BUCKSPORT TOWN COUNCIL AGENDA
COUNCIL CHAMBERS
OCTOBER 9, 2025 • 7:00 P.M.

Meetings are broadcast live on Spectrum Cable TV Channel 1303 and streamed simultaneously on the Town of Bucksport's YouTube channel.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PRESENTATIONS AND TOWN COUNCIL RECOGNITIONS**
4. **CONSIDERATION OF MINUTES OF PREVIOUS MEETINGS**
5. **REPORTS, DOCUMENTS, AND CORRESPONDENCE**
    a. Report of the Finance & Investments Committee
    b. Report of the Services Committee
    c. Department Head Reports – September 2025
    d. Verona Island Police Call - 10/03/2025
6. **DISCUSSION ITEMS**
7. **PUBLIC HEARINGS**
8. **NEW ORDINANCES TO CONSIDER**
    a. First Reading – Adoption of Updated General Assistance Ordinance
    b. First Reading – Town of Bucksport Code Adoption Ordinance
9. **AGENDA ITEMS**
    a. **Resolve 2026-46:** Approving the Road Race Permit for the 2026 Bridge the Gap Road Race
    b. **Resolve 2026-47:** Approving Liquor License Renewal for Buckley Tower Hospitality LLC d/b/a Warren's Waterfront Restaurant
    c. **Resolve 2026-48:** Authorizing Municipal Quitclaim Deed for Map 017, Lot 007
    d. **Resolve 2026-49:** Authorizing Municipal Quitclaim Deed for Map 013, Lot 050
    e. **Resolve 2026-50:** Authorizing Municipal Quitclaim Deed for Map 031, Lot 004
    f. **Resolve 2026-51:** Authorizing the Sale of Tax-Acquired Property Identified as Map 017, Lot 034
    g. **Resolve 2026-52:** Authorizing the Sale of Tax-Acquired Property Identified as Map 006, Lot 066
    h. **Resolve 2026-53:** Authorizing the Sale of Tax-Acquired Property Identified as Map 008, Lot 002
    i. **Resolve 2026-54:** Authorizing the Sale of Tax-Acquired Property Identified as Map 046, Lot 046
    j. **Resolve 2026-55:** Authorizing the Sale of Tax-Acquired Property Identified as Map 017, Lot 012
    k. **Resolve 2026-56:** Cancelling the November 27, 2025 Town Council Meeting
10. **TOWN MANAGER'S REPORT**
11. **DISCUSSION OF ITEMS NOT ON THE AGENDA FOR COUNCIL AND PUBLIC**
12. **COMMITTEE ASSIGNMENTS AND SCHEDULING**
13. **ADJOURNMENT**

BUCKSPORT PUBLIC SAFETY

DIRECTORS MONTHLY REPORT

SEPTEMBER 2025

The month of September has come and gone in a flash. We are working on wrapping up our summer events and gearing up for a few of our winter events that the town holds. We are covering all football games along with gearing up for debates, winter parades and much more. September was another steady month for us in all departments. Staffing can change in a moments time in this business and it has. We have a few people out for different reasons and we have had a few return that were out and remember our door never closes! We will continue to provide the service at the level we should be to provide a service to the citizens that they deserve regardless of staffing levels. After a while this does take a toll on staff for sure, having said that we have top notch employees and they never skip a beat. Our crews continue to step up and provide a top-notch service that the citizens that we serve from Bucksport, Orland and Verona deserve.

The training for the month for the Police Department consisted of policy training. Officer Trevor Luna continues his 18 weeks of basic training at the Maine Criminal Justice Academy. Officer Amanda Loeven has been accepted to DRE (Drug Recognition Expert) school and this is an ongoing process. Sergeant Dan Harlan is wrapping up our firearms training for the year and this should be completed in the month of October. Sergeant Dan Harlan is in the process of entering his second and third FBI LEEDA class. With these classes he will complete his Trilogy through the FBI. When this occurs the entire command staff for the police department will have their Trilogy and the department will be Trilogy certified by the FBI LEEDA.

Officer Eric Marcel has started the DARE program again this month. I met with him and this is off to a great start and we expect for this to be another successful year with this program.

The transition of our firearms from .40 caliber to 9mm is continuing. Sgt Dan Harlan is our firearms instructor and is in charge of this large project. Our current firearms are pushing 15 years old and have served their life in a law enforcement capacity, I will keep you all posted on this project.

The Ambulance Department and Fire Department had internal crew trainings this month that consisted of a variety of items. The training for the month was Size Ups. This is a very important training as this is the first item on the agenda when they arrive at any scene to see what they are dealing with and what they will need to complete the task at hand. They also trained on gear drills, and strut system rescues. The ambulance service training for the month will be on airways, mega codes and chest decompressions.

FF/P Gray Kaelin competed his paramedic course this month. This is a one-year class and is very intense. Congratulations to Gray Kaelin for completing his paramedic course successfully, Great Job!!!

I would like to thank Mackenzie Teed for her full-time service to the Town of Bucksport. Mackenzie will be leaving us on a full-time basis and will be staying on with us as a per diem, Thank you for your service!

I would like to welcome Aleksandra Pond to the Fire Department. We have hire Alexsandra as a full-time employee to replace an employee that is leaving us, Welcome Aleksandra!!!

The dispatch center had 7090 radio log entries this month. This department is the heart beat of the town. It all starts with the people in these chairs and they do a fantastic job in a very high stress environment. There were 496 police calls for service this month, 204 Ambulance / Fire calls, 121 Ambulance runs, 83 Fire calls 21 fire permits and 4 inspections/ Licenses. Our Animal Control Officer had 11 animal complaints this month.

I have attached the form for call #’s for the past month along with the maps for calls locations for the month.

I attended the following meetings this month: Supervisors meeting, meeting with Deputy Chiefs, Meeting with IT Dept., Town Council meeting, Town Manager meeting, Meeting with Economic Development Director, YMCA Executive Board and Finance Committee, Public Safety Department Head weekly meeting, Morning Fire Meetings, Employee meetings, Superintendents meeting,

Crisis Management meeting, Bay Festival follow up meeting, Lockdown Drills at schools, Dispatch recorder meeting, Maine Threat Assessment Advisory Committee meeting, Animal Control Meeting, Cruiser Checklist meeting, DOT Main Street meeting, BHS Risk Review meeting, Chiefs interviews.

As I mention every month and will continue to do so, our staff continues to do an outstanding job day in and day out serving the residents of Bucksport, Verona and Orland. I want to again this month thank each and every one of them for what they do day in and day out. Keep up the good work and make sure to take care of yourselves and each other!!

Respectfully Submitted,

Sean P. Geagan

Director of Public Safety

Town of Bucksport

BUCKSPORT POLICE DEPARTMENT

MONTHLY REPORT

September 2025



Mission Statement

We the members of the Bucksport Police Department will strive to provide the highest level of personal safety to the citizens of this community. We will protect their rights as guaranteed under the State and Federal constitutions, and safeguard the lives and property of our community. We will accomplish this mission by providing our citizens with a high degree of ethical and professional police services while maintaining their trust, understanding and confidence.

Core Values

Integrity: We will be fair and do the right thing in order to keep the citizens of our community safe. We will adhere to both moral and ethical principles in all that we do both inside and outside of our duties.

Honesty: We will demonstrate good moral character. We will always be truthful, straightforward, trustworthy, loyal, fair and sincere to the people that we serve.

Teamwork: We will work together to achieve one common goal in order to keep the citizens of our community safe. We will work together with shared responsibilities in order to achieve this.

STAFFING

Deputy Police Chief	*David E. Winchester*
Patrol Sergeant	*Darrin Moody*
Patrol Sergeant	*Daniel Harlan*
Patrol Officer	*Robert Findlay*
Patrol Officer & School Resource Officer	*Eric Marcel*
Patrol Officer & K-9 Handler	*Matthew Schmidt*
Patrol Officer	*Amanda Loeven*
Patrol Officer	*Jesse Dow*
Patrol Officer	*Christopher Sargent*
K-9	*Axel*
Patrol Officer	*Trevor Luna*
Reserve Patrol Officer	*Ryan Knight*
Reserve Patrol Officer	*Ryan Welch*
Reserve Patrol Officer	*Richard Sullivan*
Reserve Patrol Officer	*Kayla Brooks*

Dispatcher Supervisor	*Jesse Jenkins*
Dispatcher	*Barbara Cote*
Dispatcher	*Raychel Britton*
Dispatcher	*Richard Sullivan*
Reserve Dispatcher	*James Morrill*
Reserve Dispatcher	*Christopher Grindle*
Reserve Dispatcher	*Heather Tweedie*
Reserve Dispatcher	*Aimee Reynolds*
Reserve Dispatcher	*Deven St. Laurent*

Animal Control Officer	*Autumn Bishop*
Assistant Animal Control Officer	*Tina Chadbourne-Allen*

Public Safety Pastor	*Peter Remick*



Bucksport Police K-9, Axel

Deputy Chief David E. Winchester:

The month, the Police Department and Dispatch Center completed a Maine State Police and FBI Criminal Justice Information Services (CJIS) audit. Every 3 years a compliance check is conducted to assess compliance with application statues, regulations and policies. We completed our lengthy on-line portion of the audit and will soon complete the in-person portion.

Also, this month, I completed annual review of the Police Department's homeless protocol policy. Revisions were made to the policy due to new services while some were removed because they are no longer available. I'd like to thank Tracey Hair, Shannon Carpenter and Rosalani Moore for being on the policy review committee.

Our Bureau of Highway Safety Grants completed this month and were closed out. In January of 2025, the Police Department received $13,546 for speed related details and an additional $4,316 for distracted driving details as well.

In May of 2025, I completed a grant to purchase a printer for one of our patrol units in the amount of $949.81. This grant was also completed and closed out after equipment was purchased and installed by out IT Department. Thanks to Jim Morrill and Dylan Pointer for their assistance.

I completed 3 additional Bureau of Highway Safety Grants this month to receive funding from the Bureau of Highway Safety in 2026. These grants include funding for Officer Amanda Loeven's Drug Recognition Expert training in the amount of $10,495, speed enforcement in the amount of $9,270 and Operating Under the Influence (OUI) enforcement in the amount of $4,329.

Sgt Dan Harlan has been completing our annual firearms qualifications and this month he completed approximately half of the patrol staff's rifle qualifications. The remainder will be completed in October to ensure our staff is proficient in both handgun and rifle use.

Sgt. Harlan and I transported 60 pounds of illegal street drugs taken as evidence to a facility in Portland for proper destruction. These drugs had remained in the Bucksport Police evidence room pending completion of any court proceedings. Portland is the nearest facility that would provide the service of destruction of these dangerous illegal drugs.

This month, the patrol staff issued 18 traffic citations and 96 traffic warnings. We responded to 37 property damage accidents and 3 personal injury accidents. We had 13 incidents requiring an adult arrest and no juvenile arrest. We had 13 incidents that were alcohol related and 18 that were drug related.

The following are all calls for service that were handled this month. Director Geagan 5, Deputy Chief Winchester 16, Sergeant Moody 22, Sergeant Harlan 17, Officer Findlay 61, Officer Marcel 30, Officer Schmidt 57, Officer Loeven 47, Officer Dow 33, Officer Sargent 22, Officer Luna 29, Officer Sullivan 9, and Officer Welch 2.

The Department is reporting incidents under the Incident Based Reporting System (IBR) as required by the State. In the month of September, we reported and validated 14 incidents. These incidents cover; Criminal Homicide, Forcible Rape, Robbery, Assault, Burglary and Theft and other crimes that are labeled into Group "A" and Group "B" type offenses. In the month of September, we had 0 Criminal Homicides, 0 Forcible Rape, and 0 Robbery. In September, we had 2 assaults reported. Cases can be cleared by an arrest or exceptional means. We had 7 actual offenses and cleared 2 (cases that were reported the previous month and cleared in next month will account for these numbers).

Dispatch:

In the month of September, the Dispatch Center made 7090 radio log entries. A partial list is attached to this report, this includes percentages. All of these calls are taken by the dispatch and put into the computer aided dispatch system and dispatch to the appropriate units. They also completed Court Work, Payroll, and Purchase Orders for billing purposes along with answering all calls and greeting the public at the Public Safety Building. This department continues to be the lifeline of the town and they are very busy in all areas. The dispatch continues to work on scanning a lot of our documents in the dispatch center along with attaching them to the Spillman records management system.

Animal Control:

This month, Animal Control handled 11 animal complaints. Animal Control continues to take in animals from several other communities and this keeps them and the shelter very busy.

In September, Animal Control Officer Bishop took in 6 new cats. One from Orland, 2 from Prospect, and 3 from Stockton Springs. Four cats adopted to new homes and one was transferred to a new facility. We currently have 19 cats at our shelter looking for new homes.

She also took in 2 dogs this month from Bucksport. Two dogs were reclaimed and 1 dog were adopted to new homes. We currently have 6 dogs at our shelter.

Please visit the Animal Shelter Facebook page to view animals available for adoption!

Respectfully submitted,

David E. Winchester

David E. Winchester
Deputy Police Chief

BUCKSPORT FIRE DEPARTMENT

89 Franklin Street, PO Box 1848, Bucksport, ME 04416
207-469-7951 (non-emergency, 24/7), 207-469-3122 (fax)

FROM THE DESK OF DEPUTY CHIEF MICHAEL DENNING
mdenning@bucksportmaine.gov

Fire Chief's Report for September, 2025

EMS Calls: 121
Fire Calls: 83
Inspections/Licenses: 4
Burn Permits Issued: 21

September continued to be extremely busy as our crews responded to 204 calls for service. Call totals for the fiscal year, from July 1st, 2025 to September 30th, 2025 are 585.

Burn permits were reopened after a good rain event, however only for several days. They currently are again shut down until more rain comes our way. With the leaves falling and dry duff along the top of the ground, this creates a very high fire condition with little to no rain.

We have hired Aleksandra Pond an EMT/FF2 as our newest fulltime employee. She replaces an employee who left for another department. She has completed her in house training and will start her first shift October 1st, assigned to A Crew. Welcome aboard Aleksandra!

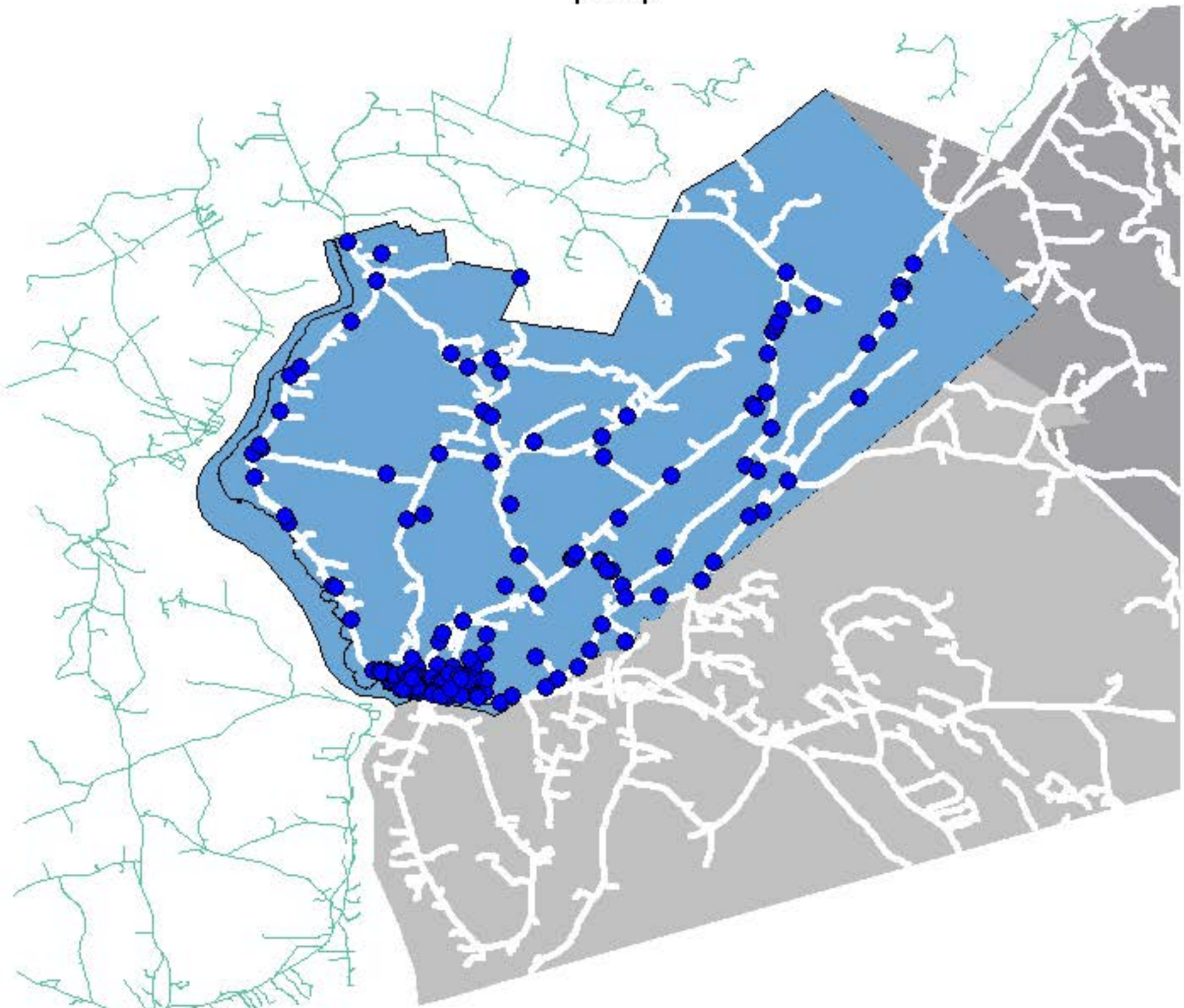
Congratulations go out to Firefighter/EMT-P Gray Kaelin on his completion of his Paramedicine license. He has worked very hard over the past year or so to complete this, and we are all very proud of him. Congratulations Gray!

Annual pump testing has been completed on our 3 engines, and are certified for another year. All passed with no issues. These tests are required each year and keeps our ISO ratings low.

Training consisted of roll-up scenario's, gear drills, strut system rescues, airway and mega code drills.

Respectfully Submitted;
Michael W. Denning
Michael W. Denning
Deputy Fire Chief

pinmap



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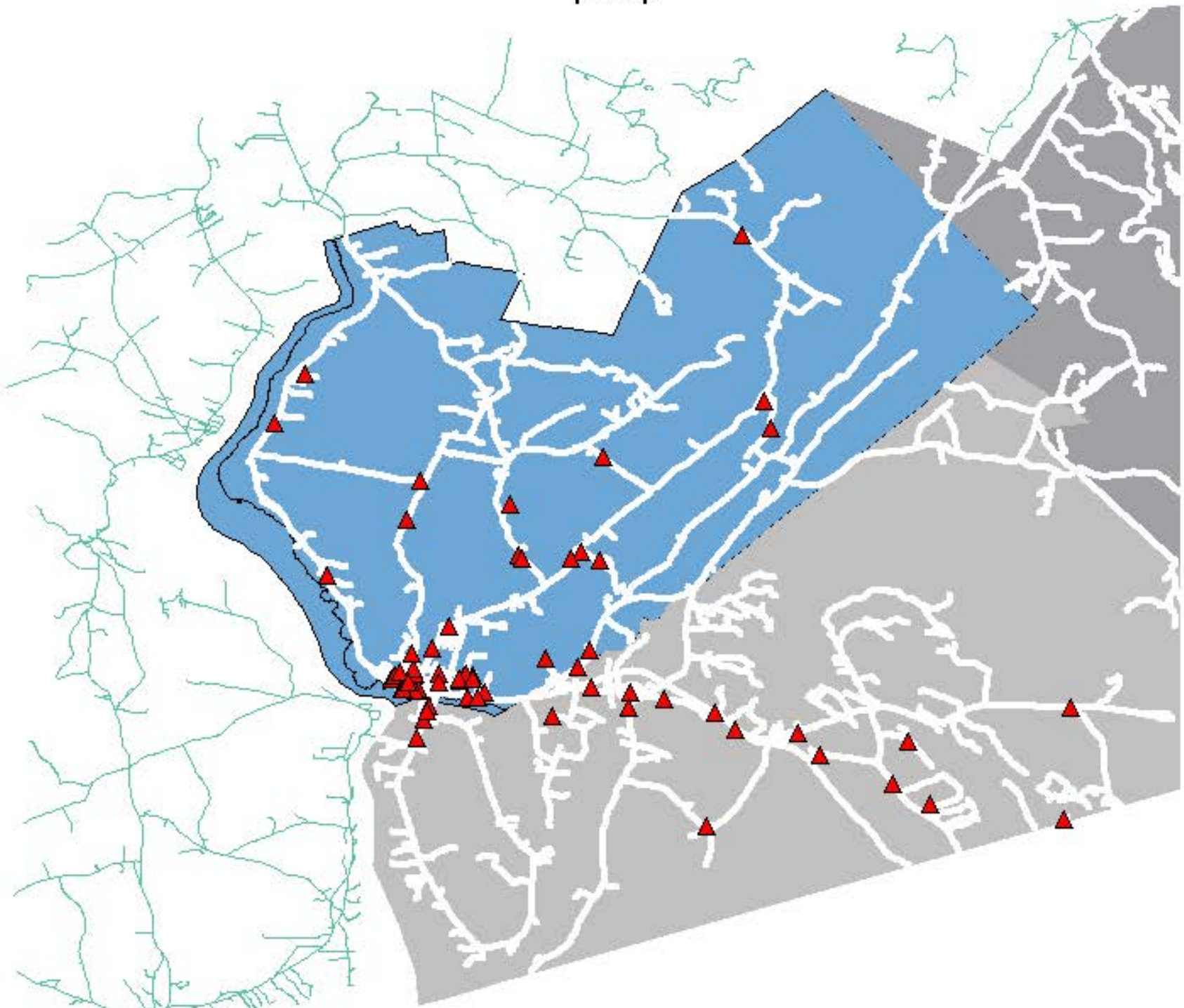

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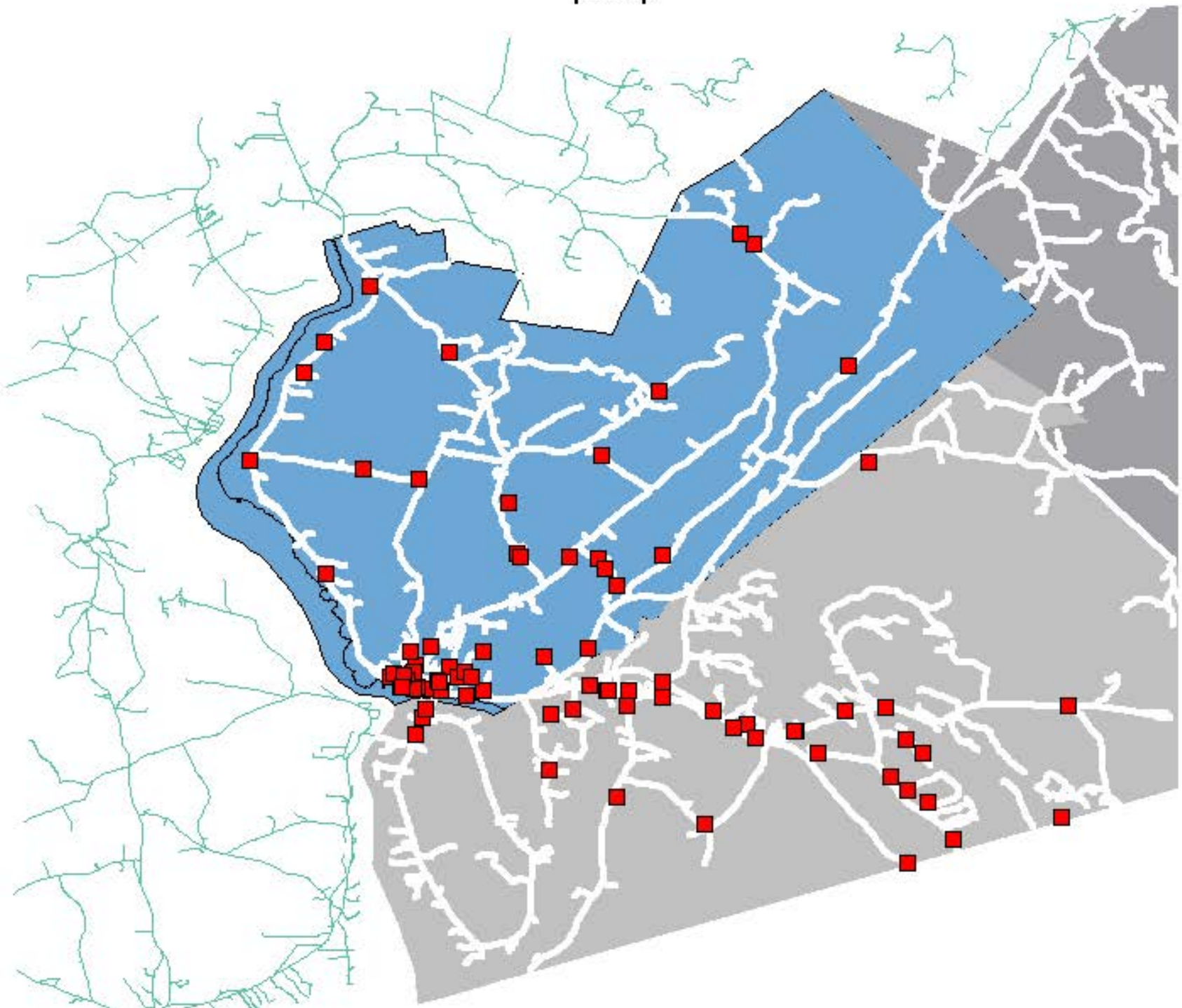

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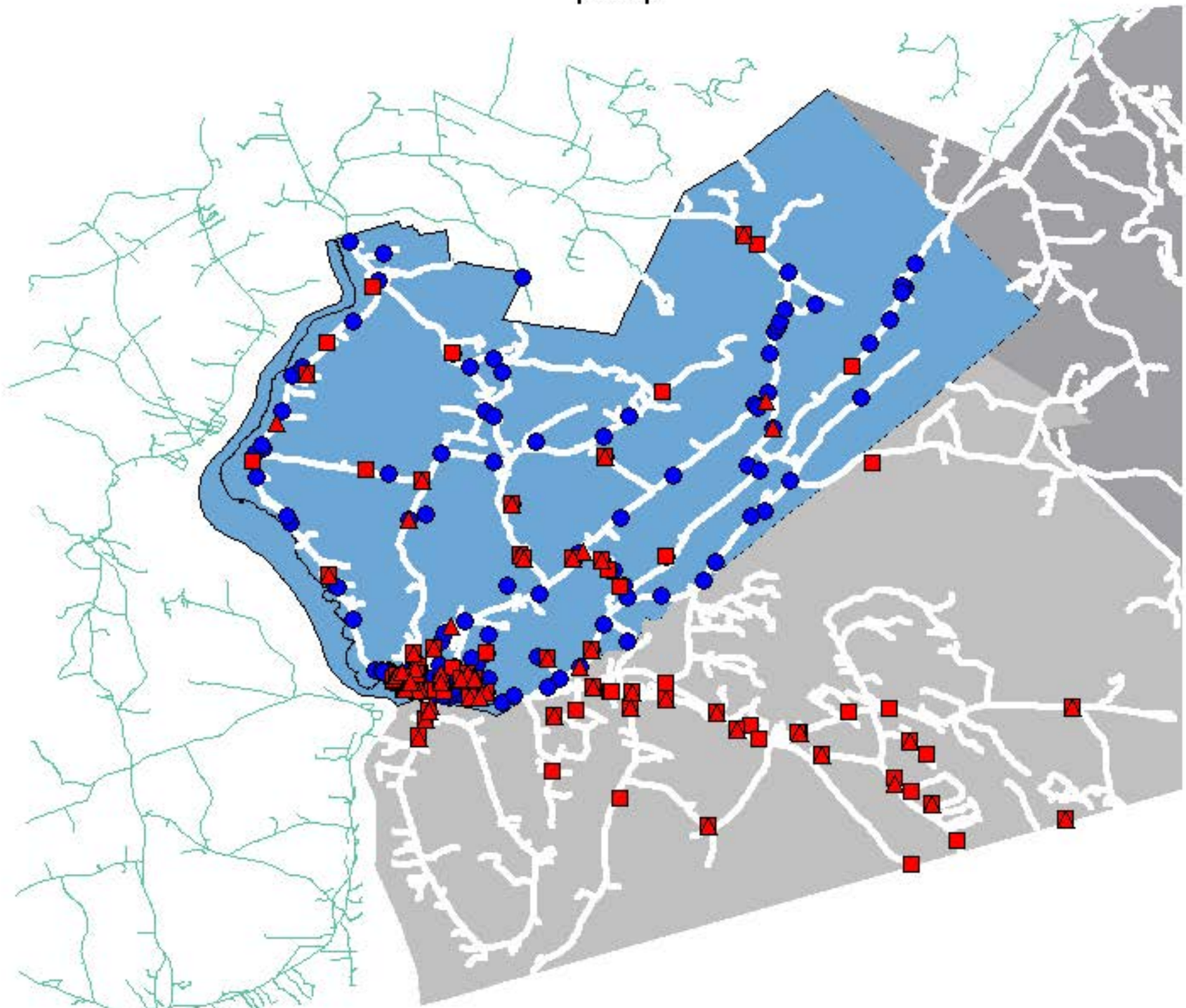

Finance Department

Monthly Report
September 2025

An auditor from RHR Smith was on site September 24th and 25th working on our fiscal year 2025 audit. I spent some time prior to her arrival uploading files in preparation and spent time with her gathering documents and answering questions. It was a great opportunity for myself to have questions answered and bounce ideas off her in how I can better prepare at fiscal year-end. The goal is to have the 2025 draft in December.

Myself and office staff conducted first round interviews for the Deputy Clerk I position. The position is on hold as we look into third party ambulance billing. We have received a couple of quotes and discussed plans moving forward.

Meetings I attended –
-Monthly department head meeting at Public Safety
-Quarterly Safety Committee
-Bay Festival follow up
-RSU 25 to discuss the current budget
-September 11th Council Meeting

During the month of September, the Finance Department processed the following:

- 15 recreational licenses
- 9 ATV registrations
- 5 boat registrations
- 0 dog licenses
- 20 vital records
- 8 business/event licenses
- 2 marriage licenses
- 909 real estate/personal property transactions
- 150 sewer transactions
- 439 motor vehicle registrations
- 378 miscellaneous (ambulance, notary, code enforcement, plumbing, etc)

Dog licensing will be available beginning October 15th, and absentee ballots are available to request for the November 4th election.

Respectfully submitted,

Rachel Wilson
Finance Director

TO: JACOB GRAN, TOWN MANAGER

FROM: JAY LANPHER, PUBLIC WORKS DIRECTOR

SUBJECT: SEPTEMBER 2025 MONTHLY REPORT

DATE: SEPTEMBER 3, 2025

The month of September saw the Public Works crew spending days working on the following projects:

2 days cutting/disposing of trees along McDonald St/Silver Lake Rd, Bucksmills Rd

2 days supporting Big Jay on Spofford Ave

2 days sweeping streets and shouldered areas

7 days ditching on Jacob Buck Pond Rd

4 days removing wood and construction debris from Playground site

2 days shouldering on Silver Lake Rd

3 days stockpiling shoulder gravel

3 loads of tires to DM&J Waste

9 loads of trash to JRL

4 loads bottles to Redemption

TRANSFER STATION MONTHLY REPORT

MONTH September YEAR 2025

TRIPS 9 **BUCKSPORT** - TOTAL WEIGHT 251,340 LBS 125.7 TONS

4 LOADS OF TIRES TOTAL WEIGHT 11,400 LBS 5.7 TONS

SHIPPED

0 0 SORT RECYCLING TOTAL WEIGHT 0 LBS 0 TONS

6 LOADS OF DEMO TOTAL WEIGHT 56,020 LBS 28.0 TONS

2 LOADS OF METAL TOTAL WEIGHT 16,840 LBS 8.4 TONS

1 REFRIGERATORS TOTAL WEIGHT 3100 LBS 1.6 TONS 38 UNITS

SHIPPED

58 BATTERIES

0 PROPANE TANKS

0 WASTE OIL - PUMPED GALLONS

2450 LBS - ITEMS GIVEN AWAY

MONEY IN:

D M & J $ ———

TRANSFER STATION $ 28631.00

TOTAL: $ 28631.00

Daniel Robinson

SIGNATURE

TOWN OF BUCKSPORT, MAINE
Incorporated June 25, 1792
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
P.O. Drawer X
Bucksport, Maine 04416
Phone (207) 469-7368
Fax (207) 469-7369

Community & Economic Development
Monthly Report
September 2025

- Attended the Recreation Committee Meeting. The Committee is currently running with three vacancies. Matt will be reaching out to find members to join the committee.
- Attended the Community Resilience Partnership Committee Meeting. This was the last meeting with our service providers. Ainsley, Debbie, and Allen worked with the committee from the inception and were able to get us to a point where we became an enrolled community.
- Attended the Bucksport Bay Festival Meeting to talk about what worked for last year and discussion on the 2026 event.
- Attended a website meeting with IT, Code Enforcement, and Town Manager for the new meeting process since we were in the middle of moving over to YouTube streaming.
- Attended the quarterly Safety Committee Meeting.
- Attended the Community & Economic Development Committee Meeting. The big item on that agenda was having property owners who had acquired land from the town but who hadn't started their projects. One party in Heritage Park requested to return his land. Another party in Heritage Park said that he would be coming to the Planning Board shortly. The company who owns the 27 Main Street property said they were able to get through the water/sewer line issue that ran up to Buck Street and should be able to start in the Spring.
- Set up a meeting with Senator Collins', Senator King's, and Representative Golden's staff to meet with myself, the town manager, and the superintendent of schools. That in-person meeting ended up being held on Monday, September 29, 2025.
- Had a phone meeting with MDOT regarding a possible left-turning lane for a second proposed project on US Route 1.
- Attended the RSU 25 Facilities Committee Meeting.
- Attended both Town Council Meetings during the month.
- Applied for two additional grants for the Animal Shelter project during the month.
- Met with someone interested in moving their business to Park Street.

- Met with representatives from MDOT, TyLin, and the town to go over the VPI project and steps completed to date.
- Had a meeting with another business interested in a Route 1 location. This was a premeeting prior to a joint meeting held with MDOT on Friday, October 3, 2025.
- Had a meeting with an interested party who wanted to move his business into the space where My Buddy's Place was located. My Buddy's Place closed on September 30, 2025 that party signed his lease and came in to the office and got his town permits on Monday, October 6, 2025.
- Completed several hours of sharing local Bucksport business Facebook posts.
- Set up the event page for the 10th Annual Holiday Lights Parade and Fireworks which is scheduled for Saturday, December 13, 2025 at 6pm.
- Construction on Ian's Playground was started and completed during the month of September. The 300 yards of Engineered Wood Fiber was delayed a week due to a mechanical issue at the processing plant, but it was delivered and spread by the Public Works crew on Tuesday, September 30 through Thursday October 2, 2025. We were able to open the playground on Thursday, October 2, 2025. A field trip from DI-S elementary school showed up on Friday, October 3, 2025 with roughly 50 kids during the school day and the playground was bustling. We will have a rededication ceremony on Saturday, October 11, 2025 at 10am.
- Stowaways Restaurant opened on Friday, October 3, 2025.
- Sweet Cheeks Diner opened on Tuesday, October 7, 2025.
- Carrier's Mainely Lobster extended its season due to the great weather until Wednesday, October 8, 2025.
- Ghostport will be held on Saturday, October 18, 2025. Partnered with Friends of Fort Knox for joint advertising on the 2-week scavenger hunt being held at the Fort and week 1 for Ghostport and week 2 for the YMCA Trunk or Treat.

Respectfully submitted,

Richard T. Rotella

Richard T. Rotella

Verona Island

Bucksport Police Department

Officer Report for Incident 25BK-2461

Nature: Agency Asst-LE **Address:**
Location: 487 Verona Island ME 04416

Offense Codes: 7614
Received By: Jennifer Day **How Received:** T **Agency:** BKPD
Responding Officers: D Moody, Jesse Dow
Responsible Officer: Jesse Dow **Disposition:** CLO 10/04/25
When Reported: 20:21:37 10/03/25 **Occurred Between:** 20:21:25 10/03/25 and 20:23:12 10/03/25

Assigned To: **Detail:** **Date Assigned:** **/**/**
Status: **Status Date:** **/**/** **Due Date:** **/**/**

Complainant: 32474
Last: Maine State Police **First:** **Mid:**
DOB: **/**/** **Dr Lic:** **Address:** 198 Maine Ave
Race: **Sex:** **Phone:** (207)973-3700 **City:** Bangor, ME 04401

Offense Codes

Reported: **Observed:** 7614 Assist State Police
Additional Offense: 7614 Assist State Police

Circumstances

NONE Nothing Attached

Responding Officers: **Unit :**
D Moody BK402
Jesse Dow BK408

Responsible Officer: Jesse Dow **Agency:** BKPD
Received By: Jennifer Day **Last Radio Log:** 21:48:28 10/03/25 CMPLT
How Received: T Telephone **Clearance:** COM Report Complete and Approved
When Reported: 20:21:37 10/03/25 **Disposition:** CLO **Date:** 10/04/25
Judicial Status: AAT **Occurred between:** 20:21:25 10/03/25
Misc Entry: SGT Moody **and:** 20:23:12 10/03/25

Modus Operandi: **Description :** **Method :**

TOWN OF BUCKSPORT
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Town of Bucksport, after notice and hearing, hereby enact the attached General Assistance Ordinance with appendices in its entirety. This Ordinance shall supersede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter 1161.

Signed this 23rd day of October, 2025, by the municipal officers:

Paul Bissonnette _____ _____

(Print Name) (Signature)

Mark Eastman _____ _____

(Print Name) (Signature)

Jennifer Therrien _____ _____

(Print Name) (Signature)

Tracey Hair _____ _____

(Print Name) (Signature)

Paul Rabs _____ _____

(Print Name) (Signature)

Steve Bishop _____ _____

(Print Name) (Signature)

Ed Rankin, Jr. _____ _____

(Print Name) (Signature)

[Send a copy of the enactment page and ordinance to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

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ARTICLE I – Statement of Policy

The Town of Bucksport administers a general assistance (GA) program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. §§ 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program, that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The program provides trauma-informed services and culturally and linguistically appropriate services to all applicants. "Trauma-informed services" means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about trauma into policies, procedures and practices; and seek to actively avoid retraumatization. "Culturally and linguistically appropriate services" means services that are designed to serve culturally diverse populations in a person's preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from the program and the person's community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable recipients to make informed choices; and value and facilitate the exchange of information with recipients. (22 M.R.S. § 4305(7)).

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment *(see Ordinance § 5.6)*.

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. (22 M.R.S. § 4306).

The Administrator will post notice stating the regular business hours when an application may be obtained, the designated business hours when an application may be accepted and processed, and

the Administrator, or other designated person/entity that will be available to take applications in an emergency at all other times.A copy of this ordinance and Maine GA law will be available to any member of the public upon request. Notice to this effect will be posted.

