **Limited Load Permit** - A written permit issued by the Maine Department of Transportation authorizing the transport of certain commodities under certain specified circumstances as defined in this chapter.
3. **Exemption Certificate** – A permit that was issued by the Maine Department of Transportation prior to the establishment of Limited Load Permits and allows for a partial load defined by axle configuration.
4. **Perishable Product** – Any commodity (typically food items) that require expeditious transportation in a controlled atmosphere for protection against heat or cold to prevent deterioration.
5. **Special mobile equipment.** "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and for other duties pertaining to winter maintenance, including sanding and salting, well drillers and wood-sawing equipment or similar types of equipment.
6. **Special Commodity** – Includes any of the following:
 - a) Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);
 - b) Petroleum products;
 - c) Groceries;
 - d) Bulk milk;

- e) Bulk feed;
- f) Solid waste;
- g) Animal bedding;
- h) Returnable beverage containers;
- i) Sewage from private septic tanks or porta-potties;
- j) Medical gases; or
- k) United States mail.

SECTION 2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Maine Department of Transportation Commissioner (MaineDOT) may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No heavy vehicles shall travel over closed ways except those permitted by this rule.

SECTION 3. NOTICE

Notice shall be given by erecting an orange poster at each end of a closed highway indicating the following: (1) the date of the posting, (2) a description of the highway that is closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Department's Representative, and (5) the applicable statutory and regulatory references.

SECTION 4. EXEMPTION – FROZEN HIGHWAYS

This rule shall not apply to a closed highway which is frozen. A highway is considered "frozen" if the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Alternatively, if the air temperature is 32 degrees Fahrenheit or below and there is water showing in the cracks of the highway, the highway will be considered "frozen" if the adjacent gravel driveways, shoulders, or lawns remain frozen.

SECTION 5. EXEMPT VEHICLES

The following vehicles are exempt from this rule and do not require any type of permit from MaineDOT:

1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile

equipment. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.

3. MaineDOT vehicles or other vehicles authorized by MaineDOT to maintain the roads under their authority.
4. Authorized emergency vehicles as defined in 29-A MRSA §2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
5. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities defined herein may operate without a permit.

SECTION 6. ELIGIBILITY FOR LIMITED LOADS

A Limited Load Permit specifies a reduced weight for a truck based upon its axle configuration and tire width. Applications for a Limited Load Permit must include a copy of the vehicle registration and a certified weigh slip for the empty weight of the vehicle. Applications are located on MaineDOT's Posted Roads website found at www.mainedot.gov. A Limited Load Permit is valid for as long as it is used to transport the same commodity and is owned by the same owner.

1. A Limited Load Permit is available for vehicles with a Gross Vehicle Weight Rating over 34,000 pounds and carrying a Special Commodity (Vehicles with a GVW from 23,000 pounds and up to 34,000 pounds are covered in Section 5). These vehicles must be carrying a partial load and the total vehicle with load weight equal to or less than that indicated on the Limited Load Permit issued by MaineDOT. This permit shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.
2. "Exemption Permits" issued prior to the implementation of this rule remain valid as long as the vehicle owner and registration number on the permit are still consistent with the vehicle's registration.

SECTION 7. OBTAINING TRIP TICKETS TO HAUL BULK PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

Trip Tickets are used to move bulk perishable items one time. Entities interested in obtaining a Trip Ticket must use the following process:

1. Entities intending to haul bulk perishable products over seasonally closed ways must secure a Trip Ticket from MaineDOT through its applicable region office. Information regarding the MaineDOT regions, office locations and contact information may be found on the MaineDOT web site at www.mainedot.gov.

2. Upon receipt of information regarding the requested route, vehicle axle configuration, and commodity being moved, MaineDOT will have up to 72 hours to review the request and may charge a reasonable fee for its administration of Trip Tickets.
3. Any Trip Ticket issued will be valid for a single move by a 5 axle or more combination vehicle and will be limited to a combined maximum weight of 80,000 pounds. The Trip Ticket may be further limited by time, route, and/or weather conditions.
4. The trip ticket must be kept with load at all times.
5. Additional trip tickets will not be issued to shippers that are in violation of any of the required conditions and rules.
6. At its sole discretion, MaineDOT may close any posted road to the hauling of bulk perishable products.

SECTION 8. EXCEPTIONS

MaineDOT, in its sole discretion, may allow heavy loads over posted roadways during times of emergency or in such instances where singular, nonrecurring moves are deemed to be unique, essential, and reasonably unforeseen. Permission for such moves will be made in writing specifying the limitations, and shall accompany the vehicle at all times.

STATUTORY AUTHORITY: 29-A MRS §2395; 23 MRS §§ 52, 4206

EFFECTIVE DATE:

December 18, 2016 – filing 2016-225

AMENDED:

November 5, 2019 – filing 2019-190