The Administrator will complete training including, but not limited to, the purpose of the GA program, the delivery of trauma-informed services and culturally linguistically appropriate services as defined above, and the laws governing the GA program's administration, procedures, and requirements no later than 120 days after appointment or election. (22 M.R.S. 4302-A).

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See "General Assistance Administrator," below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

"Basic necessities" do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs
- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding

eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant's request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, "Eligible Person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible Person" does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See "Pursuing a Lawful Process," below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality's option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. §§ 4301(4), 4308(2), 4310).

General Assistance ("GA") Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not lessen the municipality's responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance ("GA") Benefits. Benefits provided to a person through the GA program.

General Assistance ("GA") Administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. They may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. "Homelessness" means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. "Income" means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;
- Payments received as an annuity, retirement or disability benefits;
- Veterans' pensions and/or benefits;
- Retirement accounts or benefits;
- Workers' compensation payments;
- Unemployment benefits;
- Federal and/or state tax returns;
- Income from pension or trust funds;
- Student loans;
- Benefits under any state or federal categorical assistance program such as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
- Court ordered support payments (e.g., child support);
- Household income from any other source, including relatives or unrelated household members; and
- Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:
    - Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
    - Li-Heap (42 U.S.C. § 8624)
    - Family Development Accounts (22 M.R.S. § 3762)
    - AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
    - Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
    - ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. §§ 4301(8), 4316-A(5)).

Landlord. A person who owns a property and allows another person to use that property in return for payment. (22 M.R.S. § 4301(8-B)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as "misconduct" in 26 M.R.S. § 1043(23). *(See Ordinance Appendix I).* Generally, misconduct occurs when an employee violates their obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. §§ 4301(9), 4307).

Need. The condition whereby a person's income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S. §§ 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. §§ 4301(11), 4311).

Operator. The lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the GA program. (22 M.R.S. § 4301(11-A)).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance "repeat" and "subsequent" shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if they are eligible, until they establish a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: "available" and "potential". Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources

include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of their records to the specified parties. Whenever the Administrator releases any information, they will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the Administrator commits a Class E crime. (22 M.R.S. §§ 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;

- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for GA, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;
- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that they are authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. §§ 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and they cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with their permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. §§ 4308, 4309).

Applications Available/Accepted; Posted Notice. Any person may obtain an application for GA during the municipality's regular business hours. Applications will be accepted and processed during designated daily hours that will not total less than 50% of the municipality's regular business hours. In an emergency, however, the Administrator or their designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the regular business hours when an application may be obtained, the designated daily hours during which applications for assistance will be accepted and processed; and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
c) the total number of individuals living with the applicant;
d) employment and employability information;
e) a listing of all household income, resources, assets, and property;
f) the applicant's household expenses;
g) the types of assistance requested;
h) a statement of the penalty for false representation;
i) the applicant's permission for the Administrator to verify information;
j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;
- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that they must reimburse the municipality the amount of GA benefits they have been granted if they subsequently have the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient's legal representative of the recipient's obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, "Recovery of Expenses*"). (22 M.R.S. §§ 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "Interim Assistance Agreement" lien, described in Article VIII, "Recovery of Expenses."

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant's support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
c has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for GA. (22 M.R.S. §§ 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
b) the period of eligibility if the applicant is eligible for assistance;
c) the specific reasons for the Administrator's decision;
d) the applicant's right to a fair hearing; and
e) the applicant's right to notify the DHHS if they believe the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when their conduct is under control.
b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on their behalf and the applicant may be prohibited from entering the municipal building;
c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that they have been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless they are disqualified as provided below, emergency

assistance may be granted to applicants who lack sufficient income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance §§ 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that they need assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
b) the applicant submits documentation when possible, to verify their need. The Administrator may contact at least one other person to confirm the applicant's statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed. (22 M.R.S. § 4310).

Benefits provided prior to verification are limited as follows:

a) The authorization of benefits may not exceed 30 days.

b) Until there has been full verification confirming the applicant's eligibility, further benefit may not be authorized.

c) The authorization of benefits may not exceed levels of assistance established in 22 M.R.S. § 4308. (22 M.R.S. § 4310(4)).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting their home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. §§ 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for their basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.
d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total GA actually received during the applicable time period.
e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for GA.
g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with GA law.

The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until they establish a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 6 months after they move including processing applications and determining eligibility for assistance.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, they will be the responsibility of this municipality for up to 12 months after they enter the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which they intend to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 12 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine their eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if they are an "Eligible Person" as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948))*.

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct *(see Ordinance § 5.5)* or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

"Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant's 30-day need, whichever is less, and they do not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with their fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under "Types of Income". For several additional exceptions please refer to the definition of "Income" in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until they use these assets to meet their basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than $8,000 may be required, with 7-day's written notice, to make a good faith effort to

trade that automobile for an automobile with a market value of less than $8,000. Any income received by the applicant by virtue of such a trade down must be used for their basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is $8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.

Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred their assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient *(see also Ordinance § 6.8).* 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below *(see "Exemptions")*. Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job, which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill their work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

a) refuse to register for employment with the Maine Job Service;
b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
c) refuse to accept a suitable job offer;
d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
e) fail to be available for work; or
f) refuse to participate or participate in a substandard manner in the municipal work program *(see Ordinance § 5.6).*

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit their full-time or part-time job without just cause or who has been discharged from employment for misconduct *(see definition in Appendix I)* will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. §§ 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

a) the applicant has a physical or mental illness or disability which prevents them from working;
b) the work assignment pays below minimum wages;
c) the applicant was subject to sexual harassment;
d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
g) any reason found to be good cause by the Maine Department of Labor (DOL), or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under "Eligibility Regained."

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

a) a dependent minor child;
b) an elderly, ill, or disabled person; and
c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the DOL or determined by the DOL to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided

with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.

3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

4) In no case will work performed under this subsection interfere with an eligible person's:

   a) existing employment;
   b) ability to follow up on a bona fide job offer;
   c) attendance at an interview for possible employment;
   d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
   e) classroom or on-site participation in a training program which is approved by the DOL or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.

5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with their regular employment would result in the person working more than 40 hours per week.

6) In no case will an eligible person be required to perform work beyond their capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

   If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that they are willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare

participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.

3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of their workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.
5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform their work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that they are disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible *(see Ordinance § 5.5, "Dependents")*.
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which they, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.
- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce their need for GA *(see Ordinance § 2.2, definition of "Resources")*. Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of their parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
2) the minor has no living parent or the whereabouts of both parents are unknown; or
3) no parent will permit the minor to live in the parent's home; or
4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and their child or children lived with a parent; or
6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from their parents for GA will be informed that until they reach the age of 25, the applicant's parents are still legally liable for their support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent their parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting their parents. If the applicant's parents declare a willingness to provide the applicant with their basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on their parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that their needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until they have made a good faith effort to utilize or obtain the

resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have their GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. §§ 4321-4322). Each person will be notified in writing of the reasons for their ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) *(see Ordinance §§ 5.5, 5.6)*. If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days *(see Ordinance § 6.4, "Fraud")*. The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the DOL pursuant to 26 M.R.S. § 1051(1) is ineligible to receive GA to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the DOL. 22 M.R.S. § 4317.

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate their individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period they are receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants *(see below)*. However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. §§ 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making themselves eligible for GA, the Administrator shall notify that applicant in writing that they must reimburse the municipality for the assistance they were not entitled to receive and that they are ineligible for assistance for the longer of: (a) a period of 120 days; (b) until they reimburse the municipality for the assistance; or (c) until they enter a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of their right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period

covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have their assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which they were not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that they have a right to reapply as soon as they have the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered

eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) *(see Ordinance § 4.9)*.

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. *(See Ordinance Appendices A-H).* The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of their use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for "unforeseen" repeat applicants *(See Ordinance § 6.3);* repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased

- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use their income for basic necessities or fails to reasonably document their of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

1) The Administrator may require the applicant to use some or all of their income, at the time it becomes available, toward specific basic necessities. The Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;
2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency GA to replace that income; and
4) If the applicant does not spend their income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency *(see Ordinance § 4.9)*. If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and

3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending their income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) *(see Ordinance § 4.9)*. To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has

sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for their total fuel costs. Accordingly, in such cases, the Administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with their utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) Court-Ordered Support Payments. Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) Income from Other Sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

e) Earnings of a Son or Daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) Income from Household Members. Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) The Pooling or Non-Pooling of Income. When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or

other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for their pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of their income and their pro-rata share of actual household expenses.

h) Lump Sum Income. A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

1) identify the date the lump sum payment was received;
2) subtract from the lump sum payment all required payments;
3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting their income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs.

In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

(A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.
The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

(B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in their search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Temporary Lodging. The municipality cannot exceed maximum levels of assistance for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place as defined in 22 M.R.S. § 2491(7-F).

Large Recovery Residences. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the

calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of their tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

(1) the marketability of the shelter's equity;
(2) the amount of equity;
(3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
(4) the extent to which liquidation may aid the applicant's financial rehabilitation;
(5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if they were to be dislocated to rental housing;
(6) the imminence of the applicant's dislocation from owned housing because of their inability to meet the mortgage payments;
(7) the likelihood that the provision of housing assistance will prevent such dislocation; and
(8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

(1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
(2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and
(3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of their home. If there is not sufficient equity in the home with which

to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that they are responsible for finding alternative housing within their ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon their death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with their property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

a) the property tax in question is for the applicant's place of residence;
b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

Note. The maximum amount of housing assistance provided to or on behalf of a person residing in a recovery residence, as described in 22 M.R.S. § 4309(6), with occupancy of 26 or more beds, is equal to 70% of the maximum levels of housing assistance available for a person residing in a recovery residence with occupancy of 25 or fewer beds. (22 M.R.S. § 4305(3-E)).

(C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) *(see Ordinance §§ 4.9; 6.3)*. The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

(D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

(E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

(F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the GA Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills *(see below)*, provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state

program, that will diminish their need to seek GA for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

   Any person who cannot pay their hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

   Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time they apply by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable

part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have their medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.
7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance Appendix G for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.
9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below *(see Ordinance § 6.9)*, the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.
10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:

    1) the failure to do so would place the applicant(s) in emergency circumstances;
    2) there are no other resources available to effect the capital repair; and
    3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

    In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) "Liens", above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director' receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum

payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for their pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) *(see Ordinance § 4.6)*.

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of "ineligibility" and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant's right to a fair hearing in the Administrator's written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
b) the applicant has the right to contact the DHHS if they believe the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of GA. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or their authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or their authorized representative, must make a written request within 5 working days of receipt of the Administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

a) the decision on which review is sought;
b) the reason(s) the claimant is dissatisfied and why the claimant believes they are eligible to receive assistance; and
c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

a) be their own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
b) confront and cross-examine any witnesses presented at the hearing; and
c) present witnesses on their own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of their case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

a) have not participated in the decision which is the subject of the appeal;
b) be impartial;
c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, they will also be given adequate information about the hearing procedure to allow them to effectively prepare their case. The claimant shall be permitted to review their file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
b) be opened with a presentation of the issue by the FHA;
c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or their representative. The claimant will be responsible for preparing a written transcript if they wish to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

a) a death or serious illness in the family;
b) a personal illness which reasonably prevents the party from attending the hearing;
c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
d) an obligation or responsibility which a reasonable person in the conduct of their affairs could reasonably conclude takes precedence over the attendance at the hearing; or
e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

a) a statement of the issue;
b) relevant facts brought out at the hearing;
c) pertinent provisions in the law or GA ordinance related to the decision; and
d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, they may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or their executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall "offset" the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers' Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers' Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers' Compensation. Any GA applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until they provide the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the Administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may be retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until they provide the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

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2025-2026 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	1,137	1,225	1,566	2,008	2,401
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,317	1,463	1,920	2,410	2,934
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	988	1,093	1,395	1,829	2,030
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	923	968	1,271	1,601	1,895
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,517	1,721	2,212	2,798	3,429
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	1,141	1,285	1,579	2,212	2,651

COUNTY	1	2	3	4	5
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,278	1,443	1,778	2,347	2,586
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,487	1,681	2,168	2,807	3,641

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	803	871	1,085	1,486	1,569
Franklin County	842	936	1,228	1,621	1,816
Hancock County	1,139	1,140	1,349	1,787	1,791
Kennebec County	985	991	1,276	1,599	1,913
Knox County	972	987	1,200	1,597	1,780
Lincoln County	1,190	1,213	1,375	1,807	2,217
Oxford County	937	942	1,223	1,623	2,024
Piscataquis County	848	943	1,236	1,489	1,738
Somerset County	932	1,002	1,177	1,532	1,661
Waldo County	1,117	1,123	1,347	1,734	2,284
Washington County	871	875	1,136	1,582	1,695

*** Please Note: Add $75 for each additional person.**

2025-2026 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2025, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 69.30	$ 298.00
2	126.98	546.00
3	182.56	785.00
4	231.16	994.00
5	275.12	1,183.00
6	330.47	1,421.00
7	365.35	1,571.00
8	416.05	1,789.00

Note: For each additional person add $218 per month.

2025-2026 GA Housing Maximums

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	149	640	181	779
1	155	667	196	844
2	192	826	245	1,054
3	273	1,174	338	1,451
4	278	1,196	356	1,529

Franklin County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	158	679	190	818
1	170	732	211	909
2	225	969	278	1,197
3	304	1,309	369	1,586
4	336	1,443	413	1,776

Hancock County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	231	995	260	1,118
1	231	995	260	1,118
2	260	1,118	307	1,322
3	351	1,509	408	1,756
4	351	1,509	408	1,756

Kennebec County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	841	224	964
1	196	841	225	968
2	243	1,045	291	1,249
3	307	1,321	365	1,568
4	367	1,578	437	1,877

Non-Metropolitan FMR Areas

Knox County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	192	828	221	951
1	192	828	224	964
2	225	969	273	1,173
3	307	1,319	364	1,566
4	336	1,445	406	1,744

Lincoln County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	243	1,046	272	1,169
1	243	1,046	277	1,190
2	266	1,144	314	1,348
3	356	1,529	413	1,776
4	438	1,882	507	2,181

Oxford County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	184	793	213	916
1	184	793	214	919
2	231	992	278	1,196
3	313	1,345	370	1,592
4	393	1,689	462	1,988

Piscataquis County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	159	685	192	824
1	172	739	213	916
2	227	977	280	1,205
3	274	1,177	338	1,454
4	317	1,365	395	1,698

Somerset County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	183	788	212	911
1	191	820	228	979
2	220	946	267	1,150
3	292	1,254	349	1,501
4	308	1,326	378	1,625

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	226	973	255	1,096
1	226	973	256	1,100
2	260	1,116	307	1,320
3	339	1,456	396	1,703
4	453	1,949	523	2,248

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	169	727	198	850
1	169	727	198	852
2	210	905	258	1,109
3	303	1,305	361	1,551
4	316	1,360	386	1,659

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	231	993	260	1,116
1	243	1,043	280	1,202
2	310	1,335	358	1,539
3	402	1,730	460	1,977
4	481	2,066	550	2,365

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	273	1,173	301	1,296
1	298	1,281	335	1,440
2	393	1,689	440	1,893
3	496	2,132	553	2,379
4	604	2,599	674	2,898

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	196	844	225	967
1	212	911	249	1,070
2	271	1,164	318	1,368
3	361	1,551	418	1,798
4	394	1,695	464	1,994

Metropolitan FMR Areas

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	181	779	210	902
1	183	786	220	945
2	242	1,040	289	1,244
3	308	1,323	365	1,570
4	363	1,560	432	1,859

Portland HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	319	1,373	348	1,496
1	358	1,539	395	1,698
2	461	1,981	508	2,185
3	586	2,520	644	2,767
4	720	3,094	789	3,393

Sagadahoc Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	232	997	261	1,120
1	256	1,103	293	1,262
2	313	1,348	361	1,552
3	450	1,934	507	2,181
4	539	2,316	608	2,615

York Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	264	1,134	292	1,257
1	293	1,261	330	1,420
2	360	1,547	407	1,751
3	481	2,069	539	2,316
4	524	2,251	593	2,550

York/Kittery / S. Berwick HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	312	1,343	341	1,466
1	349	1,499	386	1,658
2	450	1,937	498	2,141
3	588	2,529	646	2,776
4	769	3,306	838	3,605

2025-2026 Electric Utility Maximums

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$ 85.50
2	$22.52	$ 96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50
NOTE: For each additional person add $10.50 per month.		

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50
NOTE: For each additional person add $14.50 per month.		

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

2025-2026 Heating Fuel Maximums

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

2025-2026 Personal Care & Household Supplies Maximums

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is 54 cents (54 ¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: http://www.state.me.us/osc/.

Funeral Maximums / Burial Maximums and Cremation Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,620**.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal Administrator.

Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$1,125**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. "Misconduct" means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

(1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;

(2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;

(3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;

(4) Failure to exercise due care for punctuality or attendance after warnings;

(5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;

(6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;

(7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;

(8) Unauthorized sleeping while on duty;

(9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;

(10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;

(11) Destruction or theft of things valuable to the employer or another employee;

(12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;

(13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or

(14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. "Misconduct" may not be found solely on:

(1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;

(2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or

(3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]

Town of Bucksport
Code Adoption Ordinance

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions.

Article I, Construction and Penalties.

A. Section 1-4 is amended as indicated:

> Whenever in this Code or in material adopted by reference by this Code any act is prohibited, made or declared to be unlawful; or whenever in this Code or in material adopted by reference by this Code the doing of any act is required or the failure to do any act is declared to be unlawful and where no specific penalty is provided therefor, the violation of such provision shall be punishable by a fine or not more than $100, plus costs, in accordance with 30-A M.R.S.A. § 4452; except that when this statute does not apply, the fine shall be not less than $100 and not more than $2,500. Penalties may be assessed on a per-day basis. This penalty shall not be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of this Code occurs or continues shall constitute a separate offense.

Chapter 8, Animals.

Article I, Dog Control.

A. Section 8-11B is amended as indicated:

> This section shall not apply to a dog accompanying any ~~handicap~~ person with a disability who, by reason of his/her ~~handicap~~ disability, is physically unable to comply with the requirements of this section.

B. Section 8-12B is amended as indicated:

> This section shall not apply to a dog accompanying any ~~handicap~~ person with a disability who, by reason of his/her ~~handicap~~ disability, is physically unable to comply with the requirements of this section.

C. Section 8-13 is amended as indicated:

> Any person who shall violate the provisions of this article, upon conviction, shall be subject to a minimum penalty of $50 after the first offense ~~and for a period of two years after the first offense~~, not less than $100 for any second offense within two years of the first offense, and not less than $250 for the third ~~or any subsequent~~ offense~~, up to a maximum of $500~~. With each subsequent offense, the minimum penalty shall increase by an additional $100.

Article II, Animal Shelters.

D. Section 8-16.

(1) Subsection A(2) is amended as indicated: "A monthly report will be provided by the ACO to the Deputy Police Chief and Town Manager."

(2) Subsection C is amended as indicated:

> Unclaimed animals will be held at the shelter for a minimum of ~~seven~~ 10 days, during which time they will be fed and observed. After ~~seven~~ 10 days, each animal will be available for adoption unless the ACO determines that the animal is not fit for adoption. If an animal is not adopted within 10 working days of being placed on the adoption list, the ACO may begin the process of relocating the animal to a facility licensed by the Maine Department of Agriculture, Conservation and Forestry.

E. Section 8-17 is amended to change “fee set by the Town Council” to “fee as provided in the Schedule of Fees” in Subsections A, B, and C.

F. Section 8-18H is amended as indicated:

> When the animal cannot be spayed or neutered at the time of the adoption due to the age of the animal, a deposit in the amount of $150 shall be paid by the adopting party to the Town. ~~t~~The ACO will obtain a statement from a licensed veterinarian, specifying when the animal will be eligible to be spayed or neutered.

Chapter 14, Automobile Graveyards and Recycling Businesses and Junkyards.

A. Section 14-3B is amended as indicated:

> This chapter shall not apply to any land use activity subject to regulation by ~~38 M.R.S.A. Site Location of Development §§ 481-490,~~ 38 M.R.S.A. §§ 481 to 489-E, Site Location of Development; and ~~Solid Waste § 1301-1316M~~ 38 M.R.S.A. §§ 1301 to 1316-M, Waste Management.

B. Section 14-7G is amended to read as follows:

> A fee shall be submitted with an application for a permit in accordance with the Schedule of Fees. The cost of posting and publishing the public hearing notice shall be the responsibility of the applicant.

C. Section 14-8G is amended as indicated:

> Automobile graveyard, automobile recycling business and junkyard owners must demonstrate at the time of ~~licensing~~ permitting that the facility or facilities for which a permit is sought are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use.

D. Original Sec. 9.1.11, regarding a plan for containment and disposal or fluids, batteries, and tires, is moved to § 14-9D(13).

E. Section 14-10C(6) through (9) is added to read:

(6) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(7) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(8) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005, must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subsection must be removed to the greatest extent practicable.

(9) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subsection must be removed to the greatest extent practicable.

Chapter 23, Boards, Commissions and Offices.

A. Section 23-11, lead-in paragraph, is amended as indicated: “The Commission shall initially be appointed in the following manner:”

B. Section 23-23D is amended as indicated: “Two alternates, ~~for three years~~ one for one year and one for two years.”

C. Section 23-26 is amended as indicated: “Officers, including a Chairman and a Secretary, shall be elected annually by the members of the Board at the first meeting held after April 1.”

D. Section 23-44.

(1) Subsection A is amended as indicated:

In December of each year, the Board shall elect by majority vote a Chairman and ~~Secretary~~ Deputy Chairman to serve for a one-year period, commencing at the first meeting of the next calendar year.

(2) Subsection F is amended as indicated: "When the Chairman is absent, the ~~Secretary~~ Deputy Chairman or another chosen by the members present and voting shall serve as proxy for the Chairman."

(3) Subsection G is amended as indicated: "The Recording Secretary shall be responsible for the following duties:"

E. Original Sec. 6.8.1, third bullet point, Appendix E Shoreland Zoning Ordinance, of the 1978 Town Code is repealed.

F. Section 23-60E(2) is amended as indicated:

For the purposes of this subsection, a disability has the same meaning as a physical or mental ~~handicap~~ disability under 5 M.R.S.A. § 4553 and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

G. Section 23-62.

(1) Subsection A is amended as indicated:

The Board may reconsider any decision within ~~30~~ 45 days of the date of the decision. A request to reconsider may be made by any Board member or any party with standing in the original proceedings. The request must be submitted in writing to the Town Clerk within ~~15~~ 10 days of the date of the decision.

(2) Subsection D is amended as indicated:

A vote to reconsider and the action taken on that reconsideration must occur and be completed within ~~30~~ 45 days of the vote on the original decision.

H. Section 23-66D is amended as indicated:

Building Inspector, under ~~25 M.R.S.A., chapters 313 and 331, 30-A M.R.S.A., chapter 141, and chapter 185, subchapter 1~~ 30-A M.R.S.A. Chapter 141 and Chapter 185, Subchapter 1; 5 M.R.S.A. §§ 4582-B, 4582-C and 4594-F; 10 M.R.S.A. Chapter 1103; and 25 M.R.S.A. Chapter 313;

Chapter 29, Building Construction.

A. Section 29-6N is amended as indicated:

A permit shall expire ~~180 days~~ one year after the date of issuance unless work authorized by the permit is commenced, or if the permitted work is suspended or abandoned, for a period of ~~180 days~~ one year after the work commenced. The CEO may authorize ~~extensions of up to 180 days each to the life of an issued permit upon payment of a $25 fee for each extension~~ a one-year extension if work is substantially started during the initial term of the permit. Justifiable cause must be shown to grant an extension.

B. Section 29-10F is added to read: “Violations of this section shall be punishable by a fine as provided in § 1-4.”

Chapter 37, Cable Television.

Section 37-82A is amended as indicated:

A grantee shall not deny service, deny access, or otherwise discriminate against subscribers, programmers, or residents of the Town on the basis of race, color, religion, ~~national origin,~~ sex, ~~age, physical handicap~~ sexual orientation, physical or mental disability, ancestry or national origin, age or familial status, or on any other basis prohibited by federal or state law.

Chapter 43, Dam Transfer, Abandonment or Removal.

Section 43-2B(1)(k)[5] is amended as indicated:

> Any proposed financial security proposed to meet the financial capacity standard; such financial security may be in the form of the following:

Chapter 64, Floodplain Management.

A. Section 64-8E is amended to read as follows:

> A nonrefundable application fee must be paid to the Town at the time the application is submitted. The permit fee shall be determined in accordance with the Schedule of Fees.

B. Original Sec. 14, Abrogations and Amendments, of the 1978 Town Code is repealed.

Chapter 67, Food Sovereignty.

Section 67-2.

A. The definition of "direct producer-to-consumer transaction" is amended as indicated:

> ~~A face-to-face transaction involving food or food products at the site of production of those food or food products~~ An exchange of food or food products directly between a food producer and a consumer by barter, trade or purchase on the property or premises owned, leased or rented by the food producer; 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.

B. The definition of "food or food products" is amended as indicated:

> Food or food products ~~intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, fresh produce, cider or juice, acidified foods or canned fruits or vegetables~~ that are grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

Chapter 75, General Assistance.

A. Section 75-3.

(1) The definition of "administrator" is added to read: "See 'general assistance administrator,' below."

(2) The definition of "earned income" is added to read: "Wages or income-in-kind derived by providing goods or services to an individual, company, organization, or other entity."

(3) The definition of "eligible person" is amended as indicated:

~~A person who is qualified to receive general assistance from the municipality according to the standards of eligibility set forth in this ordinance (22 M.R.S.A. § 4301(3)).~~ A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this chapter, Maine law (22 M.R.S.A. Ch. 1161), and DHHS regulations (10-144 CMR Ch. 323). If otherwise qualified, "eligible person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1) to (3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for noncitizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible person" does not include a fugitive from justice as defined in 15 M.R.S.A. § 201, Subdivision 4. (See "pursuing a lawful process to apply for immigration relief," below.)

(4) The definition of "general assistance benefits" is added to read: "Benefits provided to a person through the GA program."

(5) The definition of "homelessness" is added to read:

"Homelessness" means a situation in which a person or household is living in a place that is not fit for human habitation; living in an emergency shelter; living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; exiting a hospital or institution licensed under 22 M.R.S.A. Ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or fleeing or attempting to flee violence and has no other residence.

(6) The definition of "income" is amended as follows:

(a) Subsection D(1), as indicated: "~~Food Stamps (7 USCS § 2017(b))~~ Supplemental Nutrition Assistance Program (SNAP) [7 U.S.C. § 2017(b)]."

(b) Subsection D(5), as indicated:

Property tax rebates issued under the ~~Maine Residents Property Tax Program (AKA "Circuitbreaker" Program) (36 M.R.S.A. § 6216)~~ Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S.A. § 4301, Subdivision 7).

(7) The definition of "landlord" is added to read: "A person who owns a property and allows another person to use that property in return for payment (22 M.R.S.A. § 4301, Subdivision 8-B)."

(8) The definition of "misspent income" is added to read:

"Misspent income" includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income

will be considered as available to the applicant when determining use of income for the previous thirty-day period.

(9) The definition of "pooling of income" is amended as indicated:

"Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. ~~Municipalities may by ordinance establish as~~ This chapter establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a recovery residence are not considered to be commingling funds. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

(10) The definition of "potential resources" is added to read:

Sources of financial assistance, including programs, services, nonliquid assets or trusts, which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

(11) The definition of "pursuing a lawful process to apply for immigration relief" is added to read:

Taking reasonable, good-faith steps to apply for immigration relief within 12 months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 CMR Ch. 323, for additional guidance.)

(12) The definition of "recovery residence" is added to read:

"Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder (5 M.R.S.A. § 20003, Subdivision 19-D).

(13) The definition of "unearned income" is added to read:

"Unearned income" is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

B. Section 75-10B(4) is added to read: "Immigration status (see definition of 'eligible person'); and"

C. Section 75-15A is amended as indicated:

An "emergency" is considered to be any life-threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be

expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S.A. § 4301, Subdivision 4). An emergency includes homelessness or imminent homelessness.

D. Section 75-18A(1) is amended as indicated:

For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 1043, Subdivision 23) (see § 75-24 of this chapter) or who are fugitives from justice as defined in 15 M.R.S.A § 201, Subdivision 4; and 22 M.R.S.A. § 4301, Subdivision 3.

E. Section 75-19 is added to read:

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a twelve-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that thirty-day period.

F. Section 75-20 is added to read:

The administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S.A. § 20005, Subdivision 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one thirty-day period only. The administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this section may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

G. Section 75-24H(2) is amended as indicated:

In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated ~~as though the household is composed of the dependents only, except that all household income will be considered as available to them~~ by dividing the maximum level of assistance available to the entire household by the total number of household members.

H. Section 75-28 is added to read:

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S.A. § 1051, Subdivision 1, is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor (22 M.R.S.A. § 4317).

I. Section 75-32.

(1) Subsection A(1) is amended as indicated:

It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance (22 M.R.S.A. § 4315). A person who commits fraud in an effort to receive general assistance benefits may be prosecuted for this offense. False representation shall consist of any individual knowingly and willfully:

(2) Subsection B(1) is amended as indicated:

When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for general assistance, the administrator shall notify that applicant, in writing, that he or she ~~has been disqualified from receiving assistance for 120 days~~ must reimburse the municipality for the assistance he or she was not entitled to receive and that they are ineligible for assistance for the longer of a period of 120 days, until he or she reimburses the municipality for the assistance, or until he or she enters a reasonable written agreement to reimburse the municipality (22 M.R.S.A. § 4315).

(3) Subsection D is amended as indicated:

If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

(4) Subsection E is amended as indicated:

In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated ~~as though the household is comprised of the dependents only, except that the entire household income will be considered available to them~~ by dividing the maximum level of assistance available to the entire household by the total number of household members.

J. Section 75-34C(3)(c) is amended as indicated: "Cellular phones, except when deemed essential by the overseer for medical or work-related purposes."

K. Section 75-35.

(1) Subsection C(2)(c)[3] is amended as indicated:

Property tax rebates issued under the ~~Maine Residents Property Tax Program (so-called "Circuit breaker" program) (36 M.R.S.A. § 6216)~~ Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities (22 M.R.S.A. § 4301, Subdivision 7).

(2) Subsection C(8)(b) is amended as indicated:

Where a household receives a lump sum payment at any time prior to or subsequent to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance

according to the following criteria (22 M.R.S.A. § 4301, Subdivisions 7 and 8-A):

L. Section 75-36.

(1) Subsection B(3)(e)[4] is amended as indicated:

The applicant, with sufficient notice, applies for property tax relief through the ~~Maine Resident Property Tax Program~~ Maine Property Tax Fairness Credit program, when available.

(2) Subsection B(7)(c)[2] is amended as indicated:

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the hospital's free care program as provided in ~~Title 22 M.R.S.A. § 396-F(1)~~ 22 M.R.S.A. § 1716.

M. Section 75-37.

(1) Subsection C is amended to add the following to the end thereof:

The administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with 22 M.R.S.A. § 4313, Subdivision 2, and provide a written request and a notarized affidavit signed by the administrator of the municipality or its agents, stating that the named depositor is deceased.

(2) Subsection F is amended as indicated:

~~Ten~~ Eight days to determine eligibility. The administrator may take up to ~~10~~ eight days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The ~~ten-day~~ eight-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this ~~ten-day~~ eight-day period allowed by law to unreasonably delay the municipality's decision.

N. Section 75-43.

(1) Subsection B is amended as indicated: "A copy of the ~~notice of the~~ decision will be given to the claimant."

(2) Subsection C is amended as indicated: "The written ~~notice of the~~ decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B."

Chapter 81, Harbor Management.

A. Section 81-1 is amended as indicated:

The purpose of this chapter is to establish and maintain order in the arrangement and utilization of the mooring area, harbor channels, Town dock, Marina, and other related facilities in Bucksport Harbor.

B. Section 81-4A is amended as indicated:

~~An annual fee may be levied by the Town~~ The permit fee for each mooring location ~~as so determined by the Town Council~~ shall be as provided in the Schedule of Fees.

C. Section 81-5B is amended as indicated:

During the hours of 9:00 p.m. ~~and~~ to 7:00 a.m., a watercraft may be tied to the southerly side of the Town Float if the watercraft or vessel is greater than 60 feet in length or if the Bucksport Marina is filled to capacity, upon written approval from the Harbor Master and payment to the Town of a daily fee as ~~determined by the Town council~~ provided in the Schedule of Fees.

D. Original Sec. 501I, No Vessels Tied to Fisherman's Float, of the 1978 Town Code is repealed.

E. Section 81-9D is amended as indicated:

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine ~~not less than $25 or more than $500 for each violation~~ in accordance with the enforcement provisions of 30-A M.R.S.A. § 4452 for each violation.

Chapter 100, Land Use.

A. Section 100-2 is amended to change “38 M.R.S.A. §§ 435-449” to “38 M.R.S.A. §§ 435 to 448.”

B. Section 100-6.

(1) Original Secs. 20.4 and 20.5, regarding formatting of definitions, of the 1978 Town Code are repealed.

(2) Subsection E.

(a) The definition of "accessory dwelling unit (ADU)" is added to read as follows:

A self-contained dwelling unit on a lot subordinate to a single-family dwelling (for purposes of this definition, the principal dwelling) on the same lot. ADUs are secondary in size, form and location to the single-family dwelling and may be attached, detached or contained within an accessory building (e.g., garage) on the lot.

(b) The definition of "affordable" is added to read as follows:

When used for the purpose of claiming the affordable housing density bonus, "affordable" means:

(1) For rental housing, a household whose income does not exceed 80% of the area median income can afford to rent the dwelling unit without spending more than 30% of the household's monthly income on housing costs.

(2) For owned housing, a household whose income does not exceed 120% of the area median income can afford to own the dwelling unit without spending more than 30% of the household's monthly income on housing costs.

(3) For the purposes of this definition, "area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development.

(4) For the purposes of this definition, "housing costs" include, but are not limited to:

(a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

(b) For an owned unit, the cost of the mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowners' insurance, condominium fees, and homeowners' association fees.

(c) The definition of "base density" is added to read as follows:

The maximum number of units allowed on a lot not used for affordable housing based on the dimensional requirements listed for the zone(s) in which the lot is located. This does not include any other density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

(d) The definition of “junkyard” is amended to move Subsection (4), See also “salvage yard,” to the beginning of the definition.

(e) The definition of "medical cannabis cultivation area" is added to read:

Shall mean a "cultivation area" as that term is defined in 22 M.R.S.A. § 2421-A, as may be amended.

(f) The definition of "medical cannabis cultivation facility" is added to read:

Shall mean a medical cannabis cultivation area used or occupied by one or more medical cannabis registered caregivers. A medical cannabis cultivation facility is prohibited from selling medical cannabis to medical cannabis qualifying patients, medical cannabis caregivers or medical cannabis registered caregivers on premises. A medical cannabis cultivation facility shall not be used or occupied by a "collective" as that term is defined in 22 M.R.S.A. § 2430-D, as may be amended.

(g) The definition of “residential care facility,” Subsection (4), is amended as indicated: “Level 4: A facility with ~~more than seven beds~~ seven or more beds.”

(h) The definition of “Shoreland District,” lead-in paragraph, is amended as indicated: “Also referred to as the ‘Shoreland Zone’; land located within any of the following dimensioned areas, as measured horizontally:”

C. Section 100-9E(5) is amended as indicated: “For the purposes of § 100-9E, a ‘disability’ has the same meaning as a physical or mental ~~handicap~~ disability under 5 M.R.S.A. § 4553-A.”

D. Section 100-11.

(1) Subsection L(3) is amended as indicated:

> Shoreland areas in the Tannery Brook or Stream Protection Shoreland Overlay District or that meet the criteria in Article III for the Route 1 Shoreland, Downtown Shoreland, or Commercial Fisheries[/] and Maritime Activities District need not be included within the ~~Resource Protection Overlay District~~ resource protection overlay districts.

(2) Subsection L(4) is amended as indicated:

> Any currently developed shoreland area that was in existence before December 10, 2009, need not be included within the ~~Resource Protection Overlay District~~ resource protection overlay districts.

E. Section 100-18.

(1) The Housing Land Uses Table is amended:

(a) To add row 5.1, Accessory dwelling units: § 100-42A, with the same use permissions in each zone as multifamily housing.

(b) To renumber row 5.1, Adult family care homes, as row 5.2.

(c) To add row 5.3, Affordable housing developments, § 100-42C, with the same use permissions in each zone as single-family housing.

(d) To renumber rows 5.3 through 5.15 as rows 5.4 through 5.17, respectively.

(e) To change the use permissions in each zone for row 5.9, Mobile homes, to match those of row 5.12, 1-family dwellings.

(2) The Production Land Use Table is amended to add entry 10.7.4, Medical cannabis cultivation facility, and allowed subject to Level 2 review and approval by the Planning Board (L2) in the C1, C2, C3, ID, IDO, RT15RC, and R1 Districts, and prohibited in all other districts. In addition, original entry 10.7.4, Small sawmill facilities, is renumbered as entry 10.7.5.

(3) The Rural Land Uses Table, Note L.2, is amended as indicated: "All timber harvests are regulated by the Maine Forest ~~Bureau~~ Service."

F. Section 100-31.

(1) Subsection B(1) is amended as indicated: "~~A $25 administrative fee~~ An administrative fee equal to the minimum permit fee as stated in the Town's Schedule of Fees must be included with the request."

(2) Subsection B(3) is amended as indicated: "~~A $25 administrative fee~~ An administrative fee equal to the minimum permit fee as stated in the Town's Schedule of Fees must be included with the request."

G. Section 100-33F(2)(d) and (3)(c)[3] is amended to change "Atlantic Sea Run Salmon Commission" to read "Atlantic Salmon Authority."

H. Section 100-35E(1) is amended as indicated: "… Maine Department of Environmental Protection Regulations ~~375.10~~ 06-096 CMR Ch. 375, § 10, as amended."

I. Section 100-36.

(1) Subsection D(3) and (4) is amended to change "wastewater treatment department" to "wastewater plant manager."

(2) Subsection F(2) is amended as indicated:

Proposed improvements to existing public streets must be approved, in writing, by the Bucksport Town Council, the municipal ~~road commissioner~~ Director of Public Works or the Maine Department of Transportation, as applicable.

(3) Subsection F(10)(b) is amended as indicated:

When there are documented concerns from MDOT, the municipal ~~road Commissioner~~ Director of Public Works, the municipal Police Department or a qualified traffic engineering professional about traffic safety or capacity deficiencies in the vicinity of the proposed land use.

J. Section 100-38N(1) is amended as indicated: "Outdoor wood boilers must comply with Maine DEP regulations, 06-096 CMR Ch. 150, Control of Emissions from Outdoor Wood Boilers."

K. Section 100-42.

(1) Subsection A is added to read as follows:

A. Accessory dwelling units (ADU).

(1) All ADUs shall be subject to the same dimensional and setback requirements as single-family dwelling units.

(2) A detached ADU shall be considered a second dwelling unit for the purposes of calculating the required minimum lot area per dwelling unit, except that any lot with only one single-family dwelling, regardless of lot size, shall be allowed one ADU as long as all other requirements are met.

(3) The maximum size of any ADU is 1,000 square feet of total floor area. To be authorized, an ADU must be accessory to a principal residence. The minimum size of any ADU is 190 square feet, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. § 9722, adopts a different minimum standard; if so, that standard applies.

(4) All ADUs shall be constructed on permanent foundations that meet applicable building codes.

(5) Attached ADUs can be located anywhere within an existing or proposed single-family residential building, provided that applicable dimensional requirements are met.

(6) ADUs contained within the principal dwelling below finished grade must have a daylight entry.

(7) If the lot is served by public sewer, both the single-family home and the ADU must be connected to public sewer.

(8) If the lot is served by public water, both the single-family home and the ADU must be connected to public water.

(9) ADUs in areas not served by public sewer shall be treated as a separate dwelling unit for the purposes of septic design.

(10) All ADUs shall conform to Chapter 64, Floodplain Management; Chapter 194, Subdivision of Land; and the shoreland zoning requirements of Chapter 100, Land Use.

(11) This subsection may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this subsection, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

(2) Subsection C is added to read as follows:

C. Affordable housing developments.

(1) Available density bonus and parking limitation.

(a) An eligible affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located.

(b) An eligible affordable housing development may not be required to provide more than two parking spaces for every three dwelling units contained in the affordable housing development.

(c) For purposes of calculating the density bonus applicable to eligible affordable housing developments, any fractional result shall be rounded down to the nearest whole number.

(d) For purposes of calculating the parking space limitation for eligible affordable housing developments, any fractional result shall be rounded up to the nearest whole number.

(2) Eligible affordable housing developments. An affordable housing development shall be eligible for the density bonus and parking limitation provided by this subsection if the development:

(a) Is located within a designated growth area or is served by public water and sewer systems;

(b) Is located on a property on which multifamily dwellings are permitted;

(c) Is located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. Ch. 423-A; and

(d) Complies with all applicable requirements of the Resource Protection and Shoreland Overlay Districts.

(3) Conditions of approval. No eligible affordable housing development may receive the density bonus and parking limitation provided by this subsection unless the following criteria have been met:

(a) The owner or applicant has provided written verification, in accordance with 30-A M.R.S.A. § 4364-A, Subsection 4, and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and

(b) The owner or applicant agrees, as a condition of final approval, to execute and record in the Hancock County Registry of Deeds a restrictive covenant, in the form of a deed or other recordable instrument, that:

[1] Is enforceable by the Town or a party acceptable to the Town;

[2] Remains in full force and effect for a period of at least 30 years; and

[3] Provides that affordable dwelling units offered for rent shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and that affordable dwelling units offered for sale shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy.

(3) Subsection G(2) is added to read as follows:

(2) Extra dwelling unit allowance.

(a) If the lot is inside the growth boundary defined in the Town's most recently adopted Comprehensive Plan:

[1] If no dwelling exists on a lot, up to four units are allowed, either detached or attached.

[2] If one dwelling unit exists on the lot, up to two additional units are allowed, one being attached to or within the primary dwelling and one being detached.

[3] If two dwelling units exist on a lot, no additional units are allowed.

(b) If the lot is outside the growth boundary defined in the Town's most recently adopted Comprehensive Plan:

[1] If no dwelling exists on a lot, up to two units are allowed, either detached or attached.

[2] If one dwelling unit exists on the lot, up to two additional units are allowed, one being attached to or within the existing dwelling and one being detached.

[3] If two dwelling units exist on a lot, no additional units are allowed.

(c) If dwelling units are demolished after the date this subsection is adopted and the demolition results in an empty lot, there can be no increase in the number of units above what existed on the lot prior to demolition.

(d) All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwelling units.

(e) All dwelling units shall conform to Chapter 64, Floodplain Management; Chapter 194, Subdivision of Land; and the shoreland zoning requirements of Chapter 100, Land Use.

(f) This subsection may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this subsection, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

L. Section 100-46L(3) is amended as indicated:

The facility must be located on soils deemed suitable for such use, as determined by a Maine ~~registered~~ licensed geologist or a Maine ~~certified~~ licensed soil scientist.

M. Section 100-47H is amended to change 38 M.R.S.A. Chapter 3, §§ 481-490, to 38 M.R.S.A. Ch. 3, §§ 481 to 489-E.

N. Section 100-58, lead-in paragraph, is amended as indicated:

If the applicant and the reviewing authority are in disagreement as to the specific location of the coastal bluff, or where the top of the bluff is located, the applicant may at his or her expense employ a Maine licensed professional engineer, a Maine ~~Certified~~ licensed soil scientist, a Maine state geologist, or other qualified individual to make a determination.

O. Section 100-61.

(1) Subsection A, the minimum land area table, is amended:

(a) To add a row for 2 acres under the 60,000 sq. ft. row, with 1.12 under the R1 District and 1.11 under the R2 District.

(b) In note 1.11 as indicated: " Per one-family dwelling, one-and-one-half-family dwelling or two-family dwelling~~, except in a subdivision~~."

(c) To delete note 1.12B, which formerly read "Per one-family dwelling, one-and-one-half-family dwelling or two-family dwelling in a subdivision."

(d) To renumber note 1.12A as note 1.12.

(2) Subsection B, the minimum street frontage table, is amended:

(a) In note 2.3, as indicated: "Per one-family dwelling, one-and-one-half-family dwelling or two-family dwelling~~, except in a subdivision~~."

(b) To renumber note 2.3A as note 2.4.

(c) To delete note 2.3B, which originally read "Per one-family dwelling, one-and-one-half family dwelling or two-family dwelling in a subdivision."

(d) To renumber notes 2.4 through 2.6 as notes 2.5 through 2.7, respectively.

P. Addendum 2, Performance Standards for Mineral Extractions.

(1) Section 3.5.11 is amended as indicated:

Sound measurement procedures must comply with the requirements of ~~Chapter~~ 06-096 CMR Ch. 375, the regulations of the Site Location of Development Law.

(2) Section 1.3.2, Subsection 4, is amended to change “Atlantic Sea Run Salmon Commission” to “Atlantic Salmon Authority.”

(3) Section 4.3.3 is amended as indicated:

Any mineral extraction within the service area of the public wastewater disposal facility, or a proposed or required expansion of the service area, must dispose of all sanitary wastewater through an approved connection to that facility. Such a connection must be approved, in writing, by the ~~director of the~~ wastewater ~~treatment department~~ plant manager.

(4) Section 4.3.4 is amended as indicated:

The reviewing authority may require secondary documentation to address any concerns raised by the wastewater ~~treatment department~~ plant manager, or when there are significant proposed improvements to the existing wastewater infrastructure or treatment facilities.

(5) Section 4.5.3 is amended as indicated:

A traffic study may be required when there are documented concerns from MDOT, the municipal ~~road commissioner~~ Director of Public Works, the municipal Public Safety Department, a qualified traffic engineering professional or local residents, about traffic safety or capacity deficiencies of a public road that may occur due to increased truck traffic to and from the mineral extraction operation.

(6) Section 4.5.7 is amended as indicated:

Proposed improvements to existing public streets must be approved in writing by the Bucksport Town Council, the municipal ~~road commissioner~~ Director of Public Works, or the Maine Department of Transportation, as applicable.

(7) Section 6.4.5 is amended as indicated:

The conditions and amount of the performance guarantee must be determined by the reviewing authority with the advice of the Municipal Engineer, ~~road commissioner~~ Director of Public Works, municipal officers, or Municipal Attorney, as applicable.

Chapter 107, Licenses and Permits.

A. Section 107-1G(4) is amended as indicated:

If a licensee or permittee fails to comply with the thirty-day deadline in § 107-1G(3), a ~~$25~~ late fee in accordance with the Town of Bucksport Schedule of Fees shall be added to the renewal fee.

B. Section 107-2J(12) is amended as indicated:

Fines shall be set forth for violation of any of the provisions of this subsection; violators shall be punished by a civil penalty ~~of not less than $1,000 and not more than $10,000 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town~~ as provided in §§ 100-45C(2)(n)[1], 100-47G(7)(a), and 100-52B(7)(a).

C. Section 107-8, definition of "off-track betting," is amended as indicated: "As defined in 8 M.R.S.A. § 275-A."

Chapter 136, Peace and Good Order.

Section 136-5 is amended as indicated:

> Any person(s) found guilty of a violation of Chapter 136 of the Bucksport Town Code shall be subject to a penalty ~~of not less than $50 and not more than $100~~ consistent with 17-A M.R.S.A. § 1701 for each and every offense.

Chapter 141, Personnel Policies and Procedures.

A. Section 141-9.

(1) Subsection B is amended as indicated:

> The Town shall not discriminate unlawfully against any person because of ~~race, color, religion, sex, national origin, age, sexual orientation, genetic information, or physical or mental disability~~ actual or perceived race, color, religion, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

(2) Subsection I is amended to add the following sentence to the end thereof: "Police officers shall be subject to a probationary period as provided in 30-A M.R.S.A. § 2701."

B. Section 141-18D is amended as indicated:

> The employer will provide, annually, a copy of the Town's policy regarding harassment to all employees, provide training to all new employees on harassment before their first anniversary of employment, and provide training to all supervisors on their responsibility to take immediate and corrective action in addressing ~~sexual~~ harassment complaints.

C. Section 141-22H(4) is amended as indicated:

> Contains ethnic, racial or religious slurs; or that is, or may be construed as, disparagement of others based on ~~race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs,~~ actual or perceived race, color, religion, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, or any other basis prohibited by law; or

Chapter 150, Property Assessed Clean Energy.

A. Section 150-4.

(1) The definition of "energy saving improvement," Subsection A(3), is amended as indicated:

> Involves a renewable energy installation, ~~or~~ an electric thermal storage system or any heating equipment that meets or exceeds standards established or approved by the trust."

(2) The definition of "renewable energy installation" is amended as indicated:

> A fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common

ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems; solar thermal systems; biomass systems, including but not limited to masonry stoves and wood pellet systems; landfill gas to energy systems; geothermal systems; wind systems~~, wood pellet systems~~ and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

B. Section 150-8B is amended as indicated:

Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, § 150-7A, above, ~~a municipality~~ the Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Chapter 154, Property Maintenance.

Section 154-6.

A. Subsection C(2) is amended as indicated:

No more than two unserviceable, discarded, worn out or junked motor vehicles may be stored outside on any property outside the compact area, except in a ~~licensed~~ permitted automobile graveyard.

B. Subsection C(3) is amended as indicated: "No accumulation of discarded, worn-out or junked items may be allowed outside on any property, except in a ~~licensed~~ permitted junkyard."

Chapter 167, Roads and Streets.

Article I, Entrances to Highways.

A. Section 167-4B is amended as indicated:

Applications for entrance permits shall be accompanied by a fee ~~of $20, which will be returned if the permit is not issued~~ as provided in the Schedule of Fees.

B. Section 167-7B is amended as indicated: "An expired entrance permit may be renewed upon submission of a new application and a fee ~~of $20~~ as provided in the Schedule of Fees."

Article II, Street Excavations.

C. Section 167-8C is amended as indicated: "An expired excavation permit may be renewed upon submission of a new application and a fee ~~of $20~~ as provided in the Schedule of Fees."

D. Section 167-11.

(1) Subsection A is amended as indicated:

Applications for excavation permits shall be accompanied by a fee ~~of $20 which will be returned if the permit is not issued~~ as provided in the Schedule of Fees.

(2) Subsection B is amended to read as follows:

In addition to the application fee, a permit fee shall be paid upon approval of the permit; such fee shall be as provided in the Schedule of Fees.

E. Section 167-14D is amended as indicated:

> All such flagmen shall be subject to the approval of the ~~Chief of Police~~ Deputy Police Chief. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Public Works Director and the Deputy Police Chief will designate detours.

F. Section 167-16 is amended as indicated: "All of the above shall be approved by the Deputy Police Chief and the Public Works Director."

Article III, Weight Limits.

G. Section 167-30, lead-in paragraph, is amended as indicated:

> The Public Works Director of the Town of Bucksport may post any road restricting heavy loads pursuant to ~~Title 29, M.R.S.A. Section 2395~~ 29-A M.R.S.A. § 2395 and in accordance with the following rules and regulations:

H. Section 167-31B(1) is amended as indicated: "Such determination when necessary will be made by the Bucksport Deputy Police Chief."

I. Section 167-32 is amended as indicated:

> Any person or entity found to be in violation of § 167-30 or 167-31 of this article shall be liable for a civil penalty of not less than $250 for each offense, except that a written warning ~~shall~~ may be issued for a first offense; provided, however, this shall not limit the Town from taking action for recovery of any damage which may result from any violation.

Article IV, Standards for Approval.

J. Section 167-39.

(1) Subsection G is amended as indicated:

> Curbs shall be required on all streets within the Maine ~~Highway Commission~~ Department of Transportation defined urban areas and shall be required when an open ditch system does not provide adequate drainage as determined by the Public Works Director, and a closed drainage system is necessary.

(2) Subsections J, K, and L are amended to change “certified land surveyor” to “licensed land surveyor.”

Article V, Street Naming and Numbering.

K. Section 167-47G(3) is amended as indicated:

> A deposit in the amount of $200 has been submitted to the Town Clerk. The deposit shall be applied to expenses related to ~~the Council's review of the road name change; and~~ the purchase and installation of new street signs. This deposit shall be refunded if the street name change is not approved; and

Chapter 175, Sewers.

A. Section 175-1, definition of “engineer,” is amended as indicated: “An individual who is licensed to practice as a ~~registered~~ professional engineer in the State of Maine.”

B. Section 175-7 is amended as indicated:

> The type, capacities, location, and layout of a private sewage disposal system shall comply with all regulations of the Department of Health and Human Services, State of Maine.

C. Section 175-14B is amended to read as follows: "A building sewer permit fee shall be charged as provided in the Schedule of Fees."

D. Section 175-33 is amended as indicated:

> Each building sewer installed must be installed and inspected during construction as previously required in § 175-21, and the permit connection inspection fee shall be ~~$15~~ as stated in the Town's Schedule of Fees.

E. Section 175-48 is amended as indicated:

> Any person who fails to comply with the provisions of this chapter, other than those provisions pertaining to the payment of charges for service established herein, shall upon conviction be subject to a fine ~~not exceeding $100 for each offense~~ as provided in § 1-4.

Chapter 180, Short-Term Rentals.

A. Section 180-5B is amended as indicated: "Short-term rentals ~~(currently called "recreational lodging" in the Town of Bucksport Land Use Ordinance)~~ that were permitted after January 1, 2024, shall be allowed to continue to operate until December 31, 2024."

B. Section 180-6B(1)(b) is amended as indicated:

> If the number of STRs is restricted in the future, any current existing ~~license~~ permit will remain effective until December 31 of that year. Upon renewal of the ~~license~~ permit, the new restrictions will then be enforced.

C. Section 180-8C is amended as indicated:

> ~~Annual i~~Inspection. Prior to issuance of a new permit, the dwelling unit shall be inspected for compliance with all requirements by the Code Enforcement Officer or their designee.
>
> (1) At the time of permit renewal, inspection of the dwelling unit may be requested by the Code Enforcement Officer prior to issuance.
>
> (2) If, at any time, the Town receives complaints regarding sanitation or life safety issues, the Code Enforcement Officer may require an inspection.

Chapter 182, Signs.

Section 182-14D is amended as indicated:

> Any person who violates any provision of this chapter or fails to comply with any of its requirements may be punished ~~by a fine of not more than $100 for each offense~~ for each specific violation by a fine of not less than $100 nor more than $5,000. Each day such violation continues shall constitute a separate offense. ~~The maximum fine will not exceed $2,500.~~

Chapter 194, Subdivision of Land.

A. Section 194-6L is amended as indicated:

> The Planning Board may not accept or approve final plats or final documents that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in ~~Title 32, § 13907~~ 32 M.R.S.A. § 18226.

B. Section 194-7.

(1) Subsection C(2) is amended as indicated: "A nonrefundable administrative fee ~~of $100~~ as provided in the Schedule of Fees must be submitted with a Stage 2 application."

(2) Subsection E(4) is amended as indicated: "The fee shall be ~~$25 per lot or $100, whichever is greater~~ as provided in the Schedule of Fees."

(3) Original Sec. 7.6, eighth bullet point, regarding the inclusion of a statement that lots are for single-family dwellings and accessory structures only, of the 1978 Town Code, is repealed.

C. Section 194-8.

(1) Subsection B(8)(a) is amended as indicated:

> Land located in areas of a special flood hazard, which are identified as Zones A, ~~or~~ AE and V in a report published by the Federal Emergency Management Agency entitled ~~"Flood Insurance Study Town of Bucksport, Maine, Hancock County," dated November 4, 1988~~ "Flood Insurance Study - Hancock County, Maine," dated July 20, 2016, with accompanying Flood Insurance Rate Map dated ~~November 4, 1988~~ July 20, 2016.

(2) Subsection K(2)(d) and (4)(c) is amended to change "Atlantic Sea Run Salmon Commission" to read "Atlantic Salmon Authority."

D. Section 194-10C is amended as indicated:

> The conditions and amount of the performance guarantee must be determined by the Board with the advice of the Municipal Engineer, ~~road Commissioner~~ Department of Public Works, municipal officers, or Municipal Attorney.

E. Original Sec. 13.6, requiring agreement by all lot owners before the Planning Board may approve a proposed revision to a subdivision, of the 1978 Town Code, is repealed.

F. Original Sec. 16.2, regarding effective dates for lot frontage requirements in Chapter 100, Land Use, of the 1978 Town Code, is repealed.

Chapter 207, Traffic and Safety.

A. Section 207-2.

(1) Subsection A is amended as indicated:

> It shall be the duty of the officers of the Police Department, or such officers as are assigned by the ~~Chief of Police~~ Deputy Police Chief, to enforce all traffic laws of this Town, all of the Maine State motor vehicle laws applicable to street traffic in this Town, and all provisions of this chapter.

(2) Subsection D is amended as indicated:

> The ~~Chief of Police~~ Deputy Police Chief is authorized to represent the Town of Bucksport in District Court in the prosecution of alleged violations of those ordinances which the Police Department is empowered to enforce, if duly certified in accordance with ~~Title~~ 25 M.R.S.A. § 2803, ~~(3) (A),~~ Subdivision 3, or successor statute. The ~~Chief of Police~~ Deputy Police Chief may designate any officer under his command, if so certified, to perform this prosecutorial function.

B. Section 207-32.

(1) The lead-in paragraph is amended as indicated: "The specified ~~fees~~ fines will be charged for the following violations:"

(2) Subsection A is amended as indicated: "Winter parking ban (snow removal): ~~$5~~ $25."

(3) Subsection B is amended as indicated: "Parked facing traffic: ~~$5~~ $25."

(4) Subsection C is amended as indicated: "Handicapped parking space: ~~$25~~ $50."

(5) Subsection D is amended as indicated: "All other parking violations: ~~$5~~ $25."

Chapter 216, Waste Disposal Facilities.

Section 216-4C is amended as indicated:

> An application for a license to locate, establish or construct a new solid waste disposal facility, or for a license to expand disposal capacity (area or volume) of an existing facility beyond that duly licensed by the State of Maine as of the effective date of this chapter, shall be accompanied by a fee paid in accordance with the Town of Bucksport ~~Fees Ordinance~~ Schedule of Fees. Such fee shall be deposited in a special account designated for that application, to be used by the Council for hiring independent engineering, geological, planning, legal or other consulting services necessary to review the proposal. If the balance in this special account is drawn down to $10,000, the Council shall notify the applicant and the applicant shall deposit with the Town an additional fee in accordance with the Town of Bucksport ~~Fees Ordinance~~ Schedule of Fees. The Council shall continue to notify the applicant and the applicant shall deposit an additional fee in accordance with the Town of Bucksport ~~Fees Ordinance~~ Schedule of Fees with the Town whenever the balance is drawn down to $10,000.

Chapter 220, Waste Management.

Article I, Hazardous Waste.

A. Section 220-2 is amended as indicated:

> This article is adopted pursuant to the home rule power granted to all municipalities under the Constitution, Article VIII-A; and ~~Title 30 M.R.S.A., Chapter 201-A, Section 1917~~ 30-A M.R.S.A. § 3001.

B. Section 220-4 is amended as indicated:

> The disposal or storage of hazardous waste as designated under the U.S. Clean Water Act, Section 311, Public Law 92-500, and/or the disposal or storage of low-level or high-

level radioactive waste materials, as defined by ~~"38 M.R.S.A., Section 361-D.1.B,"~~ 38 M.R.S.A. § 1451, within the boundaries of the Town of Bucksport, County of Hancock, Maine, is prohibited.

C. Section 220-6 is amended as indicated:

Any person found in violation of this article shall be subject to a fine ~~of not more than one $1,000 and not less than $250 for each offense and shall be financially responsible for its cleanup~~ in accordance with 30-A M.R.S.A. § 4452. The minimum fine is $100 per violation. Each day in which a violation occurs shall constitute a separate offense. Fines will be in addition to the restitution of all costs required to mitigate the violation.

Article II, Solid Waste Flow Control.

D. Section 220-15 is amended as indicated:

The Bucksport Police Department shall investigate any complaint received concerning the disposal of waste at the Transfer Station. Upon determining that a violation of this article has occurred, the Police Department shall take appropriate actions to address the violation, including, but not limited to, the issuance of a summons and the request for fines upon conviction, ~~at a rate of $100 per day per violation~~ in accordance with 30-A M.R.S.A. § 4452. The minimum fine is $100 per violation. A separate fine will be assessed for each day a violation continues. Fines will be in addition to the restitution of all costs required to mitigate the violation.

Chapter A250, Council Rules.

A. Section A250-37A is amended as indicated:

A member has a "financial interest" within the meaning of this subsection ~~if the member has a "financial interest" within the meaning of this section~~ if the member owns at least a 10% interest in the business or economic entity or 10% or more of the stock of the corporation involved in the pending transaction or matter.

B. Section A250-42 is amended as indicated:

The Treasurer may disburse money only on the authority of a warrant drawn for the purpose and signed by the Chair or, in the absence of the Chair, by the Chair of the Finance and Investments Committee.

The Charter

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BUCKSPORT CODE

Chapter CHA

COUNCIL-MANAGER CHARTER

[HISTORY: Adopted by Chapter 123 of the Laws of 1969. Amended 9-29-1983; 10-11-1984; 2-11-1988; 7-26-1990; 1-11-1996; 5-9-1996; 1-30-1997; 9-11-1997; 11-4-1997; 11-2-1999; 11-4-2003; 11-6-2007; 11-2-2010; 11-8-2011; 11-7-2017; 11-3-2020; 11-7-2023. Subsequent amendments noted where applicable.]

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ARTICLE 1
Grant of Powers to the Town

Sec. 1.01. Powers of the Town.

The Town shall have all the powers possible for a town to have under the Constitution and the laws of this State as fully and completely as though they were specifically enumerated in this Charter.

Sec. 1.02. Additional powers.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

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ARTICLE 2
Town Council

Sec. 2.01. Number, eligibility, election and terms.

1. Number. There shall be a Town Council of seven members elected by the registered voters of the Town.

2. Eligibility. Only qualified voters who reside in the Town shall be eligible to hold office as Councilmen.

3. Election and terms: At the first election under this Charter, two Councilmen shall be elected. The selectmen with the longest unexpired terms shall serve as Councilmen for terms of two years. The selectmen with the next longest unexpired terms shall serve as Councilmen for terms of one year. Thereafter, regular elections of Councilmen to fill the positions of those whose terms expire shall be elected for a term of three years. The selectmen serving at the time of the acceptance of this Charter shall continue in office until the new Council is sworn in. The terms of Councilmen shall begin upon their induction at the first scheduled meeting of the calendar year after their election.

Sec. 2.02. Induction of Council into office.

Councilmen-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a Justice of the Peace at the first regularly scheduled meeting of each year.

Sec. 2.03. Compensation for Council members.

Salaries shall be set annually as part of the annual budget for attending each regular and special meeting per Council member. The Chairperson's salary shall also be set as part of the annual budget process per regular and special meeting, to become effective January 1, 2024. Wages for the January 1, 2024, through June 30, 2024, period shall be $50 per meeting for regular members and $60 per meeting for the Chairperson.

Sec. 2.04. Chairman-Mayor.

At the first meeting, or as soon as practicable, the Town Council shall elect, by majority vote of the Council membership, one of its members for the ensuing year as Chairman, who will have the title of Mayor, and the Council may fill for an unexpired term any vacancy in the office of Chairman that may occur. The Chairman shall preside at the meetings of the Council, and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. In the temporary absence or disability of the Chairman, the Council may elect a Chairman pro tempore from among its members, and he shall exercise all the powers of Chairman during such temporary absence or disability of the Chairman. The Council may appoint a secretary.

Sec. 2.05. Power and duties.

Except as otherwise provided by law or this Charter (Ref. Article 9), all powers of the Town shall be vested in the Town Council, which shall be the general legislative body of the Town. The Town Council shall constitute the municipal officers of the Town of Bucksport.

Sec. 2.06. Prohibitions.

Except where authorized by law, no Councilman or spouse shall hold any other Town office or full-time employment (exclusive of schools) during the term for which he/she was elected to the Town Council.[1]

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Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purposed inquiry, the Council and its members shall deal with the administrative services solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

Sec. 2.07. Vacancies, forfeiture of office and filling of vacancies.

1. Vacancies. The office of Councilman shall become vacant upon his death, resignation, removal from office, in any manner authorized by law, or forfeiture of his office.

2. Forfeiture of office. A Councilman shall forfeit his office upon final conviction of a felony or if he (a) lacks at any time during his term of office any qualifications of the office prescribed by this Charter or by law, (b) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

3. Filling of vacancies. A vacancy in any elected office shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Council by a majority vote of its members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

Sec. 2.08. Judge of qualifications.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Sec. 2.09. Meetings.

1. The Town Council shall, at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meeting and shall meet regularly at least once a month. All meetings of the Council shall be open to the public in accordance with the laws of the State of Maine. The Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda.

2. Special meetings may be held on the call of the Council for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. At least 12 hours' notice shall be given of the time and place of holding such adjourned meeting.

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1. **Editor's Note: Amendment pending.**

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Sec. 2.10. Town Clerk.

The Town Clerk's office shall be the depository for the journal and all other records of the Council. The Town Clerk shall be responsible for the care of the records and shall make them available for public inspection.

Sec. 2.11. Procedure.

1. Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.

2. Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

Sec. 2.12. Town Council actions.

1. The Town Council shall act by ordinance, order or resolve.

2. Acts by Ordinance. All legislative acts, including, but not limited to, acts to adopt, amend or repeal the Bucksport Town Code or this Charter, and acts to adopt or reject citizen initiatives, shall be identified as ordinances.

3. Acts by Order. All quasi-judicial acts, including, but not limited to, acts pertaining to licensing or permitting, acts pertaining to personnel matters, acts pertaining to appeals, and acts pertaining to the enforcement of state or local laws, shall be identified as orders.

4. Acts by Resolve. All executive acts, including, but not limited to, acts of direction or authorization, acts pertaining to rules and policies, acts to establish budgets, levy taxes and set fees, acts pertaining to capital improvements, acts to authorize expenditures and the borrowing of money, acts pertaining to the function of Town services, acts pertaining to the function of Town boards and committees, acts to acquire, lease or convey property, acts pertaining to bids and contracts, acts to express recognition, and acts to state opinions, principles, facts or purposes, shall be identified as resolves.

5. An ordinance, order or resolve shall not be required for the ministerial functions of the Town Council.

Sec. 2.13. Ordinances, rules and policies in general.

1. Municipal ordinances, rules and policies. The Town Council shall adopt such municipal ordinances, rules and policies as they think necessary and proper for the Town of Bucksport.

2. All existing ordinances, rules and policies shall remain in effect under this Charter.

3. Proposals Submitted For Review. The Town Council shall review any proposed ordinance, rule or policy prepared at the request of the Council, any proposed ordinance, rule or policy submitted by the Town Manager, any proposed ordinance, rule or policy submitted by the Planning Board, and any proposed ordinance submitted in accordance with Article 9 of this Charter. The Town Council shall also consider any informal request from the public to adopt, amend or repeal an ordinance, rule or policy. The full content of every proposed ordinance, rule or policy shall be posted to the Town's website and made available for public viewing at the Bucksport Town office.

4. Town Council readings. All proposed ordinances, rules and policies shall receive two public readings by the Town Council. The second reading shall take place no less than two weeks after the first reading. A reading shall include the title and summary only, unless a full content reading is required

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by majority vote.

5. Committee recommendations. After a first reading of any proposed ordinance, rule or policy, the Town Council may request a recommendation from an appropriate Council committee before conducting a second reading, except a recommendation from the Planning Board shall be requested after the first reading of any proposed zoning ordinance. The Council may require a meeting with the Planning Board to discuss the proposed ordinance before conducting a second reading and taking action on the Board's recommendation.

6. Public hearings. Public hearings for proposed ordinances, rules and policies shall be held when required by state law, or when the Town Council requires a public hearing by majority vote. Any required public hearing shall take place after the second reading of a proposed ordinance, rule or policy. No public hearing may be held without notice given at least seven days prior to the date of the hearing or as may otherwise be required by state law. Notice shall be given by publishing in a local newspaper a summary of the proposed ordinance, rule or policy, together with the date, time and location of the public hearing.

7. Amendments. If a proposed ordinance, rule or policy is amended during the course of review, the Town Council must decide if action can be taken after the second reading. An additional reading shall be required if the Council determines that an amendment has altered a proposed ordinance, rule or policy to the extent that additional time is needed to provide all interested parties with a reasonable opportunity to review and comment on the amended content.

8. Adoption, effective date. Upon completion of review, the Town Council shall act to adopt or reject a proposed ordinance, rule or policy. Notice of the Council's decision shall be posted to the Town's website and at the Bucksport Town office. Except as otherwise provided for in this Charter or in the Bucksport Town Code, every adopted ordinance shall become effective seven days after the date of adoption. Every rule or policy shall become effective upon adoption by the Town Council.

Sec. 2.14. Emergency ordinances.

1. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise or authorize the borrowing of money otherwise provided in the Charter.

2. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

3. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.15. Codification; printing.

The Town Council shall provide for the codification of all Town ordinances, rules and policies The codification of ordinances shall be known and cited officially as the "Bucksport Town Code." The codification of rules and policies shall be known and cited officially as the "Manual of Rules and Policies for the Town of Bucksport." Copies of both documents shall be made available for free viewing at the Bucksport Town office or on the Town's official website, or for purchase by the public at a reasonable price.

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Sec. 2.16. Independent annual audit.[2]

Prior to the end of each fiscal year, the Town Council shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the Town government and shall submit their report to the Council and to the Town Manager. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Town Treasurer, and any separate or subordinate accounts kept by any other office, department, or agency of the Town government.

2. **Editor's Note: Amendment pending.**

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ARTICLE 3
Administrative Officers and Employees

Sec. 3.01. Title and appointment.

The following officers and boards shall be appointed by ballot by a majority vote of the members of the Town Council: Town Manager, Town Clerk, Town Assessor, Treasurer, Tax Collector and other boards when such appointment is required by state statute or municipal ordinance. The Council may, where appropriate, vest in the Town Manager all or part of the duties of any office. The Town Council shall appoint a Town Attorney when necessary.[3]

The Town Manager shall appoint the department heads subject to the confirmation of the Town Council, and shall have the power to remove such appointees when necessary. He shall appoint and remove when necessary all other administrative officers and Town employees, except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this Charter.

Sec. 3.02. Creation of departments.

The Town Council may establish, change and abolish Town departments, offices or agencies other than those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department office or agency may be discontinued or, unless specifically provided by this Charter, assigned to any other.

Sec. 3.03. Personnel Appeals Board.

1. The members of the Town Council will serve as the members of the Personnel Appeals Board.
2. Personnel Director. The Town Manager or his appointee shall be the Personnel Director.
3. Personnel Appeals Board. There shall be a Personnel Appeals Board consisting of the current members of the Town Council. The Chairman or Mayor will serve as Chairman for the Personnel Appeals Board.
4. Personnel rules. The Town Manager or his appointee shall prepare personnel rules. The Town Manager shall submit such rules to the Council which the Council shall adopt with or without amendment. These rules shall provide for:
    a. The classification of all Town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
    b. A pay plan for all Town positions;
    c. Methods for determining the merit and fitness of candidate for appointment or promotion, demotion or dismissal;
    d. The policies and procedures regulating reduction in force and removal of employees;
    e. A retention and retirement plan for Town employees;

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3. Editor's Note: Amendment pending.

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f. The hours of work, attendance regulations and provisions for sick and vacation leave;

g. The policies and procedures governing relationships with employee organizations;

h. The policies and procedures governing persons holding provisional appointments;

i. Policies regarding in-service programs;

j. Grievance procedures, including procedures for the hearing of grievances by the Personnel Appeals Board, which may render advisory opinion based on its findings to the Town Manager with a copy to the aggrieved employee; and

k. Other practices and procedures necessary to the administration of the Town personnel system.

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ARTICLE 4
Town Manager

Sec. 4.01. Town Manager; qualifications.

The Town Council shall appoint a Town Manager for a definite term and fix the Manager's compensation. The Manager shall be appointed on the basis of his/her executive and administrative qualifications. The Manager need not be a resident of the Town or State at the time of his/her appointment but may reside outside the Town while in office only with approval of the Council. No Councilman shall receive such appointment during the term for which the Manager shall have been elected, nor within one year after the expiration of his/her term, nor shall any member of the Town Council act in that capacity.

Sec. 4.02. Removal of Town manager.

The Town Council may remove the Manager from office in accordance with the following procedures:

1. The Council shall adopt by affirmative vote of a majority of all its members a written preliminary resolution setting forth the specific reasons for removal. A copy of the resolution shall be delivered promptly to the Manager. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

2. The Manager may within 20 days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the Council not earlier than 10 days after the request is filed nor later than 30 days after the request. After the public hearing, or at the expiration of the time permitted the Manager to request the public hearing if no such request is made, the Council may by majority vote adopt or reject the resolution of removal.

Sec. 4.03. Absence of Town manager.

By letter filed with the Town Clerk, the Manager shall designate, subject to approval of the Town Council, a qualified resident to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his/her disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until he/she shall return or his/her disability shall cease.

Sec. 4.04. Powers and duties of the Town manager.

The Town Manager shall be the chief administrative official of the Town. The Manager shall be responsible to the Town Council for the administration of all Town affairs placed in that person's charge by or under this Charter. The Manager shall have the following powers and duties:

1. The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.

2. The Manager shall attend Council meetings, except when his/her removal is being considered, and shall have the right to take part in discussions but may not vote.

3. The Manager shall see that all laws, provisions of this Charter and acts of the Council subject to enforcement by the Manager or by officers subject to his/her direction and supervision are faithfully

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executed.

4. The Manager shall prepare and submit the annual budget and a five-year capital improvement program to the Council.

5. The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.

6. The Manager shall make such other reports as the Council may require concerning the operations of Town departments, offices and agencies subject to his/her direction and supervision.

7. The Manager shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as the Manager deems desirable.

8. The Manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the Council, and the Council may by ordinance adopt them with or without amendment.

9. The Manager shall perform such other duties as are specified in this Charter or may be required by the Council.

Sec. 4.05. Annual review.

The Town Council shall annually review with the Manager his or her performance as such, and said review shall be conducted so as to remove, alleviate or prevent problems in the relationship of the Manager to the Council in the exercise of their respective powers and duties.

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ARTICLE 5
Special Administration

Sec. 5.01. Tax Assessor.

The Assessor of Taxes shall be one in number appointed by the Town Council. He/she shall hold office for a term of two years or until his/her successor is appointed and qualified. The present board shall remain in office until December 31, 1988.

Sec. 5.02. Board of Assessment Review: appointments, vacancies.

There shall be a Board of Assessment Review to consist of three members who shall be appointed by the Town Council for a term of three years, except that of those first appointed one shall be for a term of two years and one for a term of one year. The majority of the whole number of the Board shall be a quorum and they shall elect their own Chairman. Vacancies in the membership of such Board shall be filled by appointment by the Council for the unexpired term.

Sec. 5.03. Board of Assessment Review: powers, duties.

The Board of Assessment Review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Town Assessor.
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

Sec. 5.04. Planning Board.

There shall be a Town Planning Board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

Sec. 5.05. Comprehensive Plan.

There shall be a Comprehensive Plan for the development of the Town of Bucksport as provided by law.

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ARTICLE 6
(Reserved)

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ARTICLE 7
Budget

Sec. 7.01. Fiscal year.

The fiscal year of the Town government shall begin the first day of July and shall end the 30th day of June of each year. Such fiscal year shall constitute the budget and accounting year as used in this chapter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 7.02. Preparation and submission of the budget.[4]

The Town Manager, at least 100 days prior to the beginning of each budget year, shall submit to the Town Council a budget and an explanatory budget message. The budget authority of the Council shall not be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town. This budget shall be compiled from detailed information furnished by the administrative officers and boards on forms which shall be designated by the Manager, and shall contain:

1. Exact statement of the financial condition of the Town.
2. An itemized statement of appropriations recommended for current expenses and for permanent improvements, with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.
3. An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.
4. Such other information as required by the Council.

The proposed budget prepared by the Manager shall be reviewed by the Council, which shall approve the budget with or without amendment. The Council shall fix the time and place for holding a public hearing on such budget and shall give a public notice of such hearing. The Council shall thereafter review the budget and adopt it with or without change no later than seven days prior to the beginning of the fiscal year.

In the period from the first day of the fiscal year until the budget for the current fiscal year has been adopted, the budget for the prior fiscal year shall be deemed to have been adopted, on a month-to-month basis, with all items in it appropriated accordingly.

Sec. 7.03. Budget establishes appropriations.

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

Sec. 7.04. Budget establishes amount to be raised by property tax; certification to Town Assessor.

From the date of adoption of the budget, the amount stated therein as the amount to be raised by property

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4. Editor's Note: Amendment pending.

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tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Manager and filed by him with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 7.05. Administration of budget.[5]

At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Sections 7.06, 7.07, 7.08 and 7.12.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Except when prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by the Town Council.

Sec. 7.06. Transfer of appropriation.

At the request of the Manager, the Council may by resolve transfer any unencumbered appropriation balance or portion thereof, including surplus between the general accounts.

Sec. 7.07. Supplemental appropriations.

If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

Sec. 7.08. Reduction of appropriations.

If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may reduce one or more appropriations.

Sec. 7.09. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

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5. Editor's Note: Amendment pending.

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Sec. 7.10. Capital program.

The Manager shall prepare and submit to the Town Council a five-year Capital program at least three months prior to the beginning of each budget year. The Capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;
3. Cost estimates, method of financing and recommended time schedules for each improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 7.11. Council action on Capital program.

Notice and hearing: The Council shall publish in one or more newspapers of general circulation in the Town the general summary of the Capital program and a notice stating:

1. The time and place where copies of the Capital program are available for inspection by the public; and
2. The time and place, not less than two weeks after such publication, for a public hearing on the Capital program.
3. The Council by resolution shall adopt the Capital program with or without amendment after the public hearing and on or before the last day of the 10th month of the current fiscal year.

Sec. 7.12. Emergency appropriations.

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

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ARTICLE 8
Nominations and Elections

Sec. 8.01. Municipal elections.

The regular election for the choice of elective officers of the Town shall be held on the first Tuesday after the first Monday in November. Polling hours shall be from 7:00 a.m. to 8:00 p.m.

Sec. 8.02. Nominations.

Any qualified voter of the Town who is a resident thereof may be nominated for an elective office in accordance with the laws of the State of Maine.

Sec. 8.03. Election provisions.

Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections.

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ARTICLE 9
Referendum and Initiative

Sec. 9.01. Rights of initiative and referendum.

1. Initiative. The qualified voters of the Town shall have power to propose ordinances to the Council and, if the Council fails to adopt any ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.

2. Referendum. The qualified voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Sec. 9.02. Commencement of proceedings; Petitioners' Committee; affidavit.

1. Any five qualified voters may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk shall issue the appropriate petition blanks to the Petitioners' Committee.

3. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be considered. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing.

4. Initiative and referendum petitions must be signed by 15% of the registered voters of the Town and each voter's signature shall be followed by his address.

Sec. 9.03. Procedure after filing.

1. Action of the Clerk and Council. If, within 20 days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less that 15% of the registered voters of the Town is filed with the Town Clerk, requesting its reference to a referendum, the Town Council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the Town Clerk.

2. Submission to voters. The vote of the Town on a proposed or referred ordinance shall be held not less than 30 days and not later than six months from the date of the final Council vote thereon. If no regular Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

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3. Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least four members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

4. Results of the election:

   a. Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

   b. Referendum: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Sec. 9.04. Ordinances, orders or resolves submitted to popular vote.

1. The Town Council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

2. All ordinances, all orders, or resolves appropriating or transferring $300,000 or more of local funds for a single capital improvement and all orders or resolves authorizing bond issues of $300,000 or more for capital improvement shall be submitted for popular vote. For the purposes of this section, a capital improvement includes but is not limited to the purchase and/or lease of equipment and land, the construction and/or renovation of buildings, the construction and/or reconstruction of infrastructures and all other public facilities. All direct and associated costs are included when determining funding for capital improvements, except for ongoing or routine maintenance costs. No single capital improvement project will be divided so as to defeat the purpose of this section.

Sec. 9.05. Form of ballot.

The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve shall be substantially as follows:

"Shall the ordinance, order or resolve entitled "_____ "be repealed? (or adopted?)"

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

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ARTICLE 10
Recall

Sec. 10.01. Right of recall.

Any elected official of the Town may be recalled and removed from office by the electors of the Town as herein provided.

Sec. 10.02. Procedure for initiating recall petition.

1. Any 20 qualified voters of the Town may make and file with the Town Clerk an affidavit containing the name of any elected official whose removal is sought. These 20 qualified voters shall be referred to as the "Recall Committee." The affidavit shall also contain a statement detailing the reason(s) why recall is sought. This statement detailing the reason(s) for removal shall thereafter be made a part of the recall petition.

2. Upon filing of the affidavit by 20 qualified voters and acceptance of the affidavit by the Town Clerk, the Clerk shall prepare a recall petition relating to the elected official named in the affidavit. The Recall Committee shall have 45 business days from the date of acceptance of the affidavit by the Town Clerk to cause the petition to be signed by not less that 20% of the qualified voters of the Town. The petition shall be available for signing only at the Town Clerk's office during normal business hours and shall be signed by qualified voters in the presence of the Town Clerk or Deputy. At the end of the 45-day period, the Town Clerk shall declare the petition closed.

3. The recall petition to be effective shall have been signed by voters of the Town numbering not less than 20% of the number of qualified voters as determined at the time of the last preceding municipal election, and each voter's signature shall be followed by the voter's place of residence with the street number and street or other description sufficient to identify the place.

Sec. 10.03. Examination and certification of the recall petition.

1. Within 10 business days after the closing of the petition, the Town Clerk shall ascertain whether or not the petition was signed by the required number of voters and, upon such finding, shall attach a certification to the petition, stating that the petition has the required number of signatures of qualified voters, that all signatures were affixed in the presence of the Clerk or Deputy.

2. Should fewer qualified voters than required have signed the petition within the required time, the petition shall have no further force or effect and all proceedings shall be terminated.

Sec. 10.04. Calling of recall election.

1. If the petition shall be certified by the Town Clerk to be sufficient, the Clerk shall submit the petition with certification to the Town Council within five days of certification as sufficient, and shall notify the member whose removal is sought by such action.

2. The Town Council shall thereupon, within 10 days of the receipt of the Town Clerk's certification, order an election to be held not more than 30 days after receipt to submit to vote the question of recall.

3. The form of the ballot at the recall election shall be as follows:

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"Shall elected official (name of person proposed for recall) be recalled?" Immediately below such question shall appear in the following word order the words "Yes" or "No" and to the right of each word a square within which the voter may cast his vote.

4. The elected official whose recall is sought as provided above shall be recalled and immediately removed from office when a majority of those voting thereon shall have voted in the affirmative.

Sec. 10.05. New election for recall vacancy.

1. If recall is effective, the Town Council shall within 60 days after the vote for recall hold a special election to fill the vacancy; provided, however, that if a regular municipal election is to occur within 90 days after the vote for recall, the Town Council may, at its discretion, hold the election to fill the vacancy on the date of such other regular municipal election.

2. The recall election shall be called and held, and nominations for new official(s) to fill any vacancy created by the recall election shall be made as in other elections under this Charter except for the specific limitations hereunder.

3. The successor elected after recall shall serve for the balance of the unexpired term of the recalled official.

Sec. 10.06. Recall remedy in addition to other provisions.[6]

Recall of elected officials is in addition to the provisions of forfeiture and filling of vacancies as to the Town Council under Article 2.

6. **Editor's Note: Amendment pending.**

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ARTICLE 11
General Provisions

Sec. 11.01. Oath of office.

Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Bucksport and will faithfully discharge the duties of the office of_____."

Sec. 11.02. Bonds of officers.

The Town Council shall require a bond with sufficient surety or sureties, satisfactory to the Town Council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable, the premium charges for said bonds to be paid by the Town.

Sec. 11.03. Charter amendment.

1. Proposal of amendment: Amendments to this Charter may be framed and proposed:

   a. In the manner provided by law; or

   b. By ordinance of the Town Council containing the full text of the proposed amendment and effective upon adoption; or

   c. By the registered voters of the Town; or

   d. By report of a Charter Commission created by ordinance.

   Proposal of an amendment by the registered voters of the Town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article 10 for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the Town equal in number to at least 20% of the total number of registered voters.

2. Election. Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a Charter commission, proposing an amendment to the voters of the Town at an election, the Town Council shall submit the proposed amendment to the voters of the Town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the Town at least 30 days prior to the date of election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. The form of the ballot shall be as specified in Article 9, Section 9.05.

3. Adoption of amendment: If a majority of the qualified voters of the Town voting upon a proposed

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Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

Sec. 11.04. Ordinances not inconsistent continue in force.

All ordinances of the Town of Bucksport in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Sec. 11.05. Existing contracts not invalidated.

All rights, actions, proceedings, prosecutions and contracts of the Town, pending or unexecuted when this Charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 11.06. Continuance of present administrative officers.

All persons holding administrative office or employment at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office or position.

Sec. 11.07. Title.

This Charter shall be known and may be cited as the "Council-Manager Charter of the Town of Bucksport." The Clerk shall cause it to be printed and made available to the public promptly.

Sec. 11.08. Separability clause.

If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Sec. 11.09. Repealing clause.

All acts and parts of acts of the private and special laws of Maine relating to the Town of Bucksport, inconsistent with the provisions of this Charter, are repealed.

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Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I
Construction and Penalties
[Adopted 3-9-1978 (Ch. 1, Secs. 1-102, 1-105, 1-108, 1-112, 1-113 and 1-114, of the 1978 Town Code)]

§ 1-1. General definitions and rules of construction.

In the construction of this Code, and of all ordinances and resolutions of the Town, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Town Council:

A. And; or. "And" may be read "or," and "or" may be read "and," if the sense requires it.

B. "Code" or "this Code" means the Bucksport Town Code.

C. "Council" means the Bucksport Town Council.

D. "County" means Hancock County, Maine.

E. Definitions given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.

F. Gender. A word importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

G. "M.R.S.A." means Maine Revised Statutes Annotated.

H. May; shall. The word "may" is permissive, and the word "shall" is mandatory.

I. "Month" means a calendar month.

J. "Municipal officers" means the municipal officers of the Town of Bucksport, Maine.

K. "Oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

L. "Owner," applied to any property, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such property.

M. "Person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said section.

N. "Preceding; following" mean next before and next after, respectively.

O. "State" means the State of Maine.

P. "Statutes" or "Revised Statutes" means the latest published edition of the Statutes or Revised Statutes of Maine.

Q. "Street" shall include public avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath

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unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Town Council.

R. "Tenant" means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.

S. Tense. Words used in the past or present tense include the future, past and present, where applicable, unless the context clearly indicates otherwise.

T. "Time" means an hour of the day according to the official time of the Town.

U. "Town" and "this Town" shall mean the Town of Bucksport, Maine.

V. "Week" means seven days.

W. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such meaning.

X. "Writing" and "written" mean any representation or words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

Y. "Year" means a calendar year.

§ 1-2. References to Code provisions.

A. Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as may now exist or is hereafter amended.

B. Any references in this Code to chapters, articles, division or sections shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

§ 1-3. Conflict with other provisions.

A. If the provisions of different chapters, articles, divisions or sections of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.

B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that Chapter.

C. Where any conflict exists between a provision of this Code and any provision of the Town Charter or Maine Revised Statutes, the latter shall prevail.

§ 1-4. General penalty. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Whenever in this Code or in material adopted by reference by this Code any act is prohibited, made or declared to be unlawful; or whenever in this Code or in material adopted by reference by this Code the doing of any act is required or the failure to do any act is declared to be unlawful and where no specific penalty is provided therefor, the violation of such provision shall be punishable by a fine or not more than

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$100, plus costs, in accordance with 30-A M.R.S.A. § 4452; except that when this statute does not apply, the fine shall be not less than $100 and not more than $2,500. Penalties may be assessed on a per-day basis. This penalty shall not be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of this Code occurs or continues shall constitute a separate offense.

§ 1-5. Inclusivity of prohibited acts or omissions.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

§ 1-6. Offenses punishable by different provisions; option of Town Attorney.

In all cases where the same offense is made punishable or is created by different sections of this Code, the Town's Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

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ARTICLE II
Adoption of Code

[An ordinance to adopt the renumbering of the 1978 Town Code, to make certain substantive changes and to enact the Code as the official body of law in the Town is presently proposed before the Town Council. Upon adoption, it will be included here as Article II of this chapter.]

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Chapter 8

ANIMALS

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I
Dog Control
[Adopted 3-9-1978, as amended through 8-2-2007 (Ch. 3, Art. 2, of the 1978 Code)]

§ 8-1. Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates another meaning:

AT LARGE — Off the premises of the owner and not under the control of the owner or another person.

DOG — Both male and female.

OWNER — Any person or person, firm, association or corporation owning, keeping or harboring a dog.

§ 8-2. License and registration required.

All dogs kept, harbored or maintained by their owners in the Town of Bucksport shall be licensed and registered in accordance with the appropriate laws of the State of Maine.

§ 8-3. Tag and collar.

All dogs shall be provided with a suitable collar to which the license tag shall be attached as required by appropriate laws of the State of Maine.

§ 8-4. Running at large prohibited.

No owner or keeper of any dog shall permit such dog to run at large at any time. This section shall not be construed, however, to prevent the use of dogs for lawful hunting purposes or for the use of dogs on a farm for any lawful purpose. No owner shall permit any dog to run at large at any time along the waterfront on public property, which includes the area between Main Street and the north shore of the Penobscot River and extends from the Bucksport-Verona Bridge to the so-called "Webber Docks," unless such dog(s) is on a leash. When dogs are found running at large and their ownership is known, such dogs need not be impounded, but the Town through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer charges of violation of this article.

§ 8-5. Impounding.

It shall be the duty of every police officer or the Animal Control Officer to apprehend any dog found running at large contrary to the provisions of § 8-4 and to impound such dog in the Town pound or other suitable place. The Poundmaster, or other designated official, upon receiving the dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

§ 8-6. Impounding unlicensed dogs.

The impounding of unlicensed dogs shall be done in accordance with the appropriate laws of the State of Maine.

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§ 8-7. Confinement of certain dogs.

Dogs of fierce, dangerous or vicious propensities shall be properly confined or tied by the owner in a reasonable manner to prevent harm to the public. Female dogs in heat shall be confined in some reasonable manner to avoid the creation of a nuisance by other dogs congregating in the vicinity. If fierce, dangerous or vicious dogs and female dogs in heat are found in violation of this provision, they shall be impounded and shall not be released except upon the approval of the Animal Control Officer after payment of all costs or charges incurred by the Town. Dangerous, fierce or vicious dogs so found at large may be slain by any policeman or the Animal Control Officer in accordance with appropriate state law where they cannot be safely taken up and impounded.

§ 8-8. Notice of impoundment.

When any dog is impounded under the provisions of this article, notice shall be given to the owner, if known, by any reasonable means within three days of the date of impounding. If the owner cannot be ascertained, a notice shall be posted at the Town office, describing the dog and the place and time of taking. If the owner does not reclaim the dog within 10 days following notice of the impounding or posting of said notice, the dog may be sold or destroyed by the Town. The charges for impounding and keeping a dog and for posting notices shall be set by the Town Manager with the approval of the Town Council.

§ 8-9. Barking or howling dogs.

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

§ 8-10. Other animals at large prohibited.

No owner or keeper of any cows, sheep, horses or any other animals, including poultry, shall permit or suffer the same to go at large on any highway, street, roadway, lane, alley, common square or any other public place within the Town of Bucksport.

§ 8-11. Removal of dog waste from public property. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Any owner or person having custody of any dog shall not permit said dog to defecate on any public property, including public streets, alleys, sidewalks, parks or any other public grounds within the Town of Bucksport, unless said person in control has in his possession a means for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any excrement deposited by said dog in any such place.

B. This section shall not apply to a dog accompanying any person with a disability who, by reason of his/her disability, is physically unable to comply with the requirements of this section.

§ 8-12. Removal of dog waste from private property. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Any owner or person having custody of any dog shall not permit said dog to defecate on any private property other than the premises of the owner or the person having custody of said dog unless said owner or person in control has in his or her possession a means for the removal of excrement, nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog in any such place.

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B. This section shall not apply to a dog accompanying any person with a disability who, by reason of his/her disability, is physically unable to comply with the requirements of this section.

§ 8-13. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person who shall violate the provisions of this article, upon conviction, shall be subject to a minimum penalty of $50 after the first offense, not less than $100 for any second offense within two years of the first offense, and not less than $250 for the third offense. With each subsequent offense, the minimum penalty shall increase by an additional $100. Any designated representative of the Police Department, Animal Control Officer or Harbor Master may enforce the provisions of this article. All fines so assessed shall be recovered for use of the Town of Bucksport through District Court.

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ARTICLE II
Animal Shelters
[Adopted 2-9-2023 (Ch. 3, Art. 3, of the 1978 Code)]

§ 8-14. Policy.

The Bucksport Police Department/Animal Control Officer (ACO) will abide by the rules and regulations set forward as to the operation of the Bucksport Animal Shelter, including State of Maine Chapter 701, Rules Governing Animal Welfare, Section 2, Subsection B.[7]

§ 8-15. Purpose.

These policies define the operating procedures to be followed regarding the intake and care of animals (cats and dogs) at the Bucksport Animal Shelter. The Bucksport Animal Shelter will serve only dogs and cats that are strays or have been abandoned. Access to the shelter may be offered for use to other neighboring communities upon approval by the Bucksport Town Council.

§ 8-16. Rules and regulations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Intake form.

(1) An approved intake form for each animal that is kept at the Bucksport Animal Shelter will be completed within 24 hours after intake by the ACO. Information on the intake form will include, at minimum:

(a) The name and address of the person from whom the animal was received;

(b) The name and address of the person(s) receiving or adopting the animal;

(c) Records of vaccination or medical treatments given to the animal;

(d) Mortality records and causes of mortality;

(e) Records of veterinary services; and

(f) Records of euthanasia.

(2) A monthly report will be provided by the ACO to the Deputy Police Chief and Town Manager. The report will include the monthly population count, type of animal boarded, community the animal is from, length of time each animal has been boarded and method of release.

B. Each animal will be photographed; this photograph will be included on the intake form and placed on the Town's website for public viewing and possible adoption.

C. Animals, shortly after coming to the animal shelter, will be assessed and during their entire stay will be observed by the ACO to determine whether there are any common signs of illness that may warrant the services of a licensed veterinarian. If it is determined that the animal requires the services of a licensed veterinarian, those services will be obtained. All treatment administered to the animal while at the shelter will be documented. Unclaimed animals will be held at the shelter for a minimum of 10 days, during which time they will be fed and observed. After 10 days, each animal will be available

7. **Editor's Note: See 01-001 CMR Ch. 701, § IIB.**

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for adoption unless the ACO determines that the animal is not fit for adoption. If an animal is not adopted within 10 working days of being placed on the adoption list, the ACO may begin the process of relocating the animal to a facility licensed by the Maine Department of Agriculture, Conservation and Forestry. An animal may also be returned to its legal owner before or after the 10 days have expired. In this event, the owner, prior to receiving the animal, will be responsible for the cost of retrieval, boarding, and caring for it, including any license fee, vaccinations, and veterinarian cost, if applicable.

D. Any animal that is not suitable for adoption due to illness, injury or temperament will be taken to be euthanized by a licensed veterinarian. The determination to euthanize an animal will be made by the ACO in consultation with a licensed veterinarian. A record will be maintained of all animals euthanized.

E. All kennels, cages and runs that are in use shall be cleaned daily and all waste properly disposed of. Litter boxes that have been used will be disposed of properly and replaced with new boxes and/or litter.

F. Puppies and kittens up to 12 weeks old will be fed twice a day while adults will be fed at least once a day. All food will be stored in airtight, plastic containers to prevent spoilage and to avoid attracting rodents and insects.

G. Animals that are quarantined must be placed in a segregated pen. No other animals can be placed in that pen or the quarantined animal have contact with other animals at the shelter.

H. Animals shall not be placed in cages/pens over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure.

I. Dogs must be removed from the cage a minimum of twice every twenty-four-hour period.

J. Males and females capable of reproduction shall not be housed together.

K. The shelter shall be maintained in good repair to protect the animal from injury and to contain the animal.

L. Dogs and cats shall not be placed in the same cage/pen, nor shall dogs or cats be housed in the same cage/pen with other species of animals.

M. Female with litters shall be housed in an area that would minimize disruption.

N. Areas housing puppies from birth to two weeks old must be kept at a high enough ambient temperature to maintain their normal internal temperature. Manufactured grids that will not potentially injure the feet are acceptable.

O. An area shall be provided to bury dead or euthanized animals.

P. The Animal Control Officer may take surrendered animals (cats and dogs only) with payment of a surrender fee as set by the Town Council.

Q. The Animal Control Officer has the discretion to refuse a surrendered animal while considering shelter capacity, animal adoptability, animal medical condition, or animal temperament.

§ 8-17. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Neighboring communities allowed use of the facility will be assessed an annual fee to support the

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capital needs for the facility, and a daily boarding fee as provided in the Schedule of Fees will be assessed for each animal. In addition, the contracting community will be required to pay all other cost associated with boarding of the animal at the shelter.

B. Identified owners from Bucksport will also be assessed a retrieval fee and a daily boarding fee as provided in the Schedule of Fees for their animal(s). The fee must be paid prior to the owner retrieving the animal.

C. Identified owners from locations outside of Bucksport will be assessed a daily boarding fee as provided in the Schedule of Fees for their animal(s). The fee must be paid prior to the owner retrieving the animal.

D. The ACO will make every effort to identify and notify the owner of any animal held or housed the Bucksport Animal Shelter from Bucksport. The ACO will inform the owner of pending fees and cost resulting from the keeping of their animal(s) at the shelter.

§ 8-18. Adoption. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The following procedures will be followed for the adoption of animals from the Bucksport Animal Shelter:

A. An appointment for viewing the animals will be set up by the adopting party through the ACO.

B. When the adopting party has made a decision which animal they wish to adopt, the ACO will set up an appointment with a licensed veterinarian to have the animal examined.

C. The ACO will transport the animal to a licensed veterinarian, where the animal will be examined and administered a rabies shot. A distemper shot will be administered at the shelter by the ACO.

D. The ACO will set up an appointment to meet with the adopting party and to complete the required adoption papers, including an approved adoption contract.

E. A copy of the adoption papers will be provided to the adopting party, a copy forwarded to the Bucksport Town Clerk and accompanied with the required fee and the original retained by the ACO.

F. All costs associated with the adoption will be the responsibility of the adopting party.

G. All animals will be spayed or neutered prior to adoption unless ineligible due to age of the animal.

H. When the animal cannot be spayed or neutered at the time of the adoption due to the age of the animal, a deposit in the amount of $150 shall be paid by the adopting party to the Town. The ACO will obtain a statement from a licensed veterinarian, specifying when the animal will be eligible to be spayed or neutered. Once the animal has been spayed or neutered by a licensed veterinarian, a certificate will be provided to the ACO and the adopting party will be refunded $100 of the initial $150 deposit. The remaining $50 will be retained by the Town.

I. The new owner of any adopted pet will be provided with written instructions as to the proper feeding, care, health information, and any special needs associated with the animal adopted or acquired.

§ 8-19. Volunteers.

The Town encourages the use of volunteers at the Bucksport Animal Shelter. All volunteers must abide by the rules and procedures required by the Bucksport Town Council.

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§ 8-20. Volunteer rules and procedures.

The rules and procedures are as follows:

A. Volunteers will complete an application and be approved by the ACO.

B. Volunteers will complete a volunteer agreement if selected.

C. Volunteers will be accompanied by the ACO or designee while at the shelter.

D. Volunteers will abide by the policies and regulations adopted by the Bucksport Town Council for the operation of the Bucksport Animal Shelter.

E. Volunteers will not be permitted to solicit funds or items for use at the shelter without first obtaining permission from the ACO and Town Council.

F. Volunteers will not admit or discharge or remove any animal to or from the Bucksport Animal Shelter.

G. Volunteers will not address questions or comments from the public regarding the operation of the shelter or care of animals without the knowledge and approval of the ACO.

H. Volunteers will report immediately to the ACO or the ACO's designee any noticeable injury, condition or illness with any animal being boarded at the shelter.

I. Volunteers will pay notice to instructions that have been attached to cages or pens.

J. Volunteers will not handle any animal they are uncomfortable with.

K. Volunteers will not handle or work with any animal that has been quarantined.

L. Volunteers will not approach or handle any animal that appears hesitant, is aggressive or behaves in an unusual manner and will report the condition(s) immediately to the ACO or his or her designee.

M. Volunteers will not have a key to the facility.

N. Volunteers will not allow entry to the facility without first getting approval from the ACO.

O. Volunteers will participate in a training and orientation session offered by the ACO prior to volunteering services at the shelter.

P. Volunteers will attend a required worksite training program prior to commencing any volunteer activity participate in all required annual safety training.

Q. Volunteers will be informed of the diseases that can be transmitted by sick animals.

R. The ACO will be responsible for providing volunteers with their work schedule.

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Chapter 14

AUTOMOBILE GRAVEYARDS AND RECYCLING BUSINESSES AND JUNKYARDS

[HISTORY: Adopted by the Town Council of the Town of Bucksport 7-29-2004 (Appendix J of the 1978 Town Code). Amendments noted where applicable.]

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§ 14-1. Purpose.

A. The purpose of this chapter is to regulate the permitting and operation of automobile graveyards, automobile recycling businesses and junkyards.

B. Automobile graveyards and automobile recycling businesses and junkyards pose potential risks to the environment, particularly to groundwater and surface water quality if gasoline, oil or other fluids are not managed and disposed of properly. Proper location and operation of these facilities are critical to ensure protection of groundwater and surface water quality, other natural resources and the health and welfare of the public. These facilities may create nuisance conditions potentially affecting abutting landowners and others if not located and operated properly. For these reasons, it is declared that these facilities are appropriately subject to certain environmental and operational standards and to appropriate municipal and state regulation.

§ 14-2. Authority.

This chapter is enacted pursuant to 30-A M.R.S.A. § 3001 et seq. and 30-A M.R.S.A. § 3751 et seq.

§ 14-3. Applicability. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. This chapter shall apply to automobile graveyards, automobile recycling businesses and junkyards as defined in § 14-14.

B. This chapter shall not apply to any land use activity subject to regulation by 38 M.R.S.A. §§ 481 to 489-E, Site Location of Development; and 38 M.R.S.A. §§ 1301 to 1316-M, Waste Management.

§ 14-4. Severability; conflict with other provisions.

A. In the event that any provision of this chapter is decided by the courts to be invalid, such decision shall not invalidate any other provision of this chapter.

B. In the event that any provision of this chapter conflicts with another provision of this chapter or any other ordinance, regulation or statute, the more restrictive provision shall govern.

§ 14-5. When effective.

This chapter shall become effective 30 days after the date of adoption by the Town Council.

§ 14-6. Administration.

A. This chapter shall be administered by the Town Council.

B. Upon receipt of an application to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard, the Town Council shall hold a public hearing in accordance with 30-A M.R.S.A. § 3754.

C. Notice of a public hearing shall be posted in at least two public places within the municipality and in a newspaper having general circulation in the municipality. Notice shall also be provided by regular mail to abutting property owners. Notice shall be given at least seven days but not more than 14 days before the hearing.

D. Upon receipt of an application to establish a new automobile graveyard or automobile recycling business, the Town Clerk shall give written notice of the application to the automobile dealer

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licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles. Notice shall be sent by regular mail at least seven days and not more than 14 days before the hearing.

E. Upon receipt of an application for any automobile graveyard, automobile recycling business, or junkyard located within a source water supply area of a public water supply, the Town Clerk shall give written notice of the application to the public water supplier. Notice shall be sent by regular mail at least seven days and not more than 14 days before the hearing.

F. To carry out the provisions of this chapter or to determine compliance with any laws, license or permit approvals, decisions or conditions, municipal officers or their designees may:

(1) Enter any automobile graveyard, automobile recycling business property or junkyard and inspect all outside areas, equipment and activities at reasonable hours; and

(2) Enter any building on the property with consent of the owner, occupant or agent to inspect the building and activities within the building.

§ 14-7. Permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. A permit shall be required from the Town Council to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard.

B. Applications for permit renewals must be submitted at least 30 days prior to the permit expiration date.

C. A permit issued to an automobile graveyard or junkyard is valid until the first day of October of the following year.

D. A permit issued to an automobile recycling business is valid for five years from the date of issuance.

E. 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.

F. Permits are nontransferable.

G. A fee shall be submitted with an application for a permit in accordance with the Schedule of Fees. The cost of posting and publishing the public hearing notice shall be the responsibility of the applicant.

H. New applications for automobile graveyards, automobile recycling businesses or junkyards are subject to approval by the Planning Board. The Planning Board must approve any new application before it may be submitted to the Town Council.

§ 14-8. Permit limitations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. A permit may not be granted for an automobile graveyard, automobile recycling business or junkyard located within 600 feet of the right-of-way of any highway, except for those automobile graveyards, automobile recycling businesses or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings, fences or other structures.

B. A permit may not be granted for an automobile graveyard, automobile recycling business or junkyard located within 100 feet of any highway.

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C. A permit may not be granted for an automobile graveyard, automobile recycling business or junkyard that handles junk, scrap metal, vehicles or other solid waste within 750 feet of a well that serves as a public or private water supply. This prohibition does apply to an automobile graveyard, automobile recycling business or junkyard with a private well that serves only the owner's or operator's residence. This prohibition does not apply to an automobile graveyard, automobile recycling business or junkyard that is within 750 feet of a well installed after a permit was granted by the Town Council.

D. Any automobile graveyard, automobile recycling business or junkyard operating under the terms of a permit issued prior to the effective date of this chapter and that handles junk, scrap metal, vehicles or other solid waste within 750 feet of a well that serves as a public or private water supply may continue to operate under the terms of the permit. The Town Council may grant a permit, including the continued handling of junk, scrap metal, vehicles or other solid waste, within 750 feet of a well that serves as a public or private water supply as long as no further encroachment toward the well occurs and there is no evidence of contamination of the water supply.

E. A permit may not be granted to an automobile graveyard, automobile recycling business or junkyard that is located within 750 feet of the normal high water line of Silver Lake or the upland edge of an associated freshwater wetland. Silver Lake is a public water supply.

F. A permit, other than a limited-term permit as described in this subsection, may not be granted to an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of 29-A M.R.S.A. Ch. 9. The Town Council may issue a limited-term permit conditioned upon an automobile graveyard's or automobile recycling business's demonstration of compliance with 29-A M.R.S.A. Ch. 9 within 90 calendar days of the issuance of the limited-term permit.

G. Automobile graveyard, automobile recycling business and junkyard owners must demonstrate at the time of permitting that the facility or facilities for which a permit is sought are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use.

§ 14-9. Application requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

An application for an automobile graveyard, automobile recycling business or junkyard permit must contain the following information:

A. The name and address of the property owner and the person or entity that will operate the site;

B. Evidence of right, title or interest to the property;

C. The Tax Map and lot number identification of the property;

D. A site plan drawn to a scale no smaller than one inch equals 100 feet, to include:

(1) Property boundary lines;

(2) Identification of soils on the property;

(3) The location of any sand and gravel aquifer or aquifer recharge areas;

(4) The location of any residence or school within 500 feet of the property lines;

(5) The location of any body of water on the property or within 400 feet of the property lines;

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(6) The boundaries of the 100-year floodplain;

(7) The location of all roads within 1,000 feet of the site;

(8) The location within the property boundary lines where vehicles are drained, dismantled or stored;

(9) The location and dimensions of all land area to be utilized for the activity;

(10) The location and dimensions of all site improvements, such as buildings, operating pads, processing equipment, and storage areas for oils, PCB, battery acid or other liquids collected;

(11) The location and description of screening;

(12) The location of all public and private water supplies within 750 feet of the site; and

(13) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires.

E. A description of methods used to prevent unauthorized access to the site;

F. A description of routine maintenance, litter removal and cleaning procedures for the entire site;

G. A description of procedures for handling and disposing of any washdown waters and leachates;

H. A schedule for removal of stored wastes and copies of contracts with authorized waste haulers;

I. A fire prevention plan for the facility approved by the Fire Department; and

J. A groundwater and surface water quality monitoring plan if required by the Town Council.

§ 14-10. Performance standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Automobile graveyards, automobile recycling businesses and junkyards must be screened from ordinary view from any highway and abutting properties in accordance with the screening requirements of § 14-11.

B. Any automobile graveyard, automobile recycling business or junkyard must be located:

(1) No less than 300 feet from any water body or freshwater wetland as defined by 38 M.R.S.A. § 436-A(5);

(2) No less than 500 feet from any public building, public park, public playground, school, church or cemetery in existence at the time of initial application;

(3) No less than 300 feet from a sand and gravel aquifer or aquifer recharge area;

(4) Outside the 100-year floodplain;

(5) No less than 500 feet from a residential dwelling, other than the dwelling occupied by the owner or facility operator;

(6) No less than 750 feet from a public or private water supply in existence at the time of application except as provided for in § 14-8;

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(7) No less than 100 feet from the right-of-way of any highway; and

(8) No less than 20 feet from any property line.

C. The dismantling or storing of a vehicle must be performed in accordance with the following standards:

(1) The battery must be removed.

(2) Engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil must be drained into watertight, covered containers, handled in such a manner that they do not leak, flow or discharge into or on the ground or into a body of water, and must be recycled or disposed of in accordance with applicable federal or state laws, rules and regulations.

(3) Any recycling operation must comply with applicable federal or state laws relating to hazardous materials.

(4) Dismantling of motor vehicles may only take place between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

(5) No vehicle may be stored or dismantled within 100 feet of any property boundary line in existence at the time of initial application unless the operator has notarized written permission from the abutting property owner.

(6) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(7) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(8) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005, must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subsection must be removed to the greatest extent practicable.

(9) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subsection must be removed to the greatest extent practicable.

D. Open burning of any substance or disposal or release to the environment of any solid, special or hazardous waste is prohibited.

§ 14-11. Screening.

A. Automobile graveyards, automobile recycling businesses and junkyards must be screened from ordinary view from any highway and from abutting properties. Screening may be provided by:

(1) Natural or altered topographical features such as hills, gullies or embankments that are stable and vegetated;

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(2) Vegetation such as trees and shrubs that effectively provide screening at all times;

(3) Stone, brick or concrete walls; or

(4) Buildings, fencing or other structures.

B. All buildings, fences and other structures providing screening in accordance with § 14-11A must be structurally sound, free of rot and decay and properly maintained.

C. All fencing utilized for screening must be designed and installed to resist damage from gale-force winds and to remain stable and plumb in frozen soil.

D. The exterior surface of fencing utilized for screening must be uniform in appearance and comprised of materials customarily used and/or designed for fence installations. The material used may be wood, metal, plastic, vinyl or composite. For the purposes of this section, "exterior surface" means the side facing a highway or an abutting property.

E. Screening must be no less than six feet in height.

§ 14-12. Enforcement; remedies; violations and penalties.

A. The Town Council or their designees may enforce this chapter in accordance with the enforcement provisions of 30-A M.R.S.A. § 4452, the litter control provisions of 17 M.R.S.A. Ch. 80, or the abatement of nuisance provisions of 17 M.R.S.A. Ch. 91.

B. If the municipality is the prevailing party in an action taken pursuant to this section and the violator does not complete any ordered correction or abatement in accordance with the ordered schedule, the municipal officers or their designated agents may enter the property and may act to abate the site in compliance with the order. To recover the costs of abatement, including the expense of court costs and reasonable attorneys' fees necessary to file and conduct the action, the municipality may:

(1) File a civil action against the owner;

(2) File a lien on real estate where the automobile graveyard, automobile recycling business or junkyard is located; or

(3) Assess a special tax on real estate where the automobile graveyard, automobile recycling business or junkyard is located. This amount must be included in the next annual warrant to the Tax Collector of the municipality, for collection in the same manner as other state, county and municipal taxes are collected. Interest, as determined by the municipality pursuant to 36 M.R.S.A. § 505 in the year in which the special tax is assessed, accrues on all unpaid balances of the special tax beginning on the 60th day after the day of commitment of the special tax to the Tax Collector. The interest must be added to and becomes a part of the tax.

C. Violation of any condition, restriction or limitation of a permit issued by the Town Council is cause for revocation or suspension of the permit by the Town Council. A hearing must be held prior to any action to revoke or suspend a permit. Notice of the hearing must be sent to the owner or operator by registered mail at least seven days but not more than 14 days before the hearing. The notice must state the time and place of the hearing and contain a statement describing the alleged violation.

D. The owner or operator of a junkyard, automobile graveyard or automobile recycling business for which a permit has been denied or revoked shall, not later than 90 days after all appeals have been denied, begin the removal of all vehicles, vehicle parts and materials associated with the operation of

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that automobile graveyard, automobile recycling business or junkyard. The property must be free of all scrapped or junked vehicles and materials no later than 180 days after denial of all appeals. An alternative schedule for removal of junk or vehicles may be employed if specifically approved by the Town Council.

§ 14-13. Appeal.

An aggrieved party may appeal any decision of the Town Council to issue, revoke or deny a permit. Such appeal shall be taken to Superior Court within 30 days of the date of the decision being appealed.

§ 14-14. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTOMOBILE GRAVEYARD —

A. A yard, field or other outdoor area used to store three or more unregistered or uninspected motor vehicles, as defined in 29-A M.R.S.A. § 101, Subdivision 42, or parts of the vehicles.

B. "Automobile graveyard" does not include:

(1) An 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. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of 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 29-A M.R.S.A. § 101. The hobbyist's activities must comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this chapter, regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. An "automobile hobbyist" is a person who is not primarily engaged in the business of selling any of the above 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 29-A M.R.S.A. Ch. 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 29-A M.R.S.A. § 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 29-A M.R.S.A. § 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 subsection, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

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(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in 29-A M.R.S.A. § 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. An area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area is not exempt.

AUTOMOBILE RECYCLING BUSINESS —

A. The business premises of a dealer or a recycler licensed under 29-A M.R.S.A. §§ 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, as long as 80% of the business premises specified in the site plan is used for automobile recycling operations.

B. "Automobile recycling business" does not include:

(1) Financial institutions as defined in 9-B M.R.S.A. § 131, 17 M.R.S.A. and 17-A M.R.S.A.;

(2) Insurance companies licensed to do business in the state;

(3) New vehicle dealers, as defined in 29-A M.R.S.A. § 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 to be temporary under this subsection, the vehicle must be removed from the site within 180 days of receipt of title by the business.

HIGHWAY — Any public way.

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, scrap and junked lumber; and

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.

ORDINARY VIEW — Seen or observed without the aid of magnification provided by binoculars, telescopes or similar optical equipment.

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Chapter 23

BOARDS, COMMISSIONS AND OFFICES

[HISTORY: Adopted by the Town Council of the Town of Bucksport 6-9-1997, as amended through 10-14-2021 (Ch. 4 of the 1978 Town Code). Amendments noted where applicable.]

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ARTICLE I
Board of Parks and Recreation

§ 23-1. Establishment; appointment and term of members.

A Board of Parks and Recreation is hereby reestablished and current members will continue to serve out the term for which they were appointed. The Board shall consist of seven members appointed by the Town Council. Each year in the month of March, the Town Council shall meet and appoint a new member for each of the outgoing members for a term of three years. The terms shall commence April 1 and end March 31. The Board shall be appointed by the members of the Town Council in the following manner:

A. Three members for one year.

B. Two members for two years.

C. Two members for three years.

D. One member of the Town Council shall be appointed as an ex officio member.

§ 23-2. Board member requirement.

A member of the Board of Parks and Recreation must be a minimum of 18 years old, a legal resident of Bucksport and United States citizen.

A. "Resident" is defined for the purpose of this section as an individual's place of domicile.

B. "Domicile" is defined as where an individual owns or rents a place of abode and eats and sleeps eight months out of any calendar year.

§ 23-3. Organization; minutes; report to Council.

The Board shall elect officers, adopt its own bylaws and standard operational procedures, and shall keep minutes of all meetings. Copies of the minutes shall be distributed to the Town Council. The Board or Recreation Director shall make an annual report to the Town Council.

§ 23-4. Election of officers.

Officers shall be elected annually at the first meeting held after April 1 of each year.

§ 23-5. Vacancies.

A vacancy shall occur if a Board member resigns, is unable to serve, or is absent without acceptable reason for more than two regular consecutive meetings. The Chairman shall notify the Town Council of the vacancy. The Town Council shall then appoint a new member for the balance of the term of the absent member.

§ 23-6. Duties.

The duties of the Board shall be to:

A. Advise the Director of the Parks and Recreation Department as to the operation of recreational programs.

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B. Formulate long-range plans for lands and physical facilities deemed desirable for the recreational benefit of the citizens of the Town.

C. Determine new programs needed by the Town and report these to the Director for consideration.

D. Advise the Director in the preparation of the Department budget.

E. Advise the Director and Town Manager in selecting Department personnel.

§ 23-7. Meetings.

A. Regular meetings shall be held three times annually.

B. Special meetings may be called from time to time by the Chairman, Recreation Director, or by at least three members of the Board.

C. All meetings shall be open to the public, except for executive sessions as provided under the laws of the State of Maine.

D. Notice of meetings of the Board of Parks and Recreation shall be posted at the Bucksport Town office and a copy of the notice provided to local representatives of the news media by the same method used to notify the Board members. The notice shall set forth the location, date, time and the nature of the meeting.

§ 23-8. Funds.

All funds appropriated for the Department shall be expended as provided by the Town Charter under supervision of the Town Manager.

§ 23-9. Equipment.

Equipment of any kind purchased by or donated to the Department of Parks and Recreation shall be and remain the property of the Town of Bucksport.

§ 23-10. Enforcement.

Enforcement of this article shall be the duty of the Town Manager, who shall follow the general policy of the Town. Personnel employed for the Department of Parks and Recreation shall be subject to the general employment policies adopted by the Town Council.

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ARTICLE II
Conservation Commission

§ 23-11. Establishment; appointment and term of members. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A Conservation Commission for the Town of Bucksport is hereby reestablished pursuant to the provisions of 30-A M.R.S.A. § 3261. Current members will continue to serve out the term for which they were appointed. The Commission shall consist of seven members appointed by the Town Council. Each year in the month of March, the Town Council shall meet and appoint a new member for each of the outgoing members for a term of three years. The terms shall commence April 1 and end March 31. The Commission shall initially be appointed in the following manner:

A. Three members for one year.

B. Two members for two years.

C. Two members for three years.

§ 23-12. Organization; minutes; report to Council.

The Commission shall elect officers, adopt its own bylaws and standard operational procedures, and shall keep minutes of all meetings. Copies shall be distributed to the Town Council. The Commission shall make an annual report to the Town Council.

§ 23-13. Officers; election.

Officers shall be elected annually at the first meeting held after April 1 of each year.

§ 23-14. Commissioner requirements.

A member of the Commission must be a minimum of 18 years old, a legal resident of Bucksport and United States citizen.

A. "Resident" is defined for the purpose of this section as an individual's place of domicile.

B. "Domicile" is defined as where an individual owns and rents a place of abode and eats and sleeps eight months out of any calendar year.

§ 23-15. Vacancies.

A vacancy shall occur if a Commission member resigns, is unable to serve, or is absent without acceptable reason for more than two regular consecutive meetings. The Chairman shall notify the Town Council of the vacancy. The Town Council shall then appoint a new member for the balance of the term of the absent member.

§ 23-16. Powers and duties.

The duties of the Commission shall be to:

A. Keep an index of all open areas within the municipality, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The Commission may recommend to the municipal officers

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or any municipal body or board or public agency of the state a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

B. Receive gifts, as accepted by the Town Council, of personal property in the municipality's name for any of the Commission's purposes and to administer any such gift for those purposes subject to the terms of the gift.

C. Acquire land or interest in land, as approved by the Town Council, in the municipality's name for any of the purposes set forth in this section.

D. Assume supervisory responsibility for the care and planting of all public shade trees in the community.

E. Review all proposals for the planting, removal, or relocation of public shade trees. The Commission shall approve proposals meeting applicable arboricultural standards adopted by the Commission and other reasonable requirements, if any.

F. Determine and inventory unique natural areas throughout the community pursuant to the Town's Comprehensive Plan.

G. Recommend to the Town Council for consideration amendments to Chapter 100, Land Use, and Chapter 194, Subdivision of Land, aimed at protecting state-identified critical and natural heritage areas throughout the community, if any.

§ 23-17. Meetings.

A. Regular meetings will be held at least three times annually.

B. Special meetings may be called from time to time by the Chairman or by at least three members.

C. All meetings shall be open to the public, except for executive sessions as provided under the laws of the State of Maine.

D. Notice of meetings of the Conservation Commission shall be posted at the Bucksport Town office and a copy of the notice provided to local representatives of the news media by the same method used to notify the Commission members. The notice shall set forth the location, date, time and the nature of the meeting.

§ 23-18. Funds.

All funds appropriated for the Commission shall be expended as provided by Town Charter under the supervision of the Town Manager.

§ 23-19. Equipment.

Equipment of any kind purchased or donated to the Conservation Commission shall remain the property of the Town of Bucksport.

§ 23-20. Enforcement.

Enforcement of this article shall be the duty of the Town Manager, who shall follow the general policy of the Town. Personnel employed for the Commission shall be subject to the general employment policies adopted by the Town Council.

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ARTICLE III
Harbor Master

§ 23-21. Establishment of office.

The office of Harbor Master is hereby created for the purpose of providing controls and regulations in accordance with the statutory provisions pertaining to Maine ports and harbors.

§ 23-22. Duties.

It shall be the duty of the Harbor Master to:

A. Have the care and regulation of the harbor and port of Bucksport.

B. Provide himself with the printed rules and regulations of the port for distribution.

C. Remove or cause to be removed any vessel, boat, or raft from any wharf obstructing anchorage, and whenever he shall deem it necessary he shall remove or cause to be removed any vessel lying in tier.

D. Promote order in the harbor and assure the safety and convenience of the users of the harbor and of the general public.

E. Prevent the mooring of any floating craft used primarily for residence purposes except with his permission and that of the riparian owner.

F. Notify and warn the owner of any dock, pier, wharf or landing strip that has fallen into disrepair or is in a dangerous condition, and cause the condition to be abated as a nuisance if not corrected within a reasonable period specified by the Harbor Master.

G. Enforce the provisions of any ordinance and any rules and regulations lawfully promulgated thereunder, applicable to the harbor, waterfront, and watercraft.

H. Exercise the same powers and duties with respect to the Town Landing as are authorized in connection with his jurisdiction over Bucksport harbor and waterfront and any watercraft.

I. Prepare rules and regulations pursuant to 38 M.R.S.A. § 2 for the keeping open of convenient channels for the passage of vessels in Bucksport Harbor, for the establishment of boundary lines for such channels, and for the assignment of suitable portions of the harbor for anchorage, which rules after approval by the Town Council, pursuant to 38 M.R.S.A. § 7, he shall enforce.

J. Remove or cause to be removed or relocated any moorings or boats placed in the harbor without the Harbor Master's permission, and to charge a reasonable fee for such services.

K. Remove or cause to be removed any boat that occupies the Town dock longer than the allowable time. Whenever a boat owner fails or refuses to move his or her boat after being notified to do so by the Harbor Master, or anyone authorized to enforce this article, a fee called a "dock-use fee" may be levied upon said boat owner. This dock-use fee shall be determined by the length of the boat and the time involved at the dock.

L. Appoint a deputy or deputies who, under his/her direction, shall be authorized to enforce and carry out rules and regulations of this chapter and of Chapter 81, Harbor Management, of the Bucksport Town Code.

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ARTICLE IV
Board of Assessment Review

§ 23-23. Establishment; appointment and term of members. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Bucksport Board of Assessment Review is reestablished pursuant to 30-A M.R.S.A. § 2526, Subdivision 6. Current members will continue to serve out the term for which they were appointed. The Board shall consist of three members and two alternates appointed by the Town Council. Each year in the month of March, the Town Council shall meet and appoint a new member and alternate for each of the outgoing members for a term of three years. The terms shall commence April 1 and end March 31. The first Board shall be appointed in the following manner:

A. One member for one year.

B. One member for two years.

C. One member for three years.

D. Two alternates, one for one year and one for two years.

§ 23-24. Organization; minutes; report to Council.

The Board shall elect officers and shall keep minutes of all meetings. Copies of the minutes shall be distributed to the Town Council.

§ 23-25. Board member qualifications.

Members of the Board must be a minimum of 18 years old, legal residents of Bucksport and United States citizens.

A. "Resident" is defined for the purpose of this section as an individual's place of domicile.

B. "Domicile" is defined as where an individual owns and rents a place of abode eight months out of any calendar year.

§ 23-26. Election of officers. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Officers, including a Chairman and a Secretary, shall be elected annually by the members of the Board at the first meeting held after April 1.

§ 23-27. Vacancies.

A vacancy shall occur if a Board member resigns, is unable to serve, or is absent without acceptable reason for more than two regular consecutive meetings. The Chairman shall notify the Town Council of the vacancy. The Town Council shall then appoint a new member for the balance of the term of the absent member.

§ 23-28. Duties.

The duties of the Board shall be to:

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A. Hear and determine appeals according to the following provision of law: 36 M.R.S.A. § 843.

§ 23-29. Meetings.

A. Meetings shall be called by the Chairman upon receipt of a written request for appeal filed within 60 days of the decision. The Board will render a decision, in writing, within 60 days of the date the application is filed unless the applicant agrees, in writing, to further delay.

B. The business of the Board of Assessment Review is a public proceeding and the Board shall comply with the provision of the Freedom of Access Law in 1 M.R.S.A. §§ 401 to 410.

C. Except as provided by statute, all of its proceedings shall be open to the public and its minutes open to public inspection.

D. Except as provided by statute, rules of evidence or rules of privilege, all of its records shall be open to public inspection. The Board shall go into executive session, pursuant to the conditions listed in 1 M.R.S.A. § 405, for permitted deliberations only after a public, recorded vote of 3/5 of the members present and voting; and no official action shall be finally approved in such session.

§ 23-30. Quorum approval.

A quorum of the Board of Assessment Review is two members. Where no quorum is present at a meeting, no business of the Board of Assessment Review may be conducted except for adjournment.

§ 23-31. Conflict of interest.

A. A member of the Board of Assessment Review shall not participate in the deliberation of the Board or vote upon any matter in which the member has a direct or indirect pecuniary interest.

B. In a case where a corporation, business or other economic entity is applying for an abatement, a direct or indirect pecuniary interest is deemed to arise where a member is an officer, director, partner, associate, employee or shareholder of a private corporation, business or other economic entity which the member is directly or indirectly the owner of at least a 10% interest in the business or other economic entity making the application.

C. A member having a direct or indirect pecuniary interest in any matter before the Board shall make full disclosure of that interest before any action is taken and shall not participate in the Board's deliberation, or attempt to influence the other members, or vote on the matter. If a Board member steps down from the Board due to a conflict of interest, the individual may participate as an audience member.

D. The Chairman of the Board shall inquire of the Board members whether any conflicts of interest exist before each matter is presented, but failure to do so shall not, of itself, invalidate any vote.

E. When any member is challenged because of an alleged conflict of interest, that question of disqualification shall be decided by the majority vote of the other Board members. If that member is so disqualified, he or she shall not participate on the matter at issue.

§ 23-32. Public notice of meetings.

Notice of meetings of the Board of Assessment Review shall be posted at the Town office and a copy of the notice provided to local representatives of the news media by the same method used to notify the Board members. The notice shall set forth the location, date, time and the nature of the meeting.

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§ 23-33. Presiding officer.

The Chairman of the Board of Assessment Review or, in his/her absence, another chosen by the members present shall preside at all meetings. The Chairman shall:

A. Establish the agenda for each meeting.

B. Regulate the course of the meeting or hearing, set the time and place of adjournment and fix the time for filing of written submissions.

C. Rule upon all issues of procedure or evidence.

D. Take such other actions authorized by statute that maybe necessary for the efficient and orderly conduct of the Board of Assessment Review.

§ 23-34. Conduct of meetings.

A. The Chairman shall inquire whether the applicant has sufficient standing to present the matter to the Board.

B. The Chairman shall invite the applicant or a duly authorized representative to make an opening statement and to present evidence or testimony in support of the application.

C. Witnesses shall state for the record their name, address, business affiliation, and the nature of their interest in the proceedings.

D. Any oral or written evidence which is relevant to the appeal and not unduly repetitious may be admitted. The Board is not bound by formal rules of evidence and it may accept or exclude evidence when in the Chairman's judgment it is necessary or appropriate to bring about the production of proper information and to afford the parties a full and fair hearing.

E. The Chairman shall then invite the Board members to ask questions of the applicant, applicant's representative, and witnesses.

F. The Chairman shall then invite the Assessor or Assessor's representative to ask questions.

G. The Chairman shall then invite the Assessor or Assessor's representative to make an opening statement and to present evidence or testimony in support of the Assessor's position.

H. The Chairman shall invite the Board members to ask questions of the Assessor, Assessor's representative or witnesses.

I. The Chairman shall invite the applicant or applicant's representative to ask questions.

J. At the end of the initial testimony by all parties, the Board members or Board attorney may direct questions to the applicant, Assessor, or anyone else who has previously testified or offered evidence.

K. The Chairman may grant the applicant, Assessor, or interested party an opportunity to present evidence in rebuttal to other evidence heard. Rebuttal evidence shall be limited to those matters which were the subject of direct evidence by an opposite party, and no new evidence may be offered without permission of the Chairman.

L. The Chairman will offer the applicant, Assessor or their representatives an opportunity to provide a summation if such is requested.

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§ 23-35. Record.

A. The record of each proceeding shall consist of the application and all exhibits attached to it, all other written evidence introduced by the applicant, Assessor, interested parties and others, the recording or stenographic record of the testimony presented and of the Board's deliberation, the briefs filed by the applicant, Assessor, interested parties and others, the minutes of the meetings, and the Board's written decision.

B. To be included in the record, those items must be filed with the Board at the time of the meeting or with the application at the time of filing the application.

C. Persons present at the Board meetings may make written, taped or filmed records of the proceedings, but such records shall not constitute part of the Board's record.

D. The Chairman shall have the right to regulate the placement and use of tape recorders and cameras as necessary to allow for the orderly conduct of the meeting.

§ 23-36. Decision.

A. The Board of Assessment Review shall make a written decision for its final action on each application and shall set forth in the decision the reason(s) for its decision. Such decision will be made in conformance with appropriate state laws.

B. The Chairman may assign the responsibility for preparing the written decision to another member or legal counsel to the Board.

§ 23-37. Appeal.

The applicant may appeal the Board's decision within 60 days to the State Board of Property Review if the property which is the subject of the appeal is nonresidential property and has an equalized municipal valuation of $1,000,000 or greater. All other parties must appeal directly to Superior Court within 30 days in accordance with Rule 80B.

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ARTICLE V
Planning Board

§ 23-38. Establishment.

The Bucksport Planning Board is hereby established pursuant to 30-A M.R.S.A. § 3001.

§ 23-39. Appointment and term of members.

A. The Planning Board shall consist of seven members, each of whom shall be appointed by the Town Council to serve for a five-year term commencing on April 1. Terms must be staggered so that at least one appointment for a five-year term will be required every year.

B. Appointments are not subject to term limits, and members may be reappointed to serve subsequent terms.

C. Members must be sworn into office by the Town Clerk at the beginning of each of their respective terms. A swearing-in ceremony for newly appointed or reappointed Board members shall be conducted by the Town Clerk at the first available Board meeting before those members may be seated on the Board.

§ 23-40. Vacancies.

A. A vacancy of the Board occurs if a Board member resigns, is unable to serve, or is absent for more than three consecutive meetings, unless absent for good cause as determined by majority vote of the Board. The Chairman shall notify the Town Council of any vacancy. The Town Council shall fill any vacancy by appointing a new member for the balance of the term. A vacancy of the Board may not prevent the Board from meeting and conducting business, provided that a quorum is established.

B. An incumbent Board member may continue to serve as a de facto member upon expiration of his term until such time the member is reappointed or another person is appointed and sworn in.

§ 23-41. Minimum qualifications to serve.

Any person must meet the following minimum qualifications to serve as a Planning Board member:

A. The person must be at least 18 years old.

B. The person must be a United States citizen.

C. The person must be a legal resident of Bucksport. Legal residency is demonstrated when the person resides in a dwelling or apartment in Bucksport at least eight months in any calendar year.

D. The person may not serve concurrently on the Town Council or Board of Appeals, or as the Bucksport Code Enforcement Officer.

E. The person may not be the spouse of a Bucksport Town Councilor, a Bucksport Board of Appeals member or the Bucksport Code Enforcement Officer.

§ 23-42. Authority of Board.

A. The Board is authorized to review and approve or deny any application pursuant to the requirements of the following ordinances of the Bucksport Town Code:

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(1) Chapter 194, Subdivision of Land.

(2) Chapter 64, Floodplain Management.

(3) Chapter 100, Land Use.

B. The Board is authorized to draft or review proposed zoning ordinances and zoning maps and to draft or review proposed amendments to existing zoning ordinances and zoning maps.

C. The Board is authorized to conduct public hearings when required by state law or Town ordinance, or when input from the public is otherwise determined by the Board to be appropriate.

D. The Board is authorized to participate in the preparation of the Town's Comprehensive Plan.

E. The Board is authorized to prepare a submission for the Town's annual report.

F. The Board is authorized to purchase goods and services that are directly related to the general responsibilities of the Board, up to the established limits of appropriations made for such purpose.

G. The Board is not authorized to grant any variance of a dimensional standard unless expressly allowed.

§ 23-43. Conflict of interest; bias.

A. A member having a conflict of interest in any matter before the Board shall make full disclosure of that interest before any action is taken on the matter.

B. A Board member has a conflict of interest if the member has a direct or indirect pecuniary interest in the outcome of an application review. A direct or indirect pecuniary interest is deemed to arise if a member is an officer, director, partner, associate, employee or shareholder of a private corporation, business or other economic entity to which the application relates and is also directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

C. In addition to the provisions of § 23-43B, a conflict of interest exists if a member is in a situation whereby his own personal pecuniary interests may be served to the advantage or disadvantage of the interests of the applicant.

D. A member with a bias in any matter before the Board shall make full disclosure of that bias before any action is taken on the matter.

E. A Board member has a bias if for any reason that member is unable to make an impartial decision on an application review.

F. As a matter of procedure, the Chairman of the Board should inquire of the Board whether any conflict of interest or bias exists before each application is reviewed, but failure to do so may not invalidate any vote.

G. When a question of an alleged conflict of interest or bias of any member is raised, the recusal of that member must be decided by the majority vote of the other Board members present.

H. A member recused by the Board or by his own volition may not participate further as a Board member in the application review. A recused member may not attempt to influence the vote of other members but may participate as an audience member.

I. A current Board member may not represent any party before the Board, except any member may

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appear before the Board to represent themselves as an applicant. A current member appearing before the Board as an applicant must be recused prior to the Board's review of their application.

J. A former Board member may represent any party before the Board in accordance with the time limitations set forth in 30-A M.R.S.A. § 2605.

§ 23-44. Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. In December of each year, the Board shall elect by majority vote a Chairman and Deputy Chairman to serve for a one-year period, commencing at the first meeting of the next calendar year. Vacancies in either office may be filled at any time by the Board.

B. The Board shall establish procedural rules for meetings and public hearings that are consistent with the requirements of this article and state law. The rules and any amendments thereto must be approved by majority vote of the Board and approved by the Town Council before implementation.

C. In December of each year, the Board shall determine the schedule for regular meetings in the next calendar year. The Board may hold one regular meeting each month if there is business on the agenda and shall hold a minimum of one meeting per quarter.

D. The Chairman may reschedule or cancel a meeting if there is any reason the Board cannot conduct business at the appointed time or place. Public notice of a rescheduled or cancelled meeting must be posted at the entry to the meeting facility. Notice must also be given to any parties with standing and the local news media, as time permits.

E. The Board may hold special meetings as called for by the Chairman or the majority of the Board. No more than four special meetings may be held by the Board in any fiscal year, except additional special meetings may be held when the costs for such meetings are covered. Public notice of special meetings must be made in accordance with the requirements of § 23-45.

F. The Chairman shall preside at all meetings of the Board. When the Chairman is absent, the Deputy Chairman or another chosen by the members present and voting shall serve as proxy for the Chairman. The Chairman shall:

(1) Establish the agenda for each meeting;

(2) Regulate the course of the meeting, set the time and place of adjournments;

(3) Fix the time for the filing of written submissions;

(4) Rule upon all issues of procedure or evidence; and

(5) Take such other actions that may be necessary for the efficient and orderly conduct of the Board's business.

G. The Recording Secretary shall be responsible for the following duties:

(1) Provide the Board with a quarterly report on revenue and expenditures;

(2) Prepare the Board's annual report; and

(3) Ensure that a permanent record of all proceedings, including minutes, written findings and decisions, and all correspondence of the Board are maintained at the Town office.

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H. A quorum of the Planning Board is four members. When no quorum is present at a meeting, no business of the Board may be conducted except to vote to adjourn generally or to a specific place and time.

I. An affirmative vote from at least four members is required for the adoption of a motion to find compliance with criteria standards or the adoption of a motion to approve, approve with conditions or deny an application. The adoption of all other motions before the Board requires an affirmative vote of the majority of those members present and voting, except as may otherwise be required by § 23-44N. A tie vote is considered a defeat of a motion.

J. The Board may not conduct any application review without the presence of the applicant or their representative. If the applicant or their representative is not present, the Board shall table review of the application until either party is present.

K. The Board may require legal guidance or third-party consultations in the review of any application. The determination of this requirement must be made by majority vote of the Board. The applicant is responsible for the costs of legal or other third-party consultants, except the Town Council may grant a waiver of all legal fees or a portion thereof upon written request. Consideration of a waiver of fees must be based on the showing of an undue financial hardship or other extenuating circumstances experienced by the applicant.

L. The applicant must submit a deposit to the Town in an amount based on an estimate of the costs for the consultant or legal services the applicant is obligated to pay. The deposit must be received by the Town before the services are requested. Subsequent deposits may be required if necessary, and the Board may table the application review until such deposits have been submitted. Payment of any final amount due must be made upon demand by the Town. Any deposited funds remaining upon payment of all consultant and legal fees and any other fees related to the application review must be refunded to the applicant.

M. A recording secretary appointed by the Town Council shall record the minutes of each meeting and prepare written minutes to the satisfaction of the Board. In the recording secretary's absence, the minutes shall be recorded and prepared as determined by majority vote of the Board. Copies of all approved minutes and final decisions of the Board shall be provided to the Town Council.

N. The business of the Planning Board is a public proceeding and the Board shall comply with the provisions of 1 M.R.S.A. §§ 401 to 410. All of its proceedings are open to the public and its records are open for inspection, except as otherwise provided by law. The Board may only conduct an executive session in accordance with the requirements of 1 M.R.S.A. § 405. A motion to enter an executive session must receive a three-fifths public, recorded vote of the members present and voting, and the motion must specify the subject matter and cite the applicable statute. No official action may be approved during an executive session.

O. The Board may meet annually with the Town Council for the purpose of reporting on Board activity and addressing items of interest related to planning and land use.

P. The Chairman shall serve as spokesperson for the Board at any public proceeding for which the Board has accepted an invitation to participate or when the Board has otherwise determined its participation in the proceeding to be appropriate or necessary. If the Chairman is unable to serve as spokesperson, the Board shall select a proxy by majority vote.

Q. The Chairman may form committees for the purpose of conducting workshops on topics of interest for the Board. Committee members must include at least two Board members and may also include

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other Town officials and citizens of Bucksport. The committee shall report to the Board upon conclusion of any workshop. Notice of any committee meeting must be posted at the Town office and on the Town's website at least seven days prior to the meeting.

§ 23-45. Public notice.

A. Written notice of all Board meetings must be posted at the Town office and at the Town's website at least seven days prior to each meeting. The notice must set forth the location, date, time and purpose of the meeting. Written notice in print or in an electronic format must be provided to the local news media, the Town Manager, the Town Council, Town Department Directors, the Code Enforcement Officer and any party identified on a meeting agenda.

B. Written notice of Board meetings must be given to any party who has requested recognition as a party with standing in accordance with § 23-46B, C or D and been granted such recognition by the Board. Notice to these parties must be provided in an electronic format, such as an email transmittal or a website posting, except as otherwise required by the Board. Notice is only required to be given to a representative of any group or organization recognized as a party with standing.

C. Written notice of any public hearing required by state law or Town ordinance must be given in accordance with the requirements of the applicable ordinance or law. Notice of any other public hearing required by the Board must be published in a local newspaper and posted at the Town office at least seven, but not more than 21, days prior to such hearing. The notice must set forth the purpose of the hearing, and the date, time and place.

§ 23-46. Parties with standing.

The following parties shall have standing before the Planning Board:

A. A permit applicant or permittee.

B. Any owner of property that is within 100 feet of the boundaries of a property on which a proposed land use activity is subject to Planning Board approval.

C. Any party demonstrating that they will suffer a direct and personal detrimental effect in the actual use or enjoyment of their property from a proposed land use subject to review by the Board.

D. Any group or organization demonstrating that a proposed land use subject to review by the Board involves an interest that is germane to the organization's purposes and that any one of its members has standing in their own right.

E. Any state or federal agency, office or department with review or permitting authority for a proposed land use subject to review by the Board.

F. The Bucksport Town Council.

G. The Bucksport Code Enforcement Officer.

§ 23-47. Remuneration.

A. The Town shall pay each Board member and the recording secretary for their attendance at regular and special Board meetings, including site visits. Payments will be made on a quarterly basis at the following rates:

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(1) Chairman: $30 per meeting/site visit.

(2) All other members: $25 per meeting/site visit.

(3) Recording secretary: $45 per meeting/site visit.

B. Remuneration may not be given for attendance at committee meetings, seminars, training workshops or any non-Board public proceeding, except payment of registration fees and mileage reimbursement within the limits of the Board's budget may be made for seminars or training workshops related to the functions of a Planning Board.

§ 23-48. Enforcement.

The enforcement of this article shall be the duty of the Town Council acting through its Town Attorney pursuant to 30-A M.R.S.A. § 4452 (as amended).

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ARTICLE VI
Board of Appeals

§ 23-49. Establishment.

The Bucksport Board of Appeals is established pursuant to 30-A M.R.S.A. § 2691.

§ 23-50. Appointment of members.

The Board of Appeals shall consist of five members, each of whom shall be appointed by the Town Council to serve for a five-year term commencing on April 1. Terms shall be staggered so that one appointment for a five-year term will be required every year. Appointments are not subject to term limits and members may be reappointed to serve subsequent terms. Members shall be sworn into office by the Town Clerk at the beginning of each of their respective terms.

§ 23-51. Vacancies.

A. A vacancy shall occur if a Board member resigns, is unable to serve, or is absent for more than two consecutive meetings, unless absent for good cause as determined by majority vote of the Board. The Chairman shall notify the Town Council of any vacancy. The Town Council shall fill any vacancy by appointing a new member for the balance of the term.

B. An incumbent Board member may continue to serve as a de facto member upon expiration of his term until such time the member is reappointed or another person is appointed and sworn in.

§ 23-52. Minimum qualifications to serve.

Any person must meet the following minimum qualifications to serve as a Board of Appeals member:

A. The person must be at least 18 years old.

B. The person must be a United States citizen.

C. The person must be a legal resident of Bucksport. Legal residency is demonstrated when the person resides in a dwelling or apartment in Bucksport at least eight months in any calendar year.

D. The person may not serve concurrently on the Town Council or Planning Board, or as the Bucksport Code Enforcement Officer.

E. The person may not be the spouse of a Bucksport Town Councilor, a Bucksport Planning Board member or the Bucksport Code Enforcement Officer.

§ 23-53. Conflict of interest; bias.

A. Conflict of interest. A member having a conflict of interest in any matter before the Board shall make full disclosure of that interest before any action is taken on the matter.

B. A Board member shall have a conflict of interest if the member has a direct or indirect pecuniary interest in the outcome of an appeal. A direct or indirect pecuniary interest is deemed to arise if a member is an officer, director, partner, associate, employee or shareholder of a private corporation, business or other economic entity to which the matter relates and is also directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

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C. In addition to the provisions of Subsection B, a conflict of interest is deemed to exist if a member is in a situation whereby his own personal pecuniary interests may be served to the prejudice of the interests of the appellant or other parties to the appeal.

D. Bias. A member with a bias in any matter before the Board shall make full disclosure of that bias before any action is taken on the matter.

E. A bias is deemed to exist if for any reason a Board member is unable to make an impartial decision on an appeal application.

F. As a matter of procedure, the Chairman of the Board should inquire of the Board whether any conflict of interest or bias exists before each matter is presented, but failure to do so may not invalidate any vote.

G. When a question of an alleged conflict of interest or bias of any member is raised, the recusal of that member shall be decided by the majority vote of the other Board members present.

H. A member recused by the Board or by his own volition may not participate further as a Board member in the proceedings on the matter at issue. A recused member may not attempt to influence the vote of other members but may participate as an audience member.

I. A current Board member may not represent any party before the Board, except any member may appear before the Board to represent themselves as an appellant. A current member appearing before the Board as an appellant is deemed to be recused during the Board's review of their application.

J. A former Board member may represent any party before the Board in accordance with the time limitations set forth in 30-A M.R.S.A. § 2605.

§ 23-54. Administration.

A. The Board shall elect by majority vote a Chairman and Secretary to serve for a one-year period or until their successors are chosen. Vacancies in either office may be filled at any time by the Board.

B. The Board may draft procedural rules and submit them to the Town Council for approval. The rules must be consistent with the requirements of this article and state law.

C. Meetings shall be called by the Chairman whenever there is business to conduct. Special meetings may be called by the Chairman or by a majority of the members of the Board. At least one public hearing shall be conducted for any administrative or variance appeal. The public hearing must be conducted within 35 days of the date of receipt of the application at the Town office.

D. The Chairman of the Board of Appeals shall preside at all meetings and public hearings. When the Chairman is absent, the Secretary or another chosen by the members present and voting shall serve as proxy. The Chairman shall:

(1) Establish the agenda for each meeting;

(2) Regulate the course of the meeting, set the time and place of adjournments, and fix the time for the filing of written submissions;

(3) Rule upon all issues of procedure or evidence; and

(4) Take such other actions that may be necessary for the efficient and orderly conduct of the Board's business.

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E. A quorum of the Board of Appeals is three members. When no quorum is present at a meeting, no business of the Board may be conducted except to vote to adjourn generally or to a specific place and time. An affirmative vote from at least three members shall be required before any motion before the Board may be adopted.

F. The Board may conduct any meeting or public hearing without the presence of the appellant or their representative. The Board may request the appellant to attend a meeting or to respond in writing to any questions that arise during their review of an application.

G. The Board may require legal guidance or third-party consultations in the review of any appeal application. The determination of this requirement shall be made by majority vote of the Board. The responsibility for costs of legal or other third-party consultants shall be determined in accordance with the requirements of § 23-58B.

H. The Secretary of the Board shall maintain a permanent record of all proceedings, including minutes, written findings and decisions, and all correspondence of the Board. All records of the Board shall be kept at the Town office. Copies of all minutes and decisions of the Board shall be provided to the Town Council.

I. The business of the Board of Appeals is a public proceeding and the Board shall comply with the provisions of 1 M.R.S.A. §§ 401 to 410. Except as provided by law, all of its proceedings shall be open to the public and its records open to public inspection. The Board may only conduct an executive session in accordance with the requirements of 1 M.R.S.A. § 405. A motion to enter an executive session must receive a three-fifths public, recorded vote of the members present and voting, and the motion must specify the subject matter and cite the applicable statute. No official action may be approved during an executive session.

J. The Board shall reach a decision within 35 days after concluding its review of an appeal application. Within seven days of the decision, the Board shall prepare a written account of its decision, which shall include a statement of findings and conclusions based upon all testimony and records reviewed. The written decision shall include the basis for the conclusion and an appropriate order, relief or denial of relief. The written decision shall be provided to the appellant, Town Council, Planning Board, Code Enforcement Officer and all other parties to the proceedings, including the Department of Environmental Protection when the Board's decision involves an appeal related to shoreland zoning regulations.

§ 23-55. Public notice.

A. Notice of all Board of Appeals meetings must be posted at the Town office and a copy of the notice provided to the local news media, the Town Council, the Planning Board, the Code Enforcement Officer, the appellant and all other parties to the appeal. Notice must also be provided to the public drinking water supplier if the appeal involves a source water protection area, and the Maine Department of Environmental Protection if the appeal involves a shoreland zoning regulation. The notice must set forth the location, date, time and the purpose of the meeting.

B. Notice of any public hearing must be published in a local newspaper and posted at the Town office and the Public Safety Building lobby at least seven, but not more than 21, days prior to such hearing. The notice must set forth the purpose of the hearing, the applicant's name, and the date, time and place of the hearing.

C. Notice of any public hearing pertaining to a variance appeal shall be sent by first class U.S. mail to all owners of property that abut the property subject to the variance appeal. Notice must be sent no

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later than 10 days before the public hearing.

D. Notice of any variance appeal involving a shoreland dimensional standard shall be sent by certified first class U.S. mail to the Commissioner of the Maine Department of Environmental Protection no later than 20 days before the public hearing.

§ 23-56. Authority of Board.

A. The Board is authorized to hear and rule on administrative appeals of any decision, determination, action, or nonaction pertaining to the granting, denial, suspension, or revocation of any license, permit, waiver or other approval rendered by the Town Council, Planning Board or Code Enforcement Officer pursuant to the requirements of the following ordinances of the Bucksport Town Code:

(1) Chapter 107, Licenses and Permits, § 107-3E, Special amusements.

(2) Chapter 64, Floodplain Management.[8]

(3) Chapter 182, Signs.

(4) Chapter 100, Land Use.

B. The Board is authorized to hear and rule on administrative appeals pertaining to the determination of zoning district boundary lines.

C. The Board is authorized to hear and rule on variance appeals pertaining to any ordinance identified in Subsection A.

D. The Board is not authorized to hear or rule on appeals of any enforcement action or enforcement nonaction of the Code Enforcement Officer or the Town Council.

E. The Board is not authorized to extend the deadline for the filing of any appeal application and fee, as identified in § 23-58.

§ 23-57. Parties with standing.

The following parties shall have standing before the Board of Appeals:

A. A permittee or licensee, or a permit or license applicant, for an appeal pertaining to their permit or license.

B. Any party demonstrating that they are or will be suffering a direct and personal detrimental effect in the actual use or enjoyment of their property, or suffering any other hardship, due to a determination, decision, action, or nonaction of the Town Council, Planning Board or Code Enforcement Officer.

C. Any group or organization demonstrating that a determination, decision, action, or nonaction of the Town Council, Planning Board or Code Enforcement Officer involves an interest that is germane to the organization's purposes and that any one of its members has standing in their own right.

D. Any state or federal agency, office or department, for an appeal of a determination, decision, action, or nonaction of the Planning Board or Code Enforcement Officer, provided that the state or federal

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8. Editor's Note: Original Sec. 6.8.1, third bullet point, Appendix E Shoreland Zoning Ordinance, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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agency, office or department directly participated in the proceedings which are the subject of the appeal.

E. The Bucksport Town Council, pertaining to any appeal before the Board.

F. The Bucksport Planning Board, pertaining to any appeal before the Board.

G. The Bucksport Code Enforcement Officer, pertaining to any appeal before the Board.

H. Any party appealing for a variance who has complied with the requirements of § 23-58C.

I. Any party seeking a determination of the location of a zoning district boundary line.

§ 23-58. Application and fee requirements.

A. Any party seeking an appeal shall submit a completed application to the Town Clerk on forms provided by the Town.

B. Any party seeking an appeal shall be responsible for all consultant and legal fees incurred by the Board which are directly related to the review and evaluation of the application. Upon written request from the appellant, the Town Council may grant a waiver of all consultant and legal fees or a portion thereof. Consideration of a waiver of fees shall be based on the showing of an undue financial hardship or other extenuating circumstances experienced by the appellant.

(1) Except when fees have been waived by the Town Council, before any consultant or legal services may be provided to the Board, the appellant must submit a deposit to the Town in an amount based on estimated costs for the services. Subsequent deposits may be required if necessary, and the Board may table the application review until such deposits have been submitted. Payment of any final amount due must be made upon demand by the Town. Any deposited funds remaining upon payment of all consultant and legal fees shall be refunded to the appellant.

C. Any party appealing for a variance must provide evidence of right, title or interest to the property subject to the variance, unless such evidence has been documented in the public record forwarded to the Board. A tenant or lessee seeking a variance must provide written authorization from the property owner to submit an appeal application.

D. The Board of Appeals may not hear and rule on any appeal unless the required application is submitted within the time frame stated in the ordinance relevant to the appeal or, when no time frame is stated, within 60 days of the date of the determination, decision, action, or nonaction which is the subject of the appeal. The submission of a variance appeal application is not subject to these time limits unless the Planning Board or Code Enforcement Officer has determined during an application review that a variance is required before a decision on an application can be made.

§ 23-59. Administrative appeals.

A. The Board shall conduct an appellate review of any administrative appeal application. In conducting the review, the Board shall examine the public record relevant to the appeal and shall also accept any oral testimony or written documentation from the appellant and other parties to the appeal that is relevant to the Board's examination of the record.

B. The public record subject to examination by the Board shall consist of any recordings, transcripts, minutes, letters, applications, application review documents and any other documents in possession

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of the Town which are relevant to the subject of the appeal and which are not considered confidential by statute. The Board may also consider evidence related to the appeal that is not part of the public record if it is determined that such evidence is required for a full and true disclosure of facts. The Chairman shall rule on the exclusion of irrelevant, immaterial or unduly repetitious evidence.

C. The decision of the Board on an administrative appeal shall be based on its findings of the adequacy of the public record preserved by the Town to support the decision, determination, action, or nonaction being appealed. If the Board finds the record to be adequate, the appeal shall be denied. If the Board finds the record to be inadequate, the appeal shall be granted and the matter shall be remanded to the appropriate authority for actions consistent with the Board's decision.

§ 23-60. Variance appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The Board shall conduct a de novo review of any variance appeal application. In conducting its review, the Board shall examine the public record relevant to the appeal and shall also accept any other relevant oral testimony or written documentation from the appellant and other parties to the appeal.

B. The Board may conduct a site visit or other fact-finding investigation that may be necessary to assist it in establishing the record of its review of an application.

C. The decision of the Board on a variance appeal shall be based on the record established by the Board. The Board shall limit granted variances as strictly as possible in order to ensure conformance with the purposes and provisions of the relevant ordinance to the greatest extent possible and, in doing so, may impose conditions on the variance as it deems necessary.

D. The appellant shall have the burden of proof.

E. The following types of variances may be granted by the Board of Appeals:

(1) Undue hardship variance.

(a) Except as provided in Subsection E(2), (3) and (4), the Board may grant a variance only when strict application of the ordinance to the appellant and the appellant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

[1] The land in question cannot yield a reasonable return unless a variance is granted;

[2] The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

[3] The granting of a variance will not alter the essential character of the locality; and

[4] The hardship is not the result of action taken by the appellant or a prior owner.

(b) The Board may not grant an undue hardship variance allowing the establishment of any use that is prohibited in the zoning district governing the property subject to the appeal. In addition, the Board may not grant an undue hardship variance for a proposed land use or structure unless the Board finds that all applicable land use standards will be met, except any standard from which relief is sought.

(2) Disability variance. The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses

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the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental disability under 5 M.R.S.A. § 4553 and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(3) Single-family dwelling setback variance.

(a) The Board may grant a setback variance for a single-family dwelling. A variance from a setback requirement may only be granted when strict application of the zoning ordinance to the appellant and the appellant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

[1] The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

[2] The granting of a variance will not alter the essential character of the locality;

[3] The hardship is not the result of action taken by the appellant or a prior owner;

[4] The granting of the variance will not substantially reduce or impair the use of abutting property; and

[5] That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

(b) A single-family dwelling setback variance may only be granted for a single-family dwelling that is the primary year-round residence of the appellant. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. A variance exceeding 20% of a setback requirement may be granted if the appellant has obtained the written consent of affected abutting landowners, except a variance exceeding 20% of minimum setbacks from a wetland or water body required within any shoreland district may not be granted.

(4) Dimensional standards variance.

(a) The Board may grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the appellant and the appellant's property would cause a practical difficulty and when the following conditions exist:

[1] The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

[2] The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

[3] The practical difficulty is not the result of action taken by the appellant or a prior owner;

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[4] No other feasible alternative to a variance is available to the appellant;

[5] The granting of a variance will not unreasonably adversely affect the natural environment; and

[6] The property is not located in whole or in part within a shoreland district.

(b) As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements, and "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the appellant to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the appellant.

§ 23-61. Variance recorded.

If the Board of Appeals grants a variance, a certificate shall be prepared in recordable form. The certificate shall identify the name of the current property owner; the property by reference to the last recorded deed in its chain of title; the variance that has been granted, including conditions, if any; and the date of the granting. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this section. For the purpose of this section, the date of the final written approval shall be the date stated on the written approval.

§ 23-62. Reconsideration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The Board may reconsider any decision within 45 days of the date of the decision. A request to reconsider may be made by any Board member or any party with standing in the original proceedings. The request must be submitted in writing to the Town Clerk within 10 days of the date of the decision.

B. Notice of a meeting at which a request to reconsider will be introduced must be given to all parties with standing in the original proceedings.

C. Reconsideration may only occur if the Board finds, by majority vote, that there is reasonable cause to examine the Board's prior decision.

D. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the vote on the original decision.

E. The Board may not consider another appeal application on an appeal that was denied, unless the appellant can show a substantial change in the circumstances which provided the basis for the first appeal.

§ 23-63. Appeal.

A. Any party may take an appeal to Superior Court within 45 days of the date of the original decision of the Board, in accordance with the Maine Rules of Civil Procedure, Rule 80B.

B. Any party may take an appeal to Superior Court within 15 days of the date of a reconsidered decision of the Board, in accordance with the Maine Rules of Civil Procedure, Rule 80B.

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§ 23-64. Enforcement.

The enforcement of this article shall be the duty of the Town Council acting through its Town Attorney pursuant to 30-A M.R.S.A. § 4452 (as amended).

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ARTICLE VII
Office of Code Enforcement

§ 23-65. Establishment.

The Bucksport Office of Code Enforcement is established pursuant to 30-A M.R.S.A. § 2601-A. The Town Council shall appoint a Code Enforcement Officer (CEO) trained and certified in accordance with 30-A M.R.S.A. § 4451, and who shall be sworn to perform the duties of the office as set forth in this article.

§ 23-66. Areas of responsibility. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Code Enforcement Officer shall serve in any of the following capacities, as designated by the Town Council:

A. Shoreland Zoning Officer, under 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B;

B. Land Use Officer, under 30-A M.R.S.A. Part 2, Subpart 6-A;

C. Plumbing Inspector (LPI), under 30-A M.R.S.A. Chapter 185, Subchapter 3;

D. Building Inspector, under 30-A M.R.S.A. Chapter 141 and Chapter 185, Subchapter 1; 5 M.R.S.A. §§ 4582-B, 4582-C and 4594-F; 10 M.R.S.A. Chapter 1103; and 25 M.R.S.A. Chapter 313;

E. Addressing officer, under 25 M.R.S.A. Chapter 352; and

F. Other duties as may be designated by written authority from the Town Council.

§ 23-67. General duties.

Duties of the Code Enforcement office are performed under the general supervision of the Town Manager and include the following:

A. Maintain all records in the Code Enforcement office.

B. Provide assistance to the public.

C. Issue permits.

D. Perform required inspections.

E. Investigate land use complaints and violations.

F. Issue violation notices as necessary.

G. Prosecute violations under Rule 80K as necessary.

H. Complete all reports as required.

I. Document all official actions and determinations.

J. Maintain an accurate record of work hours, vehicle mileage and office expenses.

K. Maintain required CEO certification.

L. Provide administrative support to Planning Board and Board of Appeals.

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M. Assist Ordinance Committee in preparation of ordinance amendments.

N. Maintain the E911 addressing database and related official records.

O. Report all addressing information to the ESCB.

P. Complete other tasks related to the CEO office.

§ 23-68. Qualifications for office.

An individual serving as Code Enforcement Officer must meet the following minimum requirements:

A. Be at least 18 years of age.

B. Be a full-time resident of the State of Maine.

C. Be a U.S. citizen.

D. Possess a valid State of Maine driver's license.

E. Be certified in accordance with 30-A M.R.S.A. § 4451.

F. Have the physical ability to carry out the inspection and administrative duties of the office.

G. Be sworn to perform the duties of the office by the Town Clerk at the beginning of each term of appointment.

§ 23-69. Conflict of interest.

A. The Code Enforcement Officer may not conduct inspections or act in any other official capacity in regard to work in which he or she has a direct or indirect pecuniary interest or a conflict of interest.

B. The Code Enforcement Officer shall notify the Town Council of any type of conflict of interest in the performance of the duties of the office. When appropriate, the Town Council may appoint a deputy CEO on a temporary basis to carry out those specific duties involving the conflict of interest.

§ 23-70. Appointment.

A. The Code Enforcement Officer shall be appointed by the Town Council to serve a term which shall be no less than one year, except for temporary appointments of a deputy CEO which may be for a shorter duration. The Town Council shall notify all appropriate state agencies of each appointment.

B. Upon each appointment, the Code Enforcement Officer shall be sworn to perform the duties of the office by the Town Clerk.

C. Initial appointments, other than that of a deputy CEO, shall be subject to a six-month probationary period, at the end of which the Town Council may remove the CEO from office without notice or hearing. A deputy CEO may be removed from office at any time during the appointment period without notice or hearing.

D. The Code Enforcement Officer may be removed from office by the Town Council prior to expiration of the appointment. Except as specified in Subsection C above, a decision to remove the CEO may only be made after written notice has been given to the CEO, and an opportunity for a hearing. The written notice shall contain the justification for removal of the CEO.

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E. The Code Enforcement Officer shall receive written notice of all proceedings related to the CEO's reappointment, have the right to attend all such proceedings, and reserve the right to receive a hearing, in accordance with 1 M.R.S.A. § 401 et seq. A decision to not reappoint must be based on poor job performance or other just cause, and the CEO shall be provided with a written decision.

§ 23-71. Enforcement.

A. The Code Enforcement Officer shall enforce the provisions of all ordinances in which the enforcement authority of the CEO has been established or, when not so established, enforcement authority may be designated by the Town Council. Enforcement actions shall be taken in accordance with the procedures stated within each ordinance.

B. When enforcement procedures are not stated within an ordinance, the following procedure shall apply:

(1) A written notice of violation shall be delivered by certified mail and regular mail to the violator and property owner, if different. In-hand service of the notice may be required if mail delivery is not accepted.

(2) The notice of violation shall contain a description of the violation and a correction order. The correction order shall require compliance in no more than 30 days from the date of the notice. The notice shall also include names and addresses of the violator and owner, a description of the property, and appeal information.

(3) When compliance is not attained within the stated time period, the CEO may, when specifically authorized by the Town Council, prosecute the violation in accordance with Rule 80K of the Maine Rules of Civil Procedure or, when appropriate, initiate a consent agreement with the violator.

C. The enforcement of this article shall be the duty of the Town Council or its designated authority pursuant to 30-A M.R.S.A. § 4452.

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Chapter 29

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Council of the Town of Bucksport 10-11-2018 (Ch. 5 of the 1978 Town Code). Amendments noted where applicable.]

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§ 29-1. Purpose.

The purpose of this chapter is to establish minimum construction codes and standards to protect the health, safety and welfare of the public, to protect the environment, and to provide for administration and enforcement of those codes and standards.

§ 29-2. Authority.

A. The Code Enforcement Officer (CEO) is hereby authorized and directed by the municipal officers to administer and enforce all the provisions of this chapter, and shall be recognized as the building official and the authority having jurisdiction, where such titles are used in applicable codes, standards and rules.

B. All codes, standards and rules enforced by the Town of Bucksport, as identified in this chapter, are incorporated by reference herein.

C. All codes, standards and rules enforced by the Town of Bucksport may be viewed at the Bucksport Town office. Free viewing of the copy-protected codes adopted by the state is available on the State of Maine website, except where prohibited by the publisher.

§ 29-3. Applicability.

A. This chapter applies to the construction, erection, installation, alteration, movement, enlargement and replacement of all buildings and structures within the boundaries of the Town of Bucksport.

B. This chapter applies to the installation, alteration, movement, enlargement and replacement of all manufactured housing.

§ 29-4. Severability; conflict with other provisions.

A. If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.

B. If any provision of this chapter conflicts with another provision of this chapter or any other chapter, or any ordinance, regulation or statute, the more restrictive provision governs.

§ 29-5. Administration.

A. The administrative provisions of the Maine Uniform Building and Energy Code (MUBEC), with exceptions identified in this section, shall be enforced by the Town of Bucksport.

(1) The administrative provisions for identifying required permits, permit exemptions and permit fees shall be as identified in § 29-6.

(2) The administrative provisions for appeals shall be as identified in § 29-11.

(3) The administrative provisions for enforcement shall be as identified in § 29-13.

B. The administrative provisions of the MUBEC shall apply to the permitting, inspection and approval of manufactured housing and any other type of building or structure that is exempt from compliance with the MUBEC, but subject to the requirements of this chapter.

§ 29-6. Permits required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.

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II)]

A. Except as otherwise provided for in the section, a building permit is required prior to the construction, erection, installation, alteration, movement, enlargement or replacement of any building or structure, including, but not limited to, those constructed or assembled on-site and those that are prefabricated and delivered to a site. For the purposes of determining permit requirements, manufactured housing shall be considered a building.

(1) A building permit is not required for buildings or structures that are considered to have a minimal impact on the environment, municipal services and abutting properties. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances enforced by the Town. Any building or structure that does not require a building permit may still be subject to other municipal, state or federal permit requirements.

(2) Buildings and structures that may be constructed, erected, installed, altered, moved, enlarged or replaced without a building permit include the following:

(a) Swing sets, playhouses, playgrounds, benches, picnic tables, and other similar structures.

(b) Seasonal swimming pools.

(c) Fences, retaining walls, patios, fountains and similar structures.

(d) Pet shelters with a footprint limited to 100 square feet or less.

(e) Pens and corrals.

(f) Stairs, landings and ramps that are not for public use.

(g) Outbuildings with a footprint limited to 100 square feet or less.

(h) Freestanding decks with a footprint limited to 100 square feet or less, and which are not subject to the requirement of a guardrail.

(i) Fabric-covered shelters for residential accessory use (no concrete foundation).

(j) Portable ice-fishing shelters.

(k) Temporary office and storage trailers on construction sites.

(l) Temporary vegetable stands and similar structures.

(m) Temporary stages, seating and theatrical props.

(n) Structures built at or below grade, including, but not limited to, roads, sidewalks, trails, driveways, parking lots, RV parking sites, play fields, courts, tracks, ponds, underground utilities, wells, septic systems, storage tanks and similar structures. Storm shelters, survival bunkers and other occupiable underground structures are not exempt.

(o) Utility poles, lampposts, signposts, pylons and similar structures.

(p) Solar energy systems, standby generators, outdoor wood boilers, vehicle charging stations.

(q) Aboveground storage tanks.

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(r) Sculptures, monuments and similar structures.

(s) Freestanding and attached antennas and dish antennas, cell towers, windmills, wind turbines and similar structures.

(t) Bollards, Jersey barriers and similar structures.

B. A building permit is not required for ordinary repairs and property maintenance, including, but not limited to, window and door improvements, roofing and siding replacements and repairs, painting, drywall installation, and kitchen and bath improvements.

C. Manufactured housing is subject to the following permit requirements:

(1) A building permit to install a mobile home constructed before June 15, 1976, or a mobile home without a permanently affixed label certifying compliance with HUD construction and safety standards, may not be issued until written certification from a qualified professional has been provided to the CEO, verifying that the mobile home is in compliance with the applicable requirements of § 29-9.

(2) A building permit to install any new manufactured housing purchased from other than a dealer licensed by the state may not be issued until a bill of sale or other proof of sales tax payment for the manufactured housing has been submitted to the CEO.

(3) A building permit to install any used mobile home from another jurisdiction may not be issued until proof of payment of all property taxes due in that jurisdiction for the mobile home has been submitted to the CEO.

D. If a state permit is required before a building permit can be issued, the CEO shall not issue the permit until such time a copy of the state permit is provided to the CEO.

E. If an entrance permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the entrance permit is provided to the CEO.

F. If a subsurface wastewater disposal permit is required for a proposed construction project, the CEO shall not issue the building permit until such time as a subsurface wastewater disposal permit can be issued by the CEO.

G. If a sewer permit is required for a proposed construction project, the CEO shall not issue the building permit until such time a copy of the sewer permit is provided to the CEO.

H. A plumbing permit issued by the Town is required in accordance with the State of Maine Internal Plumbing Rules and the Maine Subsurface Wastewater Disposal Rules.

I. A municipal electrical permit is not required for electrical installations.

(1) Electrical installations are subject to inspection in accordance with § 29-7C(4).

J. A municipal mechanical permit is not required to install, replace, repair or maintain any heating, ventilation, air conditioning or other mechanical equipment.

K. No permit may be issued for a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute enforced by the municipality.

L. No permit may be issued until the Town has received payment of the required fee, as identified in the Town's approved Schedule of Fees.

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(1) When a permit fee is based on square footage of new construction, the outside dimensions of the structure at the floor level of each story shall be used to calculate the fee. Also included in the calculation are attic floor areas when the areas are accessed by a fixed or folding stairway, basement floor areas occupied as living space and deck and porch floor areas.

(2) Permit fees for alterations are based on the total square footage of the altered floor area. If no floor area is affected, such as the addition of a dormer, the minimum permit fee shall be charged.

(3) No submitted permit fee may be refunded.

(4) An administrative fee shall be added to the required permit fee when any work subject to a building permit is started without the required permit. The administrative fee is identified in the Town's adopted Schedule of Fees.

M. Upon issuance of a permit, required inspections and occupancy approvals shall be conducted by the CEO in accordance with the requirements of § 29-7.

N. A permit shall expire one year after the date of issuance unless work authorized by the permit is commenced, or if the permitted work is suspended or abandoned, for a period of one year after the work commenced. The CEO may authorize a one-year extension if work is substantially started during the initial term of the permit. Justifiable cause must be shown to grant an extension.

§ 29-7. Inspections and approvals.

A. The CEO shall conduct inspections in accordance with the requirements of the Maine Uniform Building and Energy Code (MUBEC) and this chapter.

(1) In lieu of inspections performed by the CEO, a state-certified, third-party inspector (TPI) approved by the CEO may be hired by the permittee to conduct inspections required to verify compliance with the applicable requirements of the MUBEC. All costs associated with third-party inspections shall be the responsibility of the permittee.

(2) The Town may appoint an alternate CEO to conduct inspections in the event of an absence by the CEO.

B. All required inspections conducted by the CEO shall be identified on the permit and may include inspections for foundations, masonry, framing, floodplain construction, insulation, fire-rated construction, accessibility, occupancy approval, manufactured housing installations and any other necessary inspection as determined by the CEO.

(1) In the event that inspections are conducted by a TPI, the TPI shall inform the permittee of required inspections.

(2) No inspections of any electrical installations shall be conducted by the Town.

(3) Inspections of plumbing installations shall be conducted in accordance with the Maine Internal Plumbing Rules.

(4) Inspections of subsurface wastewater disposal system installations shall be conducted in accordance with the Maine Subsurface Wastewater Disposal Rules.

(a) A final inspection shall be required to verify completion of a permitted subsurface wastewater disposal system installation.

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C. A certificate of occupancy shall be required as provided for in the MUBEC and this chapter.

(1) A certificate of occupancy may not be issued until the CEO has determined that the building is in compliance with all applicable requirements of the MUBEC, the Bucksport Town Code and any applicable state law, rule or regulation enforced by the Town. If inspections were performed by a TPI, a written report from the TPI, verifying compliance with the MUBEC, must be submitted to the CEO before a certificate of occupancy can be issued.

(2) A certificate of occupancy may not be issued for any new building served by a new subsurface wastewater disposal system until the CEO verifies that the system installation has been completed and that soils over the system have been seeded and stabilized with hay, straw or mulch, or adequate vegetation growth is present.

(3) A certificate of occupancy may not be issued for any new building served by a new connection to the public sewer until written approval of the connection from the Superintendent of the Sewer Department is submitted to the CEO.

(4) A certificate of occupancy may not be issued for any building requiring a new electrical service or containing new electrical installations until documentation is submitted to the CEO from the State Electrical Inspector, a licensed master electrician or a licensed limited electrician in house wiring, stating that the electrical work is in compliance with the state electrical code.

§ 29-8. Building codes and standards.

A. The Town shall enforce the Maine Uniform Building and Energy Code (MUBEC), as adopted pursuant to 10 M.R.S.A. § 9721 et seq.

(1) The Town has established permit requirements and exemptions in this chapter that are in lieu of those identified in the MUBEC. See § 29-6.

(2) The Town shall enforce Appendix V, Tiny Houses, as adopted in the MUBEC.

B. The Town shall enforce the National Fire Protection Association (NFPA) 101, Life Safety Code, as adopted by the State Fire Marshal's Office.

C. The Town shall enforce the National Fire Protection Association (NFPA) 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, as adopted by the State Fire Marshal Office.

D. The Town shall enforce the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, as adopted with amendments by the Department of Professional and Financial Regulation, Plumber's Examining Board.

E. The Town shall enforce the Maine Subsurface Waste Water Disposal Rules, as adopted by the Department of Health and Human Services.

(1) The Town of Bucksport has established subsurface wastewater disposal system installation inspection requirements in addition to those identified in the Rules. See § 29-7C(2).

F. The Town shall enforce the Maine Fuel Board Rules, as adopted by the Maine Fuel Board, only to the extent that the Rules apply to the installation and maintenance of fuel oil supply tanks.

G. The Town shall not enforce any electrical codes or standards adopted by the State, except for any electrical standards included in the MUBEC.

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(1) The Town of Bucksport has established third-party electrical inspection requirements. See § 29-7C(4).

§ 29-9. Manufactured housing standards.

A. Manufactured housing constructed before June 15, 1976, must be certified as compliant with the Health and Safety Standards for Used Manufactured Housing, as adopted by the Maine Manufactured Housing Board.

B. Manufactured housing constructed on or after June 15, 1976, must be certified as compliant with the United States Department of Housing and Urban Development standards.

C. All manufactured housing must comply with the following design criteria:

(1) Roofs must be finished with a material manufactured for use as a finish roofing product, installed in accordance with the manufacturer's installation instructions.

(2) Exterior walls must be finished with a material manufactured for use as a finish siding product, installed in accordance with the manufacturer's installation instructions.

(3) Crawl-space areas must be enclosed with a weather-resistant, rigid material, including, but not limited to, vinyl or metal panels, pressure-treated wood, brick, concrete or stone. Any wood in direct contact with the ground must be pressure-treated or a decay-resistant species.

(4) Mobile home installations must comply with the applicable requirements of the Manufactured Home Installation Standards, as adopted by the Maine Manufactured Housing Board.

(5) Modular home foundations must comply with the applicable requirements of the MUBEC.

D. No mobile home may be structurally altered or expanded, or have any additional structural load bearing upon it, unless such alteration, expansion or load has been approved by the mobile home manufacturer or unless the owner agrees, in writing, that:

(1) They understand that any structural change to a mobile home, unless it is approved by the manufacturer, voids the applicable federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;

(2) They understand that a mobile home that is not compliant with the applicable federal certification before a proposed structural change may contain structural deficiencies that could be exacerbated by the structural change;

(3) They understand that a mobile home that has been structurally changed without approval from the manufacturer is subject to the limitations of § 100-42G(4); and

(4) They understand that the issuance of a permit for a structural change to a mobile home does not in any way cause the Town to become liable for any structural defects or property damage that may occur.

§ 29-10. Miscellaneous regulations. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A fence meeting the requirements of this section must be erected and maintained around every swimming pool. A dwelling house or accessory building may be used as part of this enclosure.

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A. The top of the fence must be at least four feet above grade.

B. No fence may be designed so as to allow or encourage climbing.

C. Access gates, when provided, must be as high as the fence, self-closing, self-latching, outward-swinging and the latch mechanism must be located on the interior side of the gate.

D. Any ladder used for access must be capable of being secured, locked or removed to prevent access.

E. A fence is not required for any portable aboveground swimming pool with a wall height of at least 24 inches above the surrounding ground.

F. Violations of this section shall be punishable by a fine as provided in § 1-4.

§ 29-11. Appeals.

A. An aggrieved party may take an administrative appeal from any decision, action or non-action of the CEO to the Bucksport Board of Appeals.

(1) An enforcement action may not be appealed.

B. An application for appeal must be received at the Bucksport Town office no later than 30 days after the date of the decision, action or nonaction being appealed.

§ 29-12. Waivers and modifications.

A. The CEO may grant a waiver of any specific requirement of this chapter, provided that:

(1) No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

(2) Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and

(3) The health, safety and welfare of the public are protected.

B. The following requirements of this chapter may not be waived:

(1) Required applications and permits.

(2) Fees.

(3) Any requirement of a state code, regulation or rule.

C. The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.

D. The permit must include a description of any granted waiver and its date of approval.

E. The CEO may grant modifications of code compliance requirements as provided for in the MUBEC.

§ 29-13. Enforcement.

A. A stop-work order may be issued by the CEO in accordance with the requirements of the MUBEC and for any violation of this chapter. A stop-work order must be in writing and given to the property

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owner, their agent or the person doing the work.

B. Notice of violation.

(1) The CEO shall enforce violations of this chapter by providing a written notice of violation to the property owner and violator, if different. Such notice shall include, but not be limited to, the following information:

(a) Name and address of the property owner/violator.

(b) Location of the property, and map and lot number.

(c) Date that the violation was observed.

(d) Description of the violation.

(e) Corrective order and time allowed to comply.

(f) Penalty statement.

(g) Date of the notice and the CEO's signature.

(2) Notices of violation shall be delivered via United States mail. When delivery is not accepted, in-hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.

(3) When compliance with the corrective order of the notice of violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.

C. The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the Town Council.

(1) The Town shall seek penalties and fees in accordance with the provisions of 30-A M.R.S.A. § 4452 for any enforcement action taken to District Court.

§ 29-14. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A structure serving or intending to serve a use that is subordinate and incidental to the principal use of the property, and which is not attached to the principal structure.

ALTERATION — A physical change to a building, including:

A. The removal or construction of partitions to alter or rearrange floor space;

B. The removal or installation of interior stairways;

C. The installation or relocation of kitchens or bathrooms;

D. The installation or replacement of masonry fireplaces or chimneys;

E. The installation or replacement of a foundation;

F. The replacement or enclosure of decks or porches; or

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G. The installation or alteration of dormers or roof framing.

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy. Any one- and two-family dwelling or portion thereof, including townhouses, that is used or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

CEO — The Code Enforcement Officer and Plumbing Inspector for the Town of Bucksport.

COMPACT AREA — Any property in Bucksport that is within the public water or public sewer service area.

ENLARGEMENT — An extension or increase in floor area or height of a building or structure. An addition.

FINISH ROOFING — Any building product specifically designed for finish weather protection on a building roof, including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

FINISH SIDING — Any building product specifically designed for finish weather protection on a building's exterior wall surface, including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

FOUNDATION — The supporting substructure of a building or other structure, including, but not limited to, basements, frost walls, concrete slabs, gravel pads, sills, or posts.

MANUFACTURED HOUSING — A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to its building site. Two types of manufactured housing are included. Those two types are:

A. Those units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, or electrical systems contained in the unit. Also included is any structure that meets all the requirements of this subsection, except the size requirements, and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.

B. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with 10 M.R.S.A. Ch. 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating or electrical systems contained in the unit.

MOBILE HOME — See "manufactured housing."

MODULAR HOME — See "manufactured housing."

MUBEC — The Maine Uniform Building and Energy Code, as adopted by the State of Maine.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the

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property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by the court.

PERSON — An individual, corporation, partnership or any other group acting as a unit.

PET SHELTER — A structure designed and used solely for the purpose of providing protection from the elements for dogs, cats or other domestic animals kept as pets.

PRINCIPAL STRUCTURE — A structure that is occupied or utilized for the primary or main use of the property on which it is located.

SEASONAL SWIMMING POOL — An aboveground swimming pool that is either disposable or designed to be deflated or disassembled for storage upon completion of its use each year.

STRUCTURE — That which is built or constructed.

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Chapter 37

CABLE TELEVISION

[HISTORY: Adopted by the Town Council of the Town of Bucksport 9-25-1997 (Appendix E of the 1978 Town Code). Amendments noted where applicable.]

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ARTICLE I
General Provisions

§ 37-1. Title.

This chapter shall be known and may be cited as the "Bucksport Cable Television Communications Regulatory Ordinance."

§ 37-2. Purpose.

A. The Town of Bucksport finds that the development of cable television systems has the potential of greatly benefiting and having a positive impact on the people of Bucksport. Cable technology is rapidly changing, and cable is expected to play an essential role as part of the Town's basic infrastructure. Cable television systems extensively make use of scarce and valuable public rights-of-way in a manner different from the way in which the general public uses them and in a manner reserved primarily for those that provide services to the public, such as utility companies. The Town finds that public convenience, safety, and general welfare can best be served by establishing regulatory powers vested in the Town or such persons as the Town so designates to protect the public and to ensure than any franchise granted is operated in the public interest. In light of the foregoing, the following goals and the state policies set forth at 30-A M.R.S.A. § 3008, Subdivision 1, among others, underlie the provisions set forth in this chapter:

   (1) Cable should be available to as many Town residents as possible.

   (2) A cable system should be capable of accommodating both the present and reasonably foreseeable future cable-related needs of the community, to the extent economically feasible.

   (3) A cable system should be constructed and maintained during a franchise term so that changes in technology may be integrated to the maximum extent that is economically feasible into existing system facilities.

   (4) A cable system should be responsive to the needs and interests of the local community.

B. The Town intends that all provisions set forth in this chapter be construed to serve the public interest and the foregoing public purposes, and that any franchise issued pursuant to this chapter be construed to include the foregoing findings and public purposes as integral parts thereof.

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ARTICLE II
Definitions and Word Usage

§ 37-3. Word usage.

For the purposes of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated, words not defined herein shall be given the meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. § 521 et seq., as amended, and, if not defined therein, their common and ordinary meaning.

§ 37-4. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

AFFILIATE — Any person who owns or controls, is owned or controlled by, or is under common ownership or control with a grantee.

BASIC CABLE SERVICE — Any service tier that includes the retransmission of local television broadcast signals.

CABLE ACT — The Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq., as amended by the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, and as it may be further amended from time to time.

CABLE PROGRAMMING SERVICE — Any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than:

A. Video programming carried on the basic cable service tier; and

B. Video programming offered on a per-channel or per-program basis.

CABLE SERVICE — This term shall have the meaning given it by the Cable Act, as amended.

CABLE SYSTEM or SYSTEM — A facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable television service which includes video programming and which is provided to multiple subscribers within the Town, but such term does not include a facility that serves only to retransmit the television signals of one or more television broadcast stations; a facility that serves subscribers without using any public right-of-way; a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive, on-demand services; an open video system that complies with federal law; or any facilities of any electric utility used solely for operating its electric utility systems. A reference to a cable system refers to any part thereof, including, without limitation, facilities located in the interior of a subscriber's residence or other premises.

FCC — The Federal Communications Commission, its designee, or any successor governmental entity thereto.

FRANCHISE — The nonexclusive authorization granted in accordance with this chapter to construct,

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operate, and maintain a cable system along the public rights-of-way within the Town. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the Town as required by the ordinances and laws of the Town; or for attaching devices to poles or other structures, whether owned by the Town or a private entity; or for excavating or performing other work in or along public rights-of-way.

FRANCHISE AGREEMENT — A contract entered into in accordance with the provisions of this chapter between the Town and a grantee that sets forth, subject to applicable state and federal law, the terms and conditions under which a franchise will be exercised.

FRANCHISE AREA — The term "franchise area" for any franchise granted under this chapter shall mean the whole of the Town of Bucksport. All new or renewal franchise agreements granted under this chapter shall require the grantee, within a reasonable period after the effective date of the franchise agreement, to extend service to all areas of the Town that meet density requirements to be set out in the franchise agreement. No franchise or renewal franchise approved under this chapter shall contain density requirements that are less restrictive than the density requirements of franchise agreements with other grantees that are then in force.

GRANTEE — The natural person(s), partnership(s), domestic or foreign corporation(s), association(s), joint venture(s), or organization(s) of any kind which has or have been granted a cable television franchise by the Town.

GROSS REVENUES — Those items within the scope of the term "gross revenues" as used in the Cable Act, as amended, including any and all cash, credits, or other consideration of any kind or nature received directly or indirectly by a grantee, an affiliate of a grantee, or any person in which a grantee has a 5% or greater financial interest, or by any other entity that is a cable operator of a cable system, arising from, attributable to, or in any way derived from the operation of a grantee's cable system to provide cable service, including the facilities associated therewith. Gross revenues include, but are not limited to, monthly fees charged subscribers for any basic, optional, premium, per-channel, or per-program service; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; late fees; payments or other consideration received from programmers for carriage of programming on the system; revenues from converter rentals or sales; advertising revenues; barter; revenues from program guides; and revenues from home shopping channels. "Gross revenues" do not include reimbursed expenses unless the expense is separately claimed. Gross revenues earned on a system-wide basis shall be allocated to the Town on the basis of the ratio of the subscribers in the Town to the total subscribers in all the franchising authorities served by the system. Gross revenues shall be the basis for computing the franchise fee under this chapter. Gross revenues shall not include:

A. To the extent consistent with generally accepted accounting principles, actual bad debt write-offs; provided, however that all or part of any such actual bad debt that is written off but subsequently collected shall be included in gross revenues in the period collected;

B. The value of free cable services provided to grantee's employees or to the Town;

C. Revenues received by an affiliate from the grantee on which the grantee has already paid the franchise fee;

D. Any taxes on services furnished by a grantee which are imposed directly on any subscriber or user by the state, Town, or other governmental unit and which are collected by a grantee on behalf of said governmental unit; and

E. Revenues from the provision of telecommunications services.

PERSON — An individual, partnership, association, joint-stock company, organization, corporation, or

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any lawful successor thereto or transferee thereof, but such term does not include the Town.

PUBLIC RIGHT-OF-WAY — The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the Town now or hereafter holds any property interest, or may lawfully grant the use of, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a cable system. No reference herein, or in any franchise agreement, to a "public right-of-way" shall be deemed to be a representation or guarantee by the Town that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a grantee shall be deemed to gain only those rights to use as are properly in the Town and as the Town may have the undisputed right and power to give.

SALE — Any sale, exchange, or barter transaction.

SERVICE TIER — A package of two or more cable services for which a separate charge is made by the grantee, other than a package of premium and pay-per-view services that may also be sold on a true a la carte basis.

SUBSCRIBER — Any person who legally receives cable service, whether or not a fee is paid for such service.

TOWN — The Town of Bucksport, Maine, and any agency, department, or agent thereof.

TRANSFER — Any transaction in which an ownership or other interest in a grantee, its cable system, or any person that is a cable operator of the cable system is transferred from one person or group of persons to another person or group of persons so that control of a grantee is transferred; or the rights or obligations held by a grantee under a franchise agreement are transferred or assigned to another person or group of persons. "Control" for these purposes means working control, in whatever manner exercised. By way of illustration and not limitation, the addition, deletion, or other change of any general partner of a grantee, any person who owns or controls a grantee, or a cable operator of a cable system is such a change of control.

USER — A person or organization utilizing a channel or equipment and facilities for purposes of producing or transmitting material, as contrasted with the receipt thereof in the capacity of a subscriber.

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ARTICLE III
Grant of Franchise

§ 37-5. Grant of franchise.

The Town may grant one or more cable television franchises, and each such franchise shall be awarded in accordance with and subject to the provisions of this chapter. In no event shall this chapter be considered a contract between the Town and a grantee.

§ 37-6. Franchise required.

No person may construct or operate a cable system without a franchise granted by the Town unless otherwise authorized by law, and no person may be granted a franchise without having entered into a franchise agreement with the Town pursuant to this chapter.

§ 37-7. Franchise characteristics.

A. Authority granted by franchise. A franchise authorizes use of public rights-of-way for installing cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of a cable system within a franchise area, but does not expressly or implicitly authorize a grantee to provide service to, or install a cable system on, private property without owner consent [except for use of compatible easements pursuant to Section 621 of the Cable Act, 47 U.S.C. § 541(a)(2)], or to use publicly or privately owned conduits without a separate agreement with the owners.

B. Term of franchise. The term of a franchise may not exceed 15 years.

C. Nonexclusivity. A franchise is nonexclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the Town; affect the Town's right to authorize use of public rights-of-way by other persons to operate cable systems or for other purposes as it determines appropriate; or affect the Town's right to itself construct, operate, or maintain a cable system, with or without a franchise.

D. Franchise agreement constitutes contract. Once a franchise agreement has been accepted and executed by the Town and a grantee, such franchise agreement shall constitute a contract between the grantee and the Town, and the terms, conditions, and provisions of such franchise agreement, subject to the ordinance in effect as of the effective date of such franchise agreement and all other duly enacted and applicable laws, shall define the rights and obligations of the grantee and the Town relating to the franchise. Nothing in this chapter or a franchise agreement shall be deemed a waiver of or restriction on the Town's police powers, or a waiver of any of the terms of any Town ordinance regarding the use or management of the public rights-of-way or intended to protect the public's safety.

E. Use of public rights-of-way. All privileges prescribed by a franchise shall be subordinate to any prior lawful occupancy of the public rights-of-way, and the Town reserves the right to reasonably designate where a grantee's facilities are to be placed within the public rights-of-way. The rights and privileges granted pursuant to a franchise shall not be in preference or hindrance to the right of the Town, or other governmental agency, improvement district or other authority having jurisdiction to perform or carry on any public works or public improvement, and should a cable system in any way interfere with the construction, maintenance, or repair of such public works or improvements, the grantee shall promptly, at its own expense, protect or relocate its system, or part thereof, as directed by the Town or other authority having jurisdiction.

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F. Franchise personal to grantee. A franchise shall be a privilege that is in the public trust and personal to the original grantee. No transfer of a franchise shall occur without the prior consent of the Town and unless application is made by the grantee and Town approval obtained, pursuant to this chapter and the franchise agreement; which approval shall not be unreasonably withheld; provided, however, that the grantee may make assignments of collateral to a lender upon reasonable prior notice to the Town. No such assignment of collateral shall be deemed to permit any person to avoid any obligations under this chapter or a franchise agreement.

G. Exclusive contracts unenforceable. A franchise holder may not enter into or enforce any exclusive contract with a subscriber as a condition of providing or continuing service.

§ 37-8. Grantee subject to other laws, police power.

A. Compliance with laws. A grantee shall at all times be subject to and shall comply with all applicable federal, state, and local laws. A grantee shall at all times be subject to all lawful exercise of the police power of the Town, including all rights the Town may have under 47 U.S.C. § 552.

B. No waiver of Town rights. No course of dealing between a grantee and the Town, nor any delay on the part of the Town in exercising any rights hereunder, shall operate as a waiver of any such rights of the Town or acquiescence in the actions of a grantee in contravention of rights except to the extent expressly waived by the Town or expressly provided for in a franchise agreement, or other applicable laws, rules or regulations.

C. Town has maximum regulatory authority. The Town shall have the maximum plenary authority to regulate cable systems, grantees, and franchises as may now or hereafter be lawfully permissible; except where rights are expressly waived by a franchise agreement, they are reserved, whether expressly enumerated or not.

§ 37-9. Construal of provisions.

A. Provision to Town's benefit controlling. In the event of a conflict between this chapter as effective on the effective date of a franchise agreement and that franchise agreement, the terms of this chapter as effective on the effective date of that franchise agreement shall control, except as otherwise provided in a franchise agreement.

B. Liberal construction. To the extent permitted by law, the provisions of this chapter and a franchise agreement will be liberally construed in favor of the Town in order to effectuate their purposes and objectives and to promote the public interest, except as otherwise provided in a franchise agreement.

C. Governing law. Except as to matters that are governed solely by federal law or regulation, a franchise agreement will be governed by and construed in accordance with the laws of the State of Maine.

§ 37-10. Operation of cable system without franchise.

Any person who occupies public rights-of-way for the purpose of operating or constructing a cable system and who does not hold a valid franchise from the Town shall be subject to all provisions of this chapter, including but not limited to its provisions regarding construction and technical standards and franchise fees. In its discretion, the Town at any time may require such person to enter into a franchise agreement within 30 days of receipt of a written notice by the Town that a franchise agreement is required; require such person to remove its property and restore the area to a condition satisfactory to the Town within such time period; remove the property itself and restore the area to a satisfactory condition and charge the person the costs therefor; and/or take any other action it is entitled to take under applicable law, including filing

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for and seeking damages under trespass. In no event shall a franchise be created unless it is issued by action of the Town and subject to a franchise agreement.

§ 37-11. Right of condemnation reserved.

Nothing in this chapter or any franchise agreement shall limit any right the Town may have to acquire by eminent domain or otherwise any property of grantee.

§ 37-12. Acts at grantee's expense.

Any act that a grantee is or may be required to perform under this chapter, a franchise agreement, or applicable law shall be performed at the grantee's expense, unless expressly provided to the contrary in this chapter, the franchise agreement, or applicable law.

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ARTICLE IV
Applications for Grant, Renewal, or Modification of Franchises

§ 37-13. Written application.

A. Application requirement. A written application shall be filed with the Town for grant of an initial franchise; renewal of a franchise under 47 U.S.C. § 546(a) to (g); or modification of a franchise agreement pursuant to this chapter or a franchise agreement. An applicant shall demonstrate, in its application, compliance with all requirements of this chapter, any existing franchise agreement held by the applicant and all applicable laws.

B. Acceptability for filing. To be acceptable for filing, a signed original of the application shall be submitted, together with 12 copies. The Town Manager may, in combination with neighboring communities, establish a joint application procedure, provided that any such procedure conforms with the standards of this chapter. The application must be accompanied by the required application filing fee as set forth in § 37-18, conform to any applicable request for proposals, and contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of the applicant with respect to the application.

C. Applications available for public inspection. All applications accepted for filing shall be made available by the Town for public inspection in the office of the Town Clerk during normal business hours.

D. Town may waive. The Town Council may waive any of the provisions of this Article IV by resolution, where application of the rule would cause manifest injustice, except for those provisions required by state or federal law. Any waiver granted shall explain the basis for the waiver and shall not unduly discriminate against any applicant.

§ 37-14. Application for grant of franchise other than Cable Act renewal franchise.

A. Application. A person may apply for an initial franchise by submitting an application containing the information required in § 37-16 and requesting an evaluation of that application pursuant to § 37-14B. Prior to evaluating that application, the Town shall conduct such reasonable investigations as are necessary to determine whether the application satisfies the standards set forth in § 37-14B and may seek additional applications.

B. Factors in evaluating application for franchise or renewal of existing franchise. In evaluating an application for a franchise, the Town shall consider, among other things, the following factors:

(1) The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing cable franchise for the Town.

(2) Whether the quality of the applicant's service under an existing franchise in the Town, including signal quality, response to customer complaints, billing practices, and the like, has been reasonable in light of the needs and interests of the communities served.

(3) Whether the applicant has the financial, technical, and legal qualifications to provide cable service.

(4) Whether the application satisfies any minimum requirements established by the Town and is otherwise reasonable to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

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(5) Whether, to the extent not considered as part of § 37-14B(4), the applicant will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support, consistent with community needs and interests.

(6) Whether issuance of a franchise is warranted in the public interest considering the immediate and future effect on the public rights-of-way and private property that would be used by the cable system, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services, or use of the public rights-of-way; the effect of granting a franchise on the ability of the applicant and its proposed facilities to meet the cable-related needs and interests of the community.

(7) Whether the applicant or an affiliate of the applicant owns or controls any other cable system in the Town, or whether grant of the application may eliminate or reduce competition in the delivery of cable service in the Town.

C. Town determination. If the Town finds that it is in the public interest to issue a franchise after considering the factors set forth above, and subject to the applicant's entry into an appropriate franchise agreement, it shall issue a franchise. If the Town denies a franchise, it will issue within 30 days a written decision explaining why the franchise was denied. Prior to deciding whether or not to issue a franchise, the Town may hold one or more public hearings or implement other procedures under which comments from the public on an applicant may be received. The Town also may grant or deny a request for a franchise based on its review of an application without further proceedings and may reject any application that is incomplete. This chapter is not intended and shall not be interpreted to grant any applicant or existing grantee standing to challenge the issuance of a franchise to another, except as provided by applicable state or federal laws or regulations.

D. Joint review. The Town may elect to delegate review of an application to a consortium of local governments or a formally constituted interlocal body of which the Town is a member. Any such entity shall review the application in accordance with the standards of § 37-14B and make a recommendation to the Town. In such a case, the Town Council shall review the recommendation of the designated body and approve or reject it in accordance with the terms of § 37-14C.

§ 37-15. Application for grant of Cable Act Renewal franchise.

Applications for renewal under the Cable Act shall be received and reviewed in a manner consistent with Section 626 of the Cable Act, 47 U.S.C. § 546. If neither a grantee nor the Town activates in a timely manner or can activate the renewal process set forth in 47 U.S.C. § 546(a) to (g) (including, for example, if the provisions are repealed), and except as to applications submitted pursuant to 47 U.S.C. § 546(h), the provisions of § 37-14 shall apply and a renewal request shall be treated the same as any other request for a franchise. The following requirements shall apply to renewal requests properly submitted pursuant to the Cable Act:

A. Issuance of RFP. If the provisions of 47 U.S.C. § 546(a) to (g) are properly invoked, the Town may issue an RFP after conducting a proceeding to review the applicant's past performance and to identify future cable-related community needs and interests. The Town Council, or the Town Council's designee, shall establish deadlines and procedures for responding to the RFP, may seek additional information from the applicant, and shall establish deadlines for the submission of that additional information. Following receipt of the application responding to that RFP (and such additional information as may be provided in response to requests), the Town will determine that the franchise should be renewed, or make a preliminary assessment that the franchise should not be renewed. That determination shall be in accordance with the time limits established by the Cable Act. The

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preliminary determination shall be made by Order. If the Town determines that the franchise should not be renewed, and the applicant that submitted the renewal application notifies the Town, either in its RFP response or within 10 working days of the preliminary assessment, that it wishes to pursue any rights to an administrative proceeding it has under the Cable Act, then the Town shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. If the Town decides preliminarily to grant renewal, it shall prepare a final franchise agreement that incorporates, as appropriate, the commitments made by the applicant in the renewal application. If the applicant accepts the franchise agreement, and the final agreement is ratified by the Town, the franchise shall be renewed. If the franchise agreement is not so accepted and ratified within the time limits established by 47 U.S.C. § 546(c)(1), renewal shall be deemed preliminarily denied, and an administrative proceeding commenced if the applicant that submitted the renewal application requests it within 10 days of the expiration of the time limit established by 47 U.S.C. § 546(c)(1).

B. Administrative hearing. If an administrative hearing is commenced pursuant to 47 U.S.C. § 546(c), the applicant's renewal application shall be evaluated considering such matters as may be considered consistent with federal law. The following procedures shall apply:

(1) The Town Council shall, by order, appoint an administrative hearing officer or officers (referred to hereafter as "hearing officer"). The Town Council may appoint itself as hearing officer.

(2) The hearing officer shall establish a schedule for proceeding which allows for documentary discovery and interrogatory responses, production of evidence, and cross-examination of witnesses. Depositions shall not be permitted unless the party requesting the deposition shows that documentary discovery and interrogatory responses will not provide it an adequate opportunity to require the production of evidence necessary to present its case. The hearing officer shall have the authority to require the production of evidence as the interests of justice may require, including to require the production of evidence by the applicant that submitted the renewal application and any entity that owns or controls or is owned or controlled by such applicant directly or indirectly. The hearing officer may issue protective orders to the extent permitted under applicable state law. Any order may be enforced by a court of competent jurisdiction or by imposing appropriate sanctions in the administrative hearing.

(3) The hearing officer may conduct a prehearing conference and establish appropriate prehearing procedures. Intervention by nonparties is not authorized except to the extent permitted by the Cable Act.

(4) The hearing officer may require the Town and the applicant to submit prepared testimony prior to the hearing. Unless the parties agree otherwise, the applicant shall present evidence first and the Town shall present evidence second.

(5) Any reports or the transcript or summary of any proceedings conducted pursuant to 47 U.S.C. § 546(a) shall for purposes of the administrative hearing be regarded no differently from any other evidence. The Town and the applicant must be afforded full procedural protection regarding evidence related to these proceedings, including the right to refute any evidence introduced in those proceedings or sought to be introduced by the other party. Both shall have the opportunity to submit additional evidence related to issues raised in the proceeding conducted pursuant to 47 U.S.C. § 546(a).

(6) Following completion of any hearing, the hearing officer shall require the parties to submit proposed findings of fact with respect to the matters that the Town is entitled to consider in determining whether renewal should be granted. Based on the record of the hearing, the hearing officer shall then prepare written findings with respect to those matters and submit those

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findings to the Town Council and to the parties (unless the hearing officer is the Town Council, in which case the written findings shall constitute the final decision of the Town), if permitted by applicable laws or rules.

(7) If the hearing officer is not the Town Council, the parties shall have 30 days from the date the findings are submitted to the Town Council to file exceptions to those findings. The Town Council shall thereafter issue a written decision granting or denying the application for renewal, consistent with the requirements of the Cable Act and based on the record of such proceeding. A copy of that decision of the Town Council shall be provided to the applicant.

(8) The proceeding shall be conducted with due speed.

(9) In conducting the proceedings, and except as inconsistent with the foregoing, the hearing officer will follow the Maine Administrative Procedures Act[9] or the successor statutes thereto unless otherwise governed by federal law or regulations. The hearing officer may request that the Town Council adopt additional procedures and requirements as necessary in the interest of justice.

C. Informal renewal applications. This article does not prohibit any grantee from submitting an informal renewal application pursuant to 47 U.S.C. § 546(h), which application may be granted or denied in accordance with the provisions of 47 U.S.C. § 546(h).

D. Consistency with Cable Act. The provisions of this chapter shall be read and applied so that they are consistent with Section 626 of the Cable Act, 47 U.S.C. § 546.

§ 37-16. Contents of applications.

If issued by the Town, an RFP for the grant of a renewal franchise under 47 U.S.C. § 546(c) shall require, and any application for an initial or renewal franchise [other than an application submitted pursuant to 47 U.S.C. § 546(h)] shall contain, at a minimum, the following information:

A. Identification of applicant and its ownership and control. Name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of the 10 largest holders of an ownership interest in the applicant and controlling affiliates of the applicant, and all persons with 5% or more ownership interest in the applicant and its affiliates; the persons who control the applicant and its affiliates; all officers and directors of the applicant and its affiliates; and any other business affiliation and cable system ownership interest of each named person.

B. Statement of applicant's technical ability. A demonstration of the applicant's technical ability to construct and/or operate the proposed cable system, including identification of key personnel.

C. Statement of applicant's legal qualifications.

(1) A demonstration of the applicant's legal qualifications to construct and/or operate the proposed cable system, including but not limited to a demonstration that the applicant meets the following criteria:

(a) The applicant must not have submitted an application for an initial or renewal franchise to the Town which was denied on the ground that the applicant failed to propose a system meeting the cable-related needs and interests of the community, or as to which any challenges to such licensing decision were finally resolved adversely to the applicant, within one year preceding the submission of the application.

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9. Editor's Note: See 5 M.R.S.A. § 8001 et seq.

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(b) The applicant must not have had any cable television franchise validly revoked by any licensing authority within three years preceding the submission of the application.

(c) The applicant must have the necessary authority under Maine law to operate a cable system within Maine.

(d) The applicant shall not be issued a franchise if it may not hold the franchise as a matter of federal law. An applicant must have, or show that it is qualified to obtain, any necessary federal approvals or waivers required to operate the system proposed.

(e) The applicant shall not be issued a franchise if, at any time during the 10 years preceding the submission of the application, the applicant was convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the Town and the subscribers of the cable system, or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering, or other similar conduct.

(f) The applicant shall not be issued a franchise if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

(g) The applicant shall not be issued a franchise if an elected official of the Town holds a controlling interest in the applicant or is an affiliate of the applicant.

(2) Notwithstanding the foregoing, the Town shall provide an opportunity to an applicant to show that it would be inappropriate to deny it a franchise under § 37-16C(1)(b) or (e) by virtue of the particular circumstances surrounding the matter and the steps taken by the applicant to cure all harms flowing therefrom and prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of cable television systems.

D. Statement of applicant's financial qualifications. A statement prepared by a certified public accountant regarding the applicant's financial ability to complete the construction and operation of the cable system proposed.

E. Description of prior experience. A description of the applicant's prior experience in cable system ownership, construction, and operation; and identification of communities in which the applicant or any or its principals have, or have had, a cable franchise or license or any interest therein, provided that an applicant that holds a franchise for the Town and is seeking renewal of that franchise need only provide this information for other communities where its franchise was scheduled to expire in the two calendar years prior to and after its application was submitted.

F. Identification of area to be served. Identification of the area of the Town to be served by the proposed cable system, including a description of the proposed franchise area's boundaries. All grantees shall be bound and required to serve the same areas within the Town.

G. Description of physical facilities. A detailed description of the physical facilities proposed, including channel capacity, technical design, performance characteristics, headend, and access facilities.

H. Description of construction of proposed system. Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location; the proposed construction schedule; a description, where appropriate, of how services will be converted from existing facilities to new facilities; and information on the availability of space in conduits, including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities.

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I. Proposed rate structure. The proposed rate structure, including projected charges for each service tier, installation, converters, and other equipment or services.

J. Demonstration of how future community needs and interests will be met. A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the Town, and how the applicant will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support to meet the community's needs and interests. The Town Manager may, in coordination with neighboring communities, establish procedures for conducting a joint-needs assessment.

K. Pro forma financial projections. Pro forma financial projections for the proposed franchise term, including a statement of projected income, and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.

L. Identification of area of overbuild. If the applicant proposes to provide cable service to an area already served by an existing cable grantee, the identification of the area where the overbuild would occur, the potential subscriber density in the area that would encompass the overbuild, the ability of the public rights-of-way and other property that would be used by the applicant to accommodate an additional system, and assurances that any existing facilities will not be disturbed by the proposed overbuild, except as necessary for make-ready work.

M. Other information. Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this chapter.

N. Information requested by Town. Information that the Town may reasonably request of the applicant that is relevant to the Town's consideration of the application.

O. Certification of accuracy. An affidavit or declaration of the applicant or authorized officer, certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all federal and state law requirements, in a format approved by the Town.

§ 37-17. Application for modification of franchise.

An application for modification of a franchise agreement shall include, at a minimum, the following information:

A. The specific modification requested;

B. The justification for the requested modification, including the impact of the requested modification on subscribers and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through inter alia submission of financial pro formas;

C. A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. § 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. § 545;

D. Any other information that the applicant believes is necessary for the Town to make an informed determination on the application for modification; and

E. An affidavit or declaration of the applicant or authorized officer, certifying the truth and accuracy of the information in the application and certifying that the application is consistent with all federal and

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state law requirements.

§ 37-18. Filing fees.

A. To be acceptable for filing, an application submitted after the effective date of this chapter shall be accompanied by a filing fee in the following amount to cover costs incidental to the awarding or enforcement of the franchise, as appropriate:

(1) For an initial franchise: $500.

(2) For renewal of a franchise: $500.

(3) For modification of a franchise agreement: $500.

B. The Town may also elect to share the costs of reviewing an application with other communities served by the system of which an existing or proposed cable system in the Town is a part. In that case, the filing fees shown above shall not apply, and shall be replaced with combined filing fees for all communities with whom the Town is sharing expenses. The combined filing fees shall be $7,000 for an initial grant or a modification, and $7,000 for a renewal.

C. Combined filing fees shall be prorated among the participating communities on the basis of the number of residents in each community as of the most recent U.S. Census, or allocated according to some other mutually agreeable method.

D. Application fees for franchise renewals may be increased as necessary to recover the Town's additional cost of conducting any hearings required under 47 U.S.C. § 546(a) to (g) if the grantee has invoked that procedure in its renewal application.

§ 37-19. Public hearings.

An applicant shall be notified, in writing, at least 10 calendar days in advance of any public hearings held in connection with the evaluation of its application and shall be given an opportunity to be heard. In addition, prior to the issuance of a franchise, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every applicant and its applications shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard. Reasonable notice to the public shall include causing notice of the time and place of such hearing to be published in a newspaper of general circulation in the proposed franchise area once a week for two consecutive weeks. The first publication shall be not less than 14 days before the day of the hearing. Nothing herein shall be deemed to prevent or limit communities in which the applicant has requested grant or renewal of a franchise from holding joint public hearings in a location reasonably accessible to residents of each community which is the subject thereof.

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ARTICLE V
Insurance and Indemnity

§ 37-20. Insurance required.

A. A grantee shall maintain, and by its acceptance of a franchise specifically agrees that it will maintain, throughout the entire length of the franchise period such insurance as will protect the Town and elected officials, employees and agents from any claims that may arise directly or indirectly or result from its acceptance of the franchise or its activities under the franchise, whether such activities are performed by the grantee or by anyone for whose acts the grantee may be liable, including, but not limited to, the following:

(1) Workers' compensation, including disability benefits and any other legally required employee benefits, meeting all statutory amounts;

(2) Property insurance, all risk, replacement-cost basis, on all of the grantee's assets;

(3) General liability insurance in the following minimum amounts:

(a) Bodily injury or death: $1,000,000 per person.

(b) Primary insurance: $1,000,000 per occurrence.

(c) Umbrella insurance: $5,000,000.

(d) Property damage: $1,000,000.

B. The Town may review these amounts no more than once a year and may require reasonable adjustments to them consistent with the public interest. The franchise agreement may specify the procedures to be followed in the event that the grantee objects to an increase in a policy limit and the parties are unable to agree on a mutually acceptable amount.

§ 37-21. Qualifications of sureties.

All insurance policies shall be with sureties qualified to do business in the State of Maine with an A or better rating of insurance by Best's Key Rating guide, Property/Casualty Edition, and in a form acceptable to the Town.

§ 37-22. Evidence of insurance.

A grantee shall keep on file with the Town current certificates of insurance. A grantee shall provide the Town with copies of all insurance policies in effect during the franchise period upon the written request of the Town.

§ 37-23. Additional insureds; prior notice of policy cancellation.

All general liability insurance policies shall name the Town, elected officials, officers, boards, commissions, commissioners, agents, and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless 30 days' prior written notice thereof has been given to the Town. A grantee shall not cancel any required insurance policy without submission of proof that the grantee has obtained alternative insurance satisfactory to the Town which complies with this chapter.

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§ 37-24. Indemnification.

A. Indemnification for damages and equitable relief. A grantee shall, at its sole cost and expense, indemnify, hold harmless, and defend the Town, its inhabitants, elected officials, officers, boards, commissions, commissioners, agents, and employees against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its cable system; copyright infringements or a failure by the grantee to secure consents from the owners, authorized distributors, or grantees of programs to be delivered by the cable system; the conduct of the grantee's business in the Town; or in any way arising out of the grantee's enjoyment or exercise of a franchise granted hereunder, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this chapter or a franchise agreement.

B. Indemnification for Cable Act claims. A grantee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the Town and, in its capacity as such, the officers, agents, and employees thereof from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. § 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its system, including but not limited to any claim against the grantee for invasion of the right of privacy, defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark, or patent, or of any other right of any person, firm or corporation. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels leased pursuant to 47 U.S.C. § 532, unless the grantee was in any respect engaged in determining the editorial content of the program or adopts a policy of prescreening programming for the purported purpose of banning indecent or obscene programming.

C. Attorneys' fees. The indemnity provision includes, but is not limited to, the Town's reasonable attorneys' fees incurred in defending against any such claim, suit, action or proceeding.

§ 37-25. Construal of liability.

Neither the provisions of this article nor any damages recovered by the Town shall be construed to limit the liability of a grantee for damages under any franchise issued hereunder.

§ 37-26. Exercise of lawful authority.

Without limiting such immunities as it may have under applicable law, the Town shall not be liable to the grantee for any damages or loss that the grantee may suffer as the result of the Town's exercise of its lawful authority pursuant to this chapter, a franchise agreement, or other applicable law.

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ARTICLE VI
Performance Bond

§ 37-27. Requirement of bond.

Prior to any construction, rebuild or upgrade of the cable system requiring work in the public rights-of-way other than installation of aerial facilities and utility poles, a grantee shall establish in the Town's favor an irrevocable performance bond in an amount specified in the franchise agreement or otherwise determined as reasonable by municipal officers as necessary to ensure the grantee's faithful performance of the construction, upgrade, or other work. The amount of such performance bond shall not exceed the lesser of 10% of the total cost of the work being done in the public right-of-way other than installation of aerial facilities and utility poles, or $50,000.

§ 37-28. Recovery under performance bond.

In the event that a grantee subject to such a performance bond fails to complete the cable system construction, upgrade, or other work in the public rights-of-way in a safe, timely (subject to the force majeure provision of § 37-86), and competent manner in accordance with the provisions of a franchise agreement, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee, or the cost of completing or repairing the system construction, upgrade, or other work in the public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The Town may also recover against the bond any amount recoverable against the security fund required under Article VII of this chapter, where such amount exceeds that available under the security fund.

§ 37-29. Elimination or reduction of bond.

Any performance bond shall remain in place for one full year after completion to the satisfaction of the Town of the work in the public right-of-way.

§ 37-30. New bond for new project.

The Town may subsequently require a new bond for any subsequent construction or other work in the public rights-of-way other than installation of aerial facilities and utility poles whose cost exceeds an amount specified in a franchise agreement. In the event a grantee fails to complete the work secured by such a new performance bond in a safe, timely and competent manner, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee, or the cost of completing or repairing the system construction, upgrade, or other work in the public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The Town may also recover against the bond any amount recoverable against the security fund required under Article VII of this chapter, where such amount exceeds that available under the security fund. In any event, the total amount of the bond shall not exceed the lesser 10% of the cost of the work being done in the public right-of-way or $50,000.

§ 37-31. Issuance of bond; notice of cancellation required.

Any performance bond shall be issued by a surety qualified to do business in the State of Maine and, having an A-1 or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the Town and shall contain the following endorsement:

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"This bond may not be canceled, or allowed to lapse, until 60 days after notice to the Town by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

§ 37-32. Forfeiture.

The total amount of any outstanding bond shall be forfeited in favor of the Town in the event that:

A. The grantee abandons the cable system or any part thereof at any time during the term of the franchise; or

B. The grantee fails to purchase and maintain insurance as required by Article V hereof; or

C. The franchise is revoked as provided in § 37-41 hereof.

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ARTICLE VII
Security Fund

§ 37-33. Establishment of security fund.

A. A franchise agreement may provide that, prior to the franchise's becoming effective, the grantee shall post with the Town a cash security deposit to be used as a security fund to ensure the grantee's faithful performance of and compliance with all provisions of this chapter, the franchise agreement, and other applicable laws; and compliance with all orders, permits, and directions of the Town or any agency thereof having jurisdiction over the grantee's acts or defaults under the franchise; and the payment by the grantee of any claims, liens, fees, or taxes due the Town which arise by reason of the construction, operation, or maintenance of the system. The amount of any security fund shall be specified in a franchise agreement.

B. In lieu of a cash security fund, a grantee may agree to file and maintain with the Town an irrevocable letter of credit with a bank having an office in the State of Maine in the amount specified in the preceding subsection to serve the same purposes as set forth therein. Said letter of credit shall remain in effect for the full term of the franchise, plus an additional six months thereafter. The grantee and its surety shall be jointly and severally liable under the terms of the letter of credit for the grantee's failure to ensure its faithful performance of and compliance with all provisions of this chapter, the franchise agreement, and other applicable law; and compliance with all orders, permits, and directions of the Town; and the payment by the grantee of any claims, liens, fees, or taxes due the Town which arise by reason of the construction, operation, or maintenance of the system. The letter of credit shall provide for 30 days' prior written notice to the Town of any intention on the part of the grantee to cancel, fail to renew, or otherwise materially alter its terms. Neither the filing of a letter of credit with the Town nor the receipt of any damages recovered by the Town thereunder shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under the terms of its franchise for damages, either to the full amount of the letter of credit or otherwise.

§ 37-34. Use of fund.

If a grantee fails to make timely payment to the Town of any amount due as a result of franchise requirements, fails to make timely payment to the Town of any amounts due under a franchise agreement or applicable law, fails to make timely payment to the Town of any taxes lawfully due, or fails to compensate the Town for any damages, costs, or expenses the Town suffers or incurs by reason of any act or omission of the grantee in connection with its franchise agreement, the Town may withdraw the amount thereof from the security fund. To invoke the provisions of this section, the Town shall give the grantee written notice of the default in the grantee's performance. If, within 30 calendar days following such written notice from the Town to the grantee, the grantee has not remedied the default to the satisfaction of the Town, the Town may proceed to withdraw the amount in question from the security fund, provided that if by its nature the default cannot be remedied within 30 days and the grantee has demonstrated to the satisfaction of the Town that it is making a continuing good-faith effort to remedy the default, the Town shall not draw on the security fund.

§ 37-35. Notification of withdrawal.

Within 10 business days of a withdrawal from the security fund, the Town shall mail, by certified mail, return receipt requested, written notification of the amount, date, and purpose of such withdrawal to the grantee.

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§ 37-36. Inadequate fund balance.

If at the time of a withdrawal from the security fund by the Town the amount of the fund is insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of the grantee to the Town until it is paid.

§ 37-37. Replenishment.

No later than 30 days after mailing of notification to the grantee by certified mail, return receipt requested, of a withdrawal under the security fund, the grantee shall deliver to the Town for deposit in the security fund an amount equal to the amount so withdrawn. Failure to make timely delivery of such amount to the Town shall constitute a material violation of the franchise.

§ 37-38. Disposition upon franchise termination.

Upon termination of the franchise under conditions other than those stipulating forfeiture of the security fund, the balance then remaining in the security fund shall be withdrawn by the Town and paid to the grantee within 90 days of such termination, provided that there is then no outstanding material default on the part of the grantee.

§ 37-39. Grantor rights.

The rights reserved to the Town with respect to Articles V, VI, and VII hereof are in addition to all other rights of the Town, whether reserved by this chapter or authorized by other law or a franchise agreement, and no action, proceeding, or exercise of a right with respect to such sections shall affect any other right the Town may have.

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ARTICLE VIII
Remedies

§ 37-40. Available remedies.

In addition to any other remedies available at law or equity, the Town may pursue the following remedies in the event a grantee or any other person violates this chapter, its franchise agreement, or applicable state or federal law:

A. Seek a determination from a court of competent jurisdiction that a provision of this chapter has been violated. If such a violation is found to exist by the court, the minimum fine imposed shall be $50 and the maximum fine imposed per violation shall be $250. Each day the violation is found to exist shall constitute a separate violation for which the above-indicated fine may be assessed. Any violation found to exist on the day of trial may be found, at a minimum, to have existed from the filing date of the complaint until the day of trial and the fine assessed accordingly, unless the grantee affirmatively proves that said violation did not exist during any part of or all of the aforementioned time period. If the grantee is found by the court to have been adjudicated in violation of any provision of this chapter on more than one occasion within two years, whether or not a violation of the same provision of this chapter, the minimum fine per violation shall be $100 and the maximum fine per violation shall be $500.

B. Seek legal or equitable relief from any court of competent jurisdiction.

C. Apply any remedy provided for in a franchise agreement, including enforcing provisions, if any.

§ 37-41. Revocation or termination.

A. Town right to revoke franchise. The Town shall have the right to revoke the franchise for a grantee's substantial failure to construct or operate the cable system as required by this chapter or a franchise agreement, for defrauding or attempting to defraud the Town or subscribers, if the grantee is declared bankrupt, or for any other material violation of this chapter or material breach of a franchise agreement. To invoke the provisions of this article, the Town shall give the grantee written notice of the default in its performance. If, within 30 calendar days following such written notice from the Town to the grantee, the grantee has not taken corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the Town, the Town may give written notice to the grantee of its intent to revoke the franchise, stating its reasons, provided that no opportunity to cure shall be provided where the grantee has defrauded or attempted to defraud the Town or its subscribers, or in the event the grantee is declared bankrupt. In the case of a fraud or attempted fraud, the franchise may be revoked after the hearing required under § 37-41B; revocation for bankruptcy shall be governed by § 37-41C.

B. Public hearing. Prior to revoking a franchise, the Town shall hold a public hearing, on 30 calendar days' written notice, at which time the grantee and the public shall be given an opportunity to be heard. Following the public hearing, the Town may determine to revoke the franchise based on the information presented at the hearing and other information of record. If the Town determines to revoke a franchise, it shall issue a written decision setting forth the reasons for its decision. A copy of such decision shall be transmitted to the grantee.

C. Revocation after assignment for benefit of creditors or appointment of receiver or trustee.

(1) To the extent provided by law, any franchise may, at the option of the Town following a public hearing, be revoked 120 calendar days after an assignment for the benefit of creditors or the

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appointment of a receiver or trustee to take over the business of the grantee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding, unless within that 120-day period:

(a) Such assignment, receivership, or trusteeship has been vacated; or

(b) Such assignee, receiver, or trustee has fully complied with the material terms and conditions of this chapter and a franchise agreement and has executed an agreement, approved by a court of competent jurisdiction, assuming and agreeing to be bound by the terms and conditions of this chapter and a franchise agreement, and such other conditions as may be established or as are required under Article XIII of this chapter.

(2) In the event of foreclosure or other judicial sale of any of the facilities, equipment, or property of a grantee, the Town may revoke the franchise, following a public hearing before the Town, by serving notice on the grantee and the successful bidder at the sale, in which event the franchise and all rights and privileges of the franchise will be revoked and will terminate 30 calendar days after serving such notice, unless the Town has approved the transfer of the franchise to the successful bidder, and the successful bidder has covenanted and agreed with the Town to assume and be bound by the terms and conditions of the franchise agreement and this chapter, and such other conditions as may be established or as are required pursuant to Article IX of this chapter.

D. Procedures on revocation, abandonment, and termination. If the Town revokes a franchise or if for any other reason a grantee abandons, terminates, or fails to operate or maintain service to its subscribers, the following procedures and rights are effective:

(1) The Town may require the former grantee to remove its facilities and equipment located in the public rights-of-way and on public premises at the former grantee's expense. If the former grantee fails to do so within a reasonable period of time, the Town may have the removal done at the former grantee's and/or surety's expense. The foregoing provisions shall not apply if, within three months of expiration, termination or revocation of the franchise, the grantee obtains certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications services.

(2) In the event of revocation, the Town, by written order, may acquire ownership of the cable system at not less than fair market value, determined on the basis of the cable system valued as a going concern, but with no value allocated to the franchise itself, as specified at 47 U.S.C. § 547(a)(1).

(3) If a cable system is abandoned by a grantee or the franchise otherwise terminates, the ownership of all portions of the cable system in the public rights-of-way shall revert to the Town and the Town may sell, assign, or transfer all or part of the assets of the system. If a grantee abandons a portion of its system, the ownership of the abandoned portions of the cable system in the public rights-of-way shall revert to the Town and the Town may sell, assign or transfer the abandoned facilities. A cable system or a portion thereof shall be deemed abandoned if a grantee:

(a) Gives the Town written notice of its decision to abandon the system or the portion in question; or

(b) Fails to provide cable service to subscribers served by the system or the relevant portion thereof on a continuous basis for a period of 30 consecutive calendar days or more.

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E. Forfeiture for failure to comply with franchise obligation. Notwithstanding any other provision of this chapter other than the force majeure clause of § 37-86, where the Town has issued a franchise specifically conditioned in the franchise agreement on the completion of construction, system upgrade, or other specific obligation by a specified date, failure of the grantee to complete such construction or upgrade or to comply with such other specific obligations as required will result in the automatic forfeiture of the franchise without further action by the Town where it is so provided in the franchise agreement, unless the Town, at its discretion and for good cause demonstrated by the grantee, grants an extension of time.

§ 37-42. Obligation of compliance.

The Town's exercise of one remedy or a grantee's payment of liquidated damages or penalties shall not relieve a grantee of its obligations to comply with its franchise. In addition, the Town may exercise any rights it has at law or equity.

§ 37-43. Relation to insurance and indemnity requirements.

Recovery by the Town of any amounts under insurance, the performance bond, the security fund or letter of credit, or otherwise does not limit a grantee's duty to indemnify the Town in any way; nor shall such recovery relieve a grantee of its obligations under a franchise, limit the amounts owed to the Town, or in any respect prevent the Town from exercising any other right or remedy it may have, provided that this section shall not be interpreted as permitting the Town to recover twice for the same damages. In addition, any civil fine imposed pursuant to § 37-40A or other applicable law shall not be treated as a recovery for purposes of this section.

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ARTICLE IX
Transfers

§ 37-44. Town approval required.

No transfer shall occur without prior approval of the Town; provided, however, that no such approval shall be required for transfers resulting from the transfer of ownership interests between existing holders of ownership interests in a grantee, where such holders were also holders of ownership interests in the grantee at the time of the original grant of the franchise to the grantee.

§ 37-45. Application.

An application for a transfer shall provide complete information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the transferee, and on the potential impact of the transfer on subscriber rates and service. At a minimum, the information required under federal law and in § 37-16A to D, I through K, M, and O of this chapter shall be provided with respect to the proposed transferee.

§ 37-46. Determination by Town.

In making a determination as to whether to grant, deny, or grant subject to conditions an application for a transfer of a franchise, the Town shall not unreasonably withhold its consent, but shall first consider the legal, financial, and technical qualifications of the transferee to operate the system; whether the incumbent cable operator is in compliance with its franchise agreement and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether the transferee owns or controls any other cable system in the Town or whether operation by the transferee may eliminate or reduce competition in the delivery of cable service in the Town; and whether operation by the transferee or approval of the transfer would adversely affect subscribers, the Town's interest under this chapter, the franchise agreement or other applicable law, or make it less likely that the future cable-related needs and interests of the community would be satisfied at a reasonable cost. The Town reserves the right to review the purchase price of any transfer or assignment of a cable system. To the extent permitted by applicable law, any negotiated sale value which the Town deems unreasonable will not be considered in the rate base for any subsequent request for rate increases.

§ 37-47. Transferee agreement.

No application for a transfer of a franchise shall be granted unless the transferee agrees, in writing, that it will abide by and accept all terms of this chapter and the franchise agreement and that it will assume the obligations, liabilities, and responsibility for all acts and omissions, known, and unknown, of the previous grantee under this chapter and the franchise agreement for all purposes, including renewal, unless the Town, in its sole discretion, expressly waives this requirement in whole or in part.

§ 37-48. Approval of transfer not to constitute waiver.

Approval by the Town of a transfer of a franchise shall not constitute a waiver or release of any of the rights of the Town under this chapter or a franchise agreement, whether arising before or after the date of the transfer.

§ 37-49. Processing fee.

As a condition of considering a transfer, the Town may impose a fee on the transferee to cover its estimated

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out-of-pocket expenses in considering the application for transfer of a franchise. Any amount collected in excess of the estimated amount shall be returned to the transferee.

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ARTICLE X
Franchise Fee

§ 37-50. Findings.

The Town finds that the public rights-of-way of the Town, county, and state to be used by a grantee for the operation of a cable system are valuable public property acquired and maintained by the county, state, and Town at great expense to the taxpayers. The Town further finds that the grant of a franchise to use public rights-of-way is a valuable property right without which a grantee would be required to invest substantial capital.

§ 37-51. Payment and report to Town.

As a compensation for use of the public rights-of-way and in light of the scope of any franchise, in addition to providing channels, facilities and other support for public, educational and governmental use of the cable system, a grantee shall pay the Town a franchise fee. The amount of the fee shall be specified in a franchise agreement. The franchise fee shall be paid annually, provided that provisions for more frequent payments may be specified in a franchise agreement. At least once a year, the grantee shall provide the Town a report setting forth the total of gross revenues for the year or other period in question and identifying the amount of revenues attributable to each category of gross revenues received by the grantee, including nonsubscriber gross revenues, and the number of subscribers receiving each category of cable service offered by the grantee.

A. Town right to request audit. The Town shall have the right to retain an independent auditor to audit the records of a grantee to verify the computation of amounts payable under this chapter or a franchise agreement; and recompute any amounts determined to be payable under this chapter or a franchise agreement, whether the records are held by the grantee, an affiliate, or any other entity that collects or receives funds related to the grantee's operation in the Town, including, by way of illustration and not limitation, any entity that sells advertising on the grantee's behalf. The grantee shall be responsible for all reasonable costs associated with any such audit, including the auditor's fees, as a cost incidental to the enforcement of the franchise, and shall have no control over the identity or selection of the auditor. The Town shall have sole discretion in selecting the auditor and shall not be responsible for any costs associated with the audit. The Town shall have the right to review the auditor's report and methodology, including the right to obtain an explanation of all of the auditor's assumptions and calculations, and the right to challenge and request changes to any such assumptions and calculations. The Town shall not, however, be permitted to obtain copies of documents received by the auditor, with the exception of documents voluntarily provided by the grantee to the Town, or subject to copying by the Town pursuant to § 37-74. The grantee shall be responsible for providing all such records to the auditor, without regard to by whom they are held. The records shall be maintained for at least three years. Any additional amounts due to the Town as a result of an audit shall be paid within 30 days following written notice to the grantee by the Town of the underpayment, which notice shall include a copy of the audit report. The Town may exercise its audit right no more frequently than once per year, and only upon written notice to the grantee.

B. Maintenance of records. A grantee shall maintain its fiscal and financial records and have all relevant fiscal and financial records maintained by others on its behalf in such a manner as to enable the Town to determine the cost of assets of the grantee which are used in providing services within the Town for purposes of assessing any personal property or other taxes and for purposes of verifying any filings that may be made in connection with any cost of service proceedings, and to determine gross revenues. For purposes of assessing state and local taxes, the cost of assets shall be determined in

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accordance with any applicable provision of state law. For purposes of any cost-of-service proceedings, and for purposes of assessing state and local taxes, if state law does not provide a method, the cost of assets shall be determined in accordance with FCC rules pertaining to cost-of-service proceedings.

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ARTICLE XI
Construction Provisions

§ 37-52. System construction schedule.

Every franchise agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the cable system.

§ 37-53. Construction standards.

A. Construction shall be in accordance with all applicable laws. The construction, operation, maintenance, and repair of a cable system shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, as amended,[10] the National Electrical Safety Code, the National Electric Code, other applicable federal, state, or local laws and regulations that may apply to the operation, construction, maintenance, or repair of a cable system, including, without limitation, local zoning and construction codes, and laws and accepted industry practices, all as hereafter may be amended or adopted.

B. Wires to cause minimum inconvenience. All wires, cable lines, and other transmission lines, equipment, and structures shall be installed and located to cause minimum interference with the rights and convenience of property owners.

C. Installation of equipment to be of permanent nature. All installation of electronic equipment shall be of a permanent nature, using durable components.

D. Antennae. Without limiting the foregoing, to the extent applicable, antennae and their supporting structures (towers) shall be painted, lighted, erected, and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local laws, codes, and regulations, all as hereafter may be amended or adopted.

E. Good engineering practices. Without limiting the foregoing, all of a grantee's plant and equipment, including, but not limited to, the antennae site, headend and distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fiber optic cable, fixtures, and apparatuses shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced and properly trained maintenance and construction personnel so as not to endanger or interfere with improvements the Town shall deem appropriate to make or to interfere in any manner with the public rights-of-way or legal rights of any property owner or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.

F. Safety practices. All safety practices required by law shall be used during construction, maintenance, and repair of a cable system. A grantee shall at all times employ reasonable care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public.

G. No interference with other utilities. A grantee shall not place facilities, equipment, or fixtures where they will interfere with any gas, electric, telephone, water, sewer, or other utility facilities, or obstruct or hinder in any manner the various utilities serving the residents of the Town or their use of any public rights-of-way.

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10. Editor's Note: See 29 U.S.C. § 651 et seq.

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H. Repair of rights-of-way. Any and all public rights-of-way, public property, or private property that are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, or construction of a system or otherwise, including installation, repair, maintenance or replacement of a grantee's equipment, shall be promptly repaired by the grantee.

I. Removal of system due to conditions in rights-of-way. A grantee shall, by a time specified by the Town, protect, support, temporarily disconnect, relocate, or remove any of its property when required by the Town by reason of traffic conditions; public safety; public right-of-way construction; public right-of-way maintenance or repair (including resurfacing or widening); change of public right-of-way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned communications system; public work or improvement of any government-owned utility; public right-of-way vacation; or for any other purpose where the convenience of the Town would be served thereby; provided, however, that the grantee shall, in all such cases, have the privilege of abandoning any property in place.

J. Removal by Town due to emergency. In the event of an emergency, or where a cable system creates or is contributing to an imminent danger to health, safety, or property, the Town may remove, relay, or relocate that portion of the cable system. Unless the nature of the emergency or danger is such that immediate action is necessary to preserve life or property or to prevent physical harm to any individual, the Town shall provide telephonic notice to the grantee prior to removing, relaying or relocating any portion of a grantee's cable system.

K. Raising or lowering wires to permit moving of buildings. A grantee shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the grantee shall have the authority to require such payment in advance, except in the case where the requesting person is the Town, in which case no such payment shall be required. The grantee shall be given reasonable advance notice to arrange for such temporary wire changes, as provided in 35-A M.R.S.A. § 2516.

L. Authority to trim trees. A grantee shall have the authority to trim trees that overhang a public right-of-way of the Town so as to prevent the branches of such trees from coming in contact with the wires, cables and equipment of the grantee. Except in emergencies, a grantee shall notify the Town at least one business day prior to performing any such trimming. At the option of the Town, such trimming may be done by the Town or under the Town's supervision and direction, at the expense of the grantee.

M. Use of existing utility facilities. A grantee shall use, with the owner's permission, existing underground conduits or overhead utility facilities whenever feasible and may not erect poles or support equipment in public rights-of-way without the express permission of the Town. Copies of agreements for use of conduits or other facilities shall be filed with the Town as required by a franchise agreement or upon the Town's written request.

N. Undergrounding of cable.

(1) In public rights-of-way or other places where electrical and telephone utility wiring is located underground, either at the time of initial construction of a cable system or at any time thereafter, a grantee's cable system also shall be located underground.

(2) Between a public right-of-way and a subscriber's residence, if either electric or telephone utility wiring is aerial, a grantee may install aerial cable except where a property owner or resident requests underground installation and agrees to bear the additional cost of such installation over

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and above the cost of aerial installation. Where existing subdivision approvals, deed covenants, municipal zoning or other legal restrictions require underground location of utilities, the grantee's cable shall be located underground, and the subscriber shall bear the additional cost of such installation on their property as a condition of receiving cable service.

O. Town use of grantee's poles. The Town shall have the right to install and maintain free of charge upon the poles owned by a grantee any wire and pole fixtures that do not materially interfere with the cable system operations of the grantee.

P. Town approval of construction. Prior to erection of any towers, poles, or conduits or the construction, upgrade, or rebuild of a cable system authorized under this chapter or a franchise agreement, a grantee shall first submit to the Town and other designated parties for approval a concise description of the cable system proposed to be erected or installed, including engineering drawings, if required, together with a map and plans indicating the proposed location of all such facilities. No erection or installation of any tower, pole, underground conduit, or fixture or any rebuilding or upgrading of a cable system shall be commenced by any person until the grantee has obtained all building permits, street operating permits or other approvals required by the Town under any ordinance, regulation or procedure generally applicable to such activities.

Q. Contractors and subcontractors. Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of system equipment must be properly licensed under laws of the state and all applicable local ordinances. The grantee must ensure that contractors, subcontractors and all employees who will perform work for it are trained and experienced. Each contractor and subcontractor must perform work in compliance with all applicable provision of law and a franchise agreement, and the grantee shall implement a quality control program to ensure that the work is so performed.

§ 37-54. Publicizing proposed construction work.

Except in emergencies or to restore outages, a grantee shall publicize proposed construction work prior to commencement of that work by causing written notice of such construction work to be delivered to the Town and by notifying those persons most likely to be affected by the work in at least two of the following ways: by telephone, in person, by mail, by distribution of fliers to residences, by publication in a local newspaper of general circulation in the community, or in any other manner reasonably calculated to provide adequate notice, including use of local informational channels. Whenever practicable, such notice shall be given at least one week prior to commencement of the work concerned.

§ 37-55. Continuity of service.

A. Subscriber right. It is the right of all subscribers in a grantee's franchise area to receive all services that a grantee is then providing under the terms of a valid franchise as long as their financial and other obligations to the grantee are satisfied; provided, however, that to the extent a grantee's agreements with its programming providers prohibit the grantee from providing certain cable services to nonresidential subscribers, the grantee may exclude such services from its offerings to nonresidential subscribers.

B. Assurance of continuous uninterrupted service. A grantee shall ensure that all subscribers receive continuous uninterrupted service. To this end, the grantee shall:

(1) In the event of a sale or transfer of its franchise, cooperate with the Town to assure an orderly transition from it to another grantee and take all steps necessary to maintain service to

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subscribers until the sale or transfer has been completed;

(2) Not abandon service to the entire Town without having given 12 months' prior notice to the Town; and

(3) Not abandon service to any portion of the Town (excepting termination of service to individual subscribers as otherwise permitted) without having given six months' prior written notice to the Town. Following such notice, the grantee shall continue to be obligated to comply with the terms and conditions of its franchise agreement and applicable laws and regulations and shall cooperate with the Town to assure an orderly transition from it to another grantee.

C. Abandonment of system. If a grantee abandons its system during the franchise term, or fails to operate its system in accordance with this Article XI during any transition period, the Town, at its option, may operate the system, designate another entity to operate the system temporarily until the grantee restores service under conditions acceptable to the Town or until the franchise is revoked and a new grantee selected by the Town is providing service, or obtain an injunction requiring the grantee to continue operations. If the Town is required to operate or designate another entity to operate the cable system, the grantee shall reimburse the Town or its designee for all reasonable costs and damages incurred that are in excess of the revenues from the cable system. In addition, any abandonment of a system shall be subject to all of the provisions of 30-A M.R.S.A. § 3008, Subdivision 3B.

D. Injunctive relief. The Town shall be entitled to injunctive relief under the preceding subsection if:

(1) The grantee fails to provide cable service in accordance with its franchise over a substantial portion of the franchise area for 96 consecutive hours, unless the Town authorizes a longer interruption of service or as permitted pursuant to the force majeure clause of § 37-86; or

(2) The grantee, for any period, willfully and without cause refuses to provide cable service in accordance with its franchise over a substantial portion of the franchise area.

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ARTICLE XII
System Facilities, Equipment, and Services

§ 37-56. Conditions required for all cable systems.

In addition to satisfying such requirements as may be established through the application process, every cable system shall be subject to the following conditions, except as prohibited by federal law.

§ 37-57. Provision of service.

Each franchise agreement shall contain a line extension policy that shall govern a grantee's obligation to extend service. Unless otherwise specified in a franchise agreement, after cable service has been established by activating trunk distribution cable for an area specified in a franchise agreement, a grantee shall provide cable service to any household requesting cable service within that area, including each multiple dwelling unit in that area, except for multiple dwelling units to which it cannot legally obtain access. In providing services to multiple dwelling units, a grantee shall comply with all applicable provisions of 14 M.R.S.A. § 6041.

§ 37-58. Full video service to municipal buildings; facilities and equipment.

A franchise agreement may require a grantee to install, at no charge, at least one service outlet at all municipal buildings and public schools within the franchise area that can be reached by a standard drop, and may provide that the grantee shall charge only its time and material costs for any additional service outlets to such facilities. A franchise agreement may also require a grantee to provide basic cable service and the lowest tier of cable programming services to such buildings free of charge. Finally, a franchise agreement may provide that such service outlets shall be capable of providing the full range of noncable electronic data and telecommunication services provided by a grantee, and may require other facilities and equipment and channel capacity in accordance with the Cable Act, at rates and terms set out in the franchise agreement.

§ 37-59. Technical standards.

A. FCC standards. Any cable system within the Town shall meet or exceed the technical standards set forth in 47 CFR 76.601 and any other applicable technical standards, including any such standards as hereafter may be amended or adopted by the Town in a manner consistent with federal law.

B. Facilities shall not interfere with others' signals or facilities. A grantee shall not design, install, or operate its facilities in a manner that will interfere with the signals of any broadcast station, the facilities of any public utility, the cable system of another grantee, or individual or master antennae used for receiving television or other broadcast signals.

§ 37-60. Proof-of-performance tests.

At the times specified in a franchise agreement or as required by FCC rules, a grantee shall perform proof-of-performance tests, and such other tests as may be specified in a franchise agreement, designed to demonstrate compliance with this article, the franchise agreement, and FCC requirements. The grantee shall provide the results of proof-of-performance tests promptly to the Town upon the Town's written request. The Town shall have the right to inspect the cable system during and after its construction to ensure compliance with this article, the applicable franchise agreement, and applicable provisions of local, state and federal law, and may require the grantee to perform additional tests based on the Town's investigation of cable system performance or on subscriber complaints.

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ARTICLE XIII
Consumer Protection Provisions

§ 37-61. Telephone and office availability.

A. Office; hours of operation; telephone. Each grantee shall maintain an office at a location reasonably convenient to subscribers that shall be open at least 50 hours each week, including, during the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday and 8:30 a.m. to 12:00 p.m. Saturday exclusive of all state and federal holidays, to allow subscribers to request service and conduct other business. Each grantee shall ensure that its office shall meet all applicable access requirements of the Maine Human Rights Act[11] and the Americans with Disabilities Act, and all other applicable federal and state laws and regulations. Each grantee shall perform service calls, installations, and disconnects during at least the hours for which its office is open for business, provided that a grantee shall respond to outages 24 hours a day, seven days a week. Each grantee shall establish a publicly listed toll-free telephone number and shall either ensure that its telephone service has TTY and TDD capabilities or contract with a third party to provide grantee with such services. The phone must be answered by customer service representatives at least during the hours for which the grantee's office is open for business, for the purpose of receiving requests for service, inquiries, and complaints from subscribers; after those hours, a grantee shall arrange for the phone to be answered so that customers can register complaints and report service problems on a twenty-four-hour-per-day, seven-day-per-week basis, and so that the grantee can respond to service outages as required herein.

B. Telephone answering time. Telephone answering time shall not exceed 30 seconds or four rings, and the time to transfer the call to a customer service representative (including hold time) shall not exceed an additional 30 seconds. This standard shall be met 90% of the time, measured quarterly. When the business office is closed, an answering machine or service capable of receiving and recording service complaints and inquiries shall be employed. Any after-hours answering service used shall comply with the same telephone answer time standard set forth in this § 37-61. If required by its franchise agreement, a grantee shall supply statistical data to verify it has met the standards set forth herein.

C. Staff. A grantee must hire sufficient staff so that it can adequately respond to customer inquiries, complaints, and requests for service in its office, over the phone, and at the subscriber's residence.

§ 37-62. Scheduling work.

A. Appointments. All appointments for service, installation, or disconnection shall be specified by date. Each grantee shall offer a choice of morning, afternoon, or all-day appointment opportunities. If at any time an installer or technician believes it impossible to make a scheduled appointment time, an attempt to contact the customer will be made prior to the time of appointment and the appointment rescheduled.

B. Missed appointments. Subscribers who experience a missed installation appointment due to the fault of a grantee shall receive standard installation free of charge. If the installation was to have been provided free of charge, or for other appointments, the subscriber shall receive one month of the subscribed-to service tier free of charge, or a credit of $20, whichever is greater.

C. Mobility-limited customers. With regard to mobility-limited customers, upon subscriber request, each grantee shall arrange for pickup and/or replacement of converters or other grantee equipment at the subscriber's address or by a satisfactory equivalent (such as the provision of a postage-prepaid

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11. Editor's Note: See 5 M.R.S.A. § 4551 et seq.

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mailer).

D. Acknowledgment of and response to customer requests. Requests for service, repair, and maintenance must be acknowledged by a grantee within 24 hours, or prior to the end of the next business day. A grantee shall respond to all other inquiries (except billing inquiries) within five business days of the inquiry or complaint. A grantee shall acknowledge receipt of billing inquiries within five days and provide a detailed response within 30 days.

E. Completion of work. Repairs and maintenance for service interruptions and other repairs not requiring in-unit work must be initiated within 24 hours and must be completed within 62 hours. All other requests for service must be completed within three days of the date of the initial request, except installation requests, provided that a grantee shall complete the work in the shortest time possible where, for reasons beyond the grantee's control, the work could not be completed in those time periods even with the exercise of all due diligence; the failure of a grantee to hire sufficient staff or to properly train its staff shall not justify a grantee's failure to comply with this provision. Except as federal law requires, no charge shall be made to the subscriber for this service, except for the cost of repairs to the grantee's equipment or facilities where it can be documented that the equipment or facility was damaged by a subscriber.

F. Work standards. The standards of § 37-62D and E shall be met 95% of the time, measured on a quarterly basis.

§ 37-63. Notice to subscribers.

A. Provision of information to subscribers. A grantee shall provide each subscriber at the time cable service is installed, and at least annually thereafter, written instructions for placing a service call, filing a complaint, or requesting an adjustment. Each grantee shall also provide a notice informing subscribers of how to communicate their views and complaints to the cable company, the proper municipal official and the State Attorney General; stating the responsibility of the State Attorney General to receive consumer complaints concerning matters other than channel selection and rates; and stating the policy regarding and method by which subscribers may request rebates or pro rata credits as provided in this chapter or applicable federal or state law or regulation. In addition, all grantees shall provide subscribers to their services a schedule of rates and charges, a copy of the service contract, delinquent subscriber disconnect and reconnect procedures, and a description of any other of the grantee's policies in connection with its subscribers. Copies of these notices shall be proved to the Town. A grantee shall provide the Town and each subscriber at least 30 days' advance notice of any significant changes in any of the information required by this section.

B. Disclosure of price terms. All grantee promotional materials, announcements, and advertising of residential cable services to subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials must clearly and accurately disclose price terms, and in the case of telephone orders, a grantee shall take appropriate steps to ensure that the customer service representatives clearly and accurately disclose price terms to potential customers in advance of taking the order.

C. Public file. Each grantee shall maintain a public file containing all notices provided to subscribers under these customer service standards, as well as all written promotional offers made to subscribers by the grantee. Material in the file shall be retained for at least one year after the later of the date of mailing or public announcement of the information contained in a notice.

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§ 37-64. Interruptions of service.

A grantee may intentionally interrupt service on the cable system only for good cause and for the shortest time possible and, except in emergency situations, only after a minimum of 48 hours' prior notice to subscribers and the Town of the anticipated service interruption; provided, however, that planned maintenance that does not require more than two hours' interruption of service and that occurs between the hours of 12:00 a.m. and 6:00 a.m. shall not require such notice to subscribers, and notice to the Town may be given no less than 24 hours prior to the anticipated service interruption.

§ 37-65. Billing.

A. Proration of first billing statement. A grantee's first billing statement after a new installation or service change shall be prorated as appropriate and shall reflect any security deposit made or given by the subscriber to the grantee.

B. Itemization. A grantee's billing statement must itemize each category of service and equipment provided to the subscriber and state clearly the charge therefor.

C. Payment due date. A grantee's billing statement must show a specific payment due date not earlier than 10 days after the date the statement is mailed. Any balance not received within 30 days of the due date may be assessed a late fee not exceeding 1.5% of the amount due or any higher amount allowed by state law. The late fee shall appear on the following month's billing statement.

D. In person payments. A grantee must notify the subscriber that he or she can remit payment in person at the grantee's office in the greater Bangor area and inform the subscriber of the address of that office.

E. No late fees for failures by grantee. Subscribers shall not be charged a late fee or otherwise penalized for any failure by a grantee, including failure to timely or correctly bill the subscriber, or failure to properly credit the subscriber for a payment timely made.

F. Credit for lack or impairment of service. Upon request, the account of any subscriber shall be credited a prorated share of the monthly charge for the service if said subscriber is without service or if service is substantially impaired for any reason for a period exceeding six hours during any twenty-four-hour period, except where it can be documented that a subscriber seeks a refund for an outage or impairment which that subscriber caused, or in the case of a planned outage occurring between the hours of 12:00 midnight and 6:00 a.m. of which the subscriber had prior notice.

§ 37-66. Disconnection/downgrades.

A. Subscriber termination. A subscriber may terminate service at any time.

B. Prompt disconnection or downgrade on request charges. A grantee shall promptly disconnect or downgrade any subscriber who so requests from the grantee's cable system, unless the subscriber unreasonably hinders access by the grantee to equipment of the grantee or the subscriber's premises to which the grantee must have access to complete the requested disconnection. No period of notice prior to voluntary termination or downgrade of service may be required of subscribers by any grantee. No charge may be imposed for any voluntary disconnection, and downgrade charges must comply with the requirements of federal law. So long as the subscriber returns equipment necessary to receive a service within five business days of the disconnection, no charge may be imposed by any grantee for any cable services delivered after the date of the request to disconnect.

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C. Subscriber return of equipment. A subscriber may be asked, but not required, to disconnect a grantee's equipment and return it to the business office; provided that if a subscriber requests that a grantee pick up the equipment, the subscriber shall provide reasonable access to the subscriber's premises during the grantee's business hours to allow the grantee to retrieve the equipment.

D. Refund of security deposit. Any security deposit and/or other funds due the subscriber shall be refunded on disconnected accounts after the converter has been recovered by the grantee. The refund process shall take a maximum of 30 days or the next billing cycle from the date disconnection was completed as required herein to the date the customer receives the refund.

E. Disconnection for failure to pay fee. If a subscriber fails to pay a monthly subscriber or other fee or charge, a grantee may disconnect the subscriber's service outlet; however, such disconnection shall not be effected until at least 45 days after the due date of the monthly subscriber fee or other charge and after 10 days' advance written notice of intent to disconnect is given to the subscriber in question. If the subscriber pays all amounts due, including late charges before the date scheduled for disconnection, the grantee shall not disconnect service. Subject to § 37-66B, after disconnection, upon payment by the subscriber in full of all proper fees or charges, including the payment of the reconnection charge, if any, the grantee shall promptly reinstate service.

F. Disconnection for damage to system or equipment. A grantee may immediately disconnect a subscriber if the subscriber is damaging or destroying the grantee's cable system or equipment. After disconnection, the grantee shall restore service after the subscriber provides adequate assurance that it has ceased the practices that led to disconnection, and paid all proper fees and charges, including reconnect fees, a reasonable security deposit, and amounts owed the grantee for damage to its cable system or equipment.

G. Disconnection for signal leakage. A grantee may also disconnect a subscriber that in any way, intentionally or otherwise, causes signal leakage in excess of federal limits. It may do so in accordance with federal rules and requirements or if the subscriber fails to take steps to correct the problem. It may also do so without notice in the event of a danger to the public safety, provided that the grantee shall immediately notify the subscriber of the problem and, once the problem is corrected, reconnect the subscriber without charge.

H. Removal of grantee property. Except as federal law may otherwise provide, if a subscriber terminates service, a grantee may offer the subscriber the opportunity to acquire any wiring located on the premises that is the property of the grantee at replacement cost. If the subscriber declines to purchase the wiring, the grantee must remove its property from the subscriber's premises within seven days, if requested by the subscriber. If a grantee fails to remove the wiring in that period, the grantee shall make no further attempt to remove the wiring or restrict its use.

§ 37-67. Changes in service.

In addition to rights reserved by the Town, subscribers shall have rights with respect to alterations in service. The grantee may not alter the service being provided to a class of subscribers (including by retiering, restructuring or otherwise) without the express permission of each subscriber, unless it complies with this article. At the time the grantee alters the service it provides to a class of subscribers, it must provide each subscriber 30 days' notice, explain the substance and full effect of the alteration, and provide the subscriber the right within the thirty-day period following notice to opt to receive any combination of services offered by the grantee. Except as federal law otherwise provides, subscribers may not be required to pay any charge (other than the properly noticed rates), including an upgrade or downgrade charge, in order to receive the services selected. No charge may be made for any service or product for which there

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is a separate charge that a subscriber has not affirmatively indicated it wishes to receive. Payment of the regular monthly bill does not in and of itself constitute such an affirmative indication.

§ 37-68. Deposits.

A grantee may require a reasonable, nondiscriminatory deposit on equipment provided to subscribers. Deposits shall be placed in an interest-bearing account, and the grantee shall return the deposit, plus interest earned to the date repayment is made, to the subscriber. Interest will be calculated at the prevailing commercial savings rate on all late payments.

§ 37-69. Recording subscriber complaints.

A grantee shall maintain a record of subscriber complaints in accordance with 30-A M.R.S.A. § 3010, Subdivision 4.

A. Every franchisee shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee attitude and similar matters. These records shall be maintained for a period of two years.

B. The record shall contain the following information for each complaint received:

(1) Date, time and nature of the complaint;

(2) Name, address and telephone number of the person complaining;

(3) Investigation of the complaint;

(4) Manner and time of resolution of the complaint;

(5) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and

(6) Consistent with subscriber privacy provisions contained in the Cable Act and applicable FCC regulations, every grantee shall make the logs or records of complaints available to any authorized agent of any franchising authority having a franchise with that grantee or any authorized agent of a municipality considering a franchise with that grantee upon request during normal business hours for on-site review.

§ 37-70. Remedies for violators.

In addition to the remedies set forth elsewhere in this chapter and in the franchise agreement, subscribers shall have available the remedies provided by 30-A M.R.S.A. § 3010, Subdivision 7.

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ARTICLE XIV
Rate Regulation

§ 37-71. Town may regulate rates.

The Town may regulate all rates and charges except to the extent it is prohibited from doing so by law, and if the Town does exercise its rate regulatory authority, no rate or charge may be imposed or increased without the prior approval of the Town except such rates and charges that the Town is prohibited from regulating. Subject to the foregoing, any change made without prior approval is an illegal change, and a grantee is prohibited from requesting or requiring a subscriber to pay an illegal rate as a condition of providing service. This section shall not be construed to mean that any grantee has consented or will consent to subject itself to rate regulation.

§ 37-72. Authority to adopt regulations.

All rates that are subject to regulation by the Town must be reasonable. The Town may adopt such regulations, procedures, and standards as it deems necessary to implement rate regulation and may regulate rates by amendment to this chapter, by a separate resolution or ordinance, by amendment to a franchise agreement, or in any other lawful manner. This section shall not be construed to mean that any grantee has consented or will consent to subject itself to rate regulation.

§ 37-73. Rate changes.

A. Advance notice of rate changes. At least 30 days prior to implementing any increases in rates or changes in channel positions, programming, or service terms or conditions, a grantee shall provide the Town and each subscriber with written notice describing any such changes it plans to make and the proposed effective dates for the changes. A grantee shall not be required to provide 30 days' notice of rate decreases or temporary promotional offers that result in lower rates for subscribers, provided that it has given the Town notice of such decreases and offers prior to implementation.

B. Explanation of rate changes. In addition to the required notice, before it alters services or service terms or conditions, a grantee must provide a reasonably simple and clear written notice explaining the substance and full effect of the alteration, including the effect on rates and service options and the effect of the change on the use of other consumer electronic equipment. Such written notice shall be provided to the Town at least 30 days, and to subscribers at least 30 days, before the change.

C. Changes made without required notice invalid. Any change made without the required 30 days' notice shall be of no force or effect, and a grantee shall be obligated to refund any increased amount collected without the required 30 days' notice, and to restore service to the prior existing status, at least until the required notice is provided. This subsection shall not limit the right of a grantee to implement any rate decreases or temporary promotional offers that result in lower rates for subscribers immediately upon providing written notice of these rate changes to the Town. This subsection shall not be interpreted to limit the Town's right to exercise its rate regulation authority under § 37-71 of this chapter, the availability of remedies under applicable laws or regulations, or rights under the customer service standards set forth in Article XIII of this chapter.

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ARTICLE XV
Records and Reports

§ 37-74. Open books and records.

The Town shall have the right to inspect and copy at any time after reasonable notice, during normal business hours at a grantee's local office, all materials and records of the grantee relevant to the Town's management of the public rights-of-way and regulation of customer service and consumer affairs, including all maps, plans, service complaint logs, performance test results, records of requests for service, computer records, codes, programs, and discs or other storage media and other like material which the Town reasonably deems appropriate, in order to monitor compliance with the terms of this chapter, a franchise agreement, or applicable law. A grantee shall make available to the Town, to the best of its ability, the same types of materials which the Town deems relevant and which are held by an affiliate, a cable operator of the cable system, and any contractor, subcontractor or any person holding any form of management contract for the cable system. The grantee is responsible for collecting, to the best of its ability, such requested information and producing it at its offices in the greater Bangor area, and as part of its application it must affirm that it can and will do so. The Town shall preserve the confidentiality of proprietary business information of a grantee or another party provided to the Town by the grantee, to the extent permissible under Maine law. To that end, the grantee shall clearly identify any proprietary business information that it believes to be entitled to confidential treatment so that the Town may establish appropriate safeguards against improper disclosure. The Town shall also have the right to inspect at any time after reasonable notice, during normal business hours at a grantee's local office, all materials relevant to the financial condition of the grantee, including all books, records, receipts, contracts, financial statements, computer records, codes, programs, and discs or other storage media and other like material, which the Town reasonably deems appropriate in order to monitor compliance with the terms of this chapter, a franchise agreement, or applicable law. A grantee shall make available for inspection by the Town, to the best of its ability, the same types of materials that the Town deems relevant and that are held by an affiliate, a cable operator of the cable system, and any contractor, subcontractor or any person holding any form of management contract for the cable system. The grantee is responsible for collecting, to the best of its ability, such requested information and producing it at its offices in the greater Bangor area, and as part of its application it must affirm that it can and will do so. The Town shall preserve the confidentiality of proprietary business information of a grantee provided for inspection by the Town by the grantee, to the extent permissible under Maine law. To that end, the grantee shall clearly identify any proprietary business information that it believes to be entitled to confidential treatment so that the Town may establish appropriate safeguards against improper disclosure.

§ 37-75. Required reports.

A grantee shall file the following with the Town in a form acceptable to the Town:

A. Annual construction report. An annual report setting forth the physical miles of plant construction and plant in operation during the fiscal year shall be submitted to the Town. Such report also shall contain any revisions to the system as-built maps filed with the Town. The annual report shall be provided at the time specified in the franchise agreement.

B. Notices instituting civil or criminal proceedings. A grantee shall provide the Town with copies of any notice of deficiency, forfeiture, or other document issued by any state or federal agency instituting any investigation or civil or criminal proceeding regarding the cable system, the grantee, or any affiliate of the grantee, to the extent the same may affect or bear on operations in the Town. A notice that an affiliate that has a management contract for the cable system was not in compliance with FCC

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EEO requirements within the work unit serving the Town would be deemed to affect or bear on operations in the Town. This material shall be submitted to the Town at the time it is filed or within five days of the date it is received.

C. Bankruptcy declarations. Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by the grantee or by any partnership or corporation that owns or controls the grantee directly or indirectly. This material shall be submitted to the Town at the time it is filed or within five days of the date it is received.

§ 37-76. Reports to be provided on request.

A. Reports required by FCC. Upon the Town's written request, a grantee shall deliver to the Town copies of all reports required by the FCC, including, but not limited to, any proof of performance tests and results, equal employment opportunity reports, and all petitions, pleadings, notices, and applications regarding the cable system, or a group of cable systems of which the grantee's cable system is a part, submitted or received by the grantee, an affiliate, or any other person on the behalf of the grantee, either to or from the FCC, or any other federal or state regulatory commission or agency having jurisdiction over any matter affecting operation of the grantee's system, for the time period specified in the Town's request.

B. Financial reports. The Town may request the following financial reports for the franchise area once per calendar year:

(1) An ownership report, indicating all persons who at any time during the preceding year did control or benefit from an interest in the franchise of 5% or more.

(2) An annual income statement showing subscriber revenue from each category of service and every source of nonsubscriber revenue.

(3) A current annual statement of all capital expenditures, including the cost of construction and of equipment used or placed within the Town.

(4) An annual list of officers and members of the Board of Directors of the grantee and any affiliates.

(5) An organizational chart showing what corporations or partnerships with more than a 5% interest own the grantee, and the nature of that ownership interest (limited partner, general partner, preferred shareholder, etc.); and showing the same information for each corporation or partnership so identified and so on until the ultimate corporate and partnership interests are identified.

(6) An annual report of each entity identified in § 37-76B(5) which issues an annual report.

C. System and operational reports. The following system and operational reports shall be submitted annually upon request of the Town:

(1) An annual summary of the previous year's activities, including, but not limited to, subscriber totals for each category of service offered, including number of pay units sold, new services offered, and the amount collected annually from other users of the system and the character and extent of the service rendered thereto.

(2) An annual projection of system and service plans for the future.

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§ 37-77. Additional reports.

The grantee shall prepare and furnish to the Town, at a time reasonably prescribed by the Town, such additional reports with respect to its operation, affairs, transactions, or property as the Town may reasonably deem necessary and appropriate to the performance of any of the rights, functions, or duties of the Town in connection with this chapter or the franchise agreement.

§ 37-78. Records required.

A. Records to be maintained. A grantee shall at all times maintain, and shall deliver to the Town upon request, the following records:

(1) Records of all complaints maintained pursuant to § 37-69.

(2) A full and complete set of plans, records, and as-built maps showing the exact location of all system equipment installed or in use in the Town, exclusive of subscriber service drops.

(3) Records of outages, indicating date, duration, area, and the estimated number of subscribers affected, type of outage, and cause.

(4) Records of service calls for repair and maintenance, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved.

(5) Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service was extended.

B. Additional information. The Town may request and a grantee shall promptly provide additional information, reports, records, and documents as may be reasonably required from time to time for the performance by the Town of any of its rights, functions, or duties in conversations with this chapter or a franchise agreement.

§ 37-79. Performance evaluation.

A. Town discretion to hold public sessions. The Town may, at its discretion, hold scheduled performance evaluation sessions. All such evaluation sessions shall be open to the public.

B. Announcement of sessions. All evaluation sessions shall be open to the public and announced in a newspaper of general circulation in the community.

C. Discussion topics. Topics that may be discussed at any scheduled or special evaluation session may include, but are not limited to, system performance and construction; grantee compliance with this chapter and a franchise agreement; customer service and complaint response; subscriber privacy; services provided; programming offered; service rate structures, if applicable; franchise fees; penalties; free or discounted services; applications of new technologies; judicial and FCC filings; and line extensions.

D. Grantee cooperation. During the review and evaluation by the Town, a grantee shall fully cooperate with the Town and shall provide such information and documents as the Town may need to reasonably perform its review.

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§ 37-80. Voluminous materials.

If the books, records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then a grantee may request that the inspection take place at some other location, provided that:

A. The grantee must make necessary arrangements for copying documents selected by the Town after review; and

B. The grantee must pay reasonable travel and additional copying expenses incurred by the Town in inspecting those documents or having those documents inspected by its designee, if done outside the greater Bangor area.

§ 37-81. Retention of records; relation to privacy rights.

Each grantee shall take all steps required, if any, to ensure that it is able to provide the Town all information which must be provided or may be requested under this chapter or a franchise agreement, including by providing appropriate subscriber privacy notices. Nothing in this article shall be read to require a grantee to violate 47 U.S.C. § 551. Each grantee shall be responsible for blacking out any data that federal or state law prevents it from providing to the Town.

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ARTICLE XVI
Rights of Individuals Protected

§ 37-82. Discriminatory practices prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Discrimination prohibited. A grantee shall not deny service, deny access, or otherwise discriminate against subscribers, programmers, or residents of the Town on the basis of race, color, religion, sex, sexual orientation, physical or mental disability, ancestry or national origin, age or familial status, or on any other basis prohibited by federal or state law. This provision is not intended to require a grantee to provide any equipment or service free of charge to any subscriber, unless such equipment or service is provided free in a manner that discriminates among subscribers in a manner that is prohibited by state or federal law, or unless the provision of free equipment or service is required by state or federal law.

B. Discrimination for exercise of right prohibited. A grantee shall not discriminate among persons or take any retaliatory action against a person because of that person's exercise of any right it may have under federal, state, or local law, nor may the grantee require a person to waive such rights as a condition of taking service.

C. Differential rates based on subscriber income prohibited. A grantee shall not deny access or levy different rates and charges on the residents of any particular geographical area because of the income of the residents of that geographical area.

D. Rate preferences prohibited. Except to the extent the Town may not enforce such a requirement, a grantee is prohibited from discriminating in its rates or charges or from granting undue preferences to any subscriber, potential subscriber, or group of subscribers or potential subscribers; provided, however, that a grantee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, so long as such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the Town. A grantee may offer discounts for the elderly, the handicapped, or the economically disadvantaged, and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner; and a grantee may enter into bulk service agreements with multiple dwelling unit owners, if the rates under such agreements are established and applied in a uniform and consistent manner. A grantee shall comply at all times with all applicable federal, state, and Town laws, and all executive and administrative orders relating to nondiscrimination.

§ 37-83. Equal employment opportunity.

A grantee shall not refuse to employ, discharge from employment, or discriminate against any person in compensation or in terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, age, or any other basis prohibited by federal or state law. A grantee shall comply with all federal, state, and local laws and regulations governing equal employment opportunities.

§ 37-84. Subscriber privacy.

A. Grantee shall protect subscriber privacy. A grantee shall at all times protect the privacy of all subscribers pursuant to the provisions of Section 631 of the Cable Act, 47 U.S.C. § 551, and 30-A M.R.S.A. § 3010, Subdivision 6-A. A grantee shall not condition subscriber service on the subscriber's grant of permission to disclose information which, pursuant to federal or state law, cannot be disclosed without the subscriber's explicit consent.

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B. Selling subscriber information prohibited. Neither a grantee nor its agents or employees shall, without the prior and specific written authorization of the subscriber involved, sell or otherwise make available for commercial purposes the names, addresses, or telephone numbers of any subscriber or subscribers, or any information that identifies the individual viewing habits of any subscriber or subscribers.

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ARTICLE XVII
Miscellaneous Provisions

§ 37-85. Compliance with other provisions.

A grantee shall comply with all applicable federal, state, and local laws and regulations as they become effective, unless otherwise stated.

§ 37-86. Force majeure.

A grantee shall not be deemed in default with provisions of its franchise where performance was rendered impossible by war or riots, civil disturbances, floods, or other natural catastrophes beyond the grantee's control, and a franchise shall not be revoked or a grantee penalized for such noncompliance, provided that the grantee takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible under the circumstances with its franchise without unduly endangering the health, safety, and integrity of the grantee's employees or property, or the health, safety, and integrity of the public, public rights-of-way, public property, or private property.

§ 37-87. Connections to system; use of antennae.

A. Subscriber right to attach devices. Subscribers shall have the right to attach devices to a grantee's system to allow them to transmit signals or services for which they have paid to VCRs, receivers, and other terminals, provided that such terminals are located within the subscriber's premises, and provided that such transmissions do not result in interference with the operations of grantee's system, or violations of signal leakage compliance standards. Subscribers also shall have the right to use their own legally acquired remote control devices and tuners, and other similar equipment, and a grantee shall provide information to consumers which will allow them to adjust such devices so that they may be used with the grantee's system.

B. Requiring disconnection of antennae prohibited. A grantee shall not, as a condition of providing service, require a subscriber or potential subscriber to remove any existing antenna, or disconnect an antenna except at the express direction of the subscriber or potential subscriber, or prohibit or discourage a subscriber from installing an antenna switch, provided that such equipment and installations are consistent with applicable codes.

§ 37-88. Calculation of time.

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required hereunder and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of duration time.

§ 37-89. Severability.

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Town and shall thereafter be binding on the grantee and the Town.

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§ 37-90. Section titles, captions and headings.

The captions and headings of this chapter are for convenience and reference purposes only and shall not affect in any way the meaning and interpretation of any provisions of this chapter.

§ 37-91. Repealer.

The Town of Bucksport Cable Television Ordinance adopted on October 11, 1979, is hereby repealed, except that the repeal thereof shall not affect the validity of any franchise agreements issued pursuant thereto and except that said ordinance shall remain in full force and effect for the trial and punishment of all past violations thereof and for recovery of penalties already incurred.

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Chapter 43

DAM TRANSFER, ABANDONMENT OR REMOVAL

[HISTORY: Adopted by the Town Council of the Town of Bucksport effective 9-12-2024 (Appendix S of the 1978 Town Code). Amendments noted where applicable.]

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§ 43-1. Purpose.

It is the purpose of the Town in enacting this chapter to protect the public safety of the Town's inhabitants, ensure the welfare of inhabitants of the Town, to prevent damage to property and loss of property, and to prevent the creation of a nuisance, and avoid dangerous conditions in the Town.

§ 43-2. Approval required for transfer, abandonment, or removal of dams or impoundments. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Approval required. No person may transfer, abandon, or remove dams or impoundments within the Town without approval from the Town Council.

B. Petition to the Town.

(1) The owner of a dam that is not licensed by the Federal Energy Regulatory Commission may petition the Town of Bucksport to initiate proceedings for approval to safely transfer or abandon dam or impoundment ownership o under this chapter. The owner of a dam may also petition to remove a dam or impoundment. The petition to transfer, abandon, or remove a dam or impoundment must include the following information:

(a) The name, address and phone number of the dam and impoundment owner and any identified transferee of the dam and impoundment;

(b) The location of the dam and impoundment;

(c) A plan of the dam and brief descriptions of the condition of the dam and recent operation of the dam and impoundment, including all associated real and intangible property used to provide services and dam or impoundment operations and maintenance and lake-level management;

(d) Any purchase and sale agreement or closing binder in the acquisition of such dam(s) and impoundments, including any title searches, title insurance policies and all incorporated covenants and easements related to the dam or impoundments to or from the owner(s) and owner(s) predecessors in title or business ownership;

(e) Any information on deeded or contractual water rights and water-level requirements associated with the dam and related impoundment water-level management, including such deeds, easements, or contracts and any information related to intakes and piping structure(s) present or removed within the prior two years;

(f) Any information regarding the composition of structures, piping, pipeline(s) and coating thereof, including whether it has been tested for the presence of hazardous materials, including but not limited to PCBs or asbestos, including any and all test results and reports on environmental conditions and hazards posed by such structures, piping, pipeline(s) and coating;

(g) A complete list of associated assets, including land and dams owned by the petitioner(s) and any corporate affiliate of petitioner(s) in the watershed;

(h) A copy of any emergency action plan or response plan related to the dam(s);

(i) A copy of MEMA-required operations and maintenance plan for each dam, along with inspection and maintenance record covering the last 24 months;

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(j) Property tax obligations and records for the dam and associated real property and tangible property assets owned by petitioner and any corporate affiliate of petitioner(s) in the watershed;

(k) All budgets, reports, capital plans, and maintenance and repair costs identified by, prepared by, or of which the owner is aware, including:

[1] The current and budgeted project and capital improvement plans for the prior 10 years and future 10 years to maintain the dam and associated infrastructure and tangible assets, including:

[2] Budgeted preventative maintenance activities for the prior 10 years and future 10 years including vendors used, scope of work and expenditures;

[3] Estimated timing, costs, and scope of work of any past or proposed construction repairs and/or improvements to the dam for the prior 10 years and future 10 years including vendors used, scope of work and expenditures;

[4] Itemization of all revenues received by the dam owner(s) and related corporate affiliates for the dam and impoundments services and for services from or sale of real and tangible property related to the dam and impoundment;

[5] Any proposed financial security proposed to meet the financial capacity standard; such financial security may be in the form of the following:

[a] A showing of a company's (to be transferred if any) financial capacity;

[b] A letter of credit that is irrevocable for 10 years from a reputable financial institution with business locations in Maine; and/or

[c] A cash fund. The adequacy of financial security shall be calculated to provide financial capacity to safely maintain, upgrade, and operate the dam and/or impoundment(s) for a period of at least 10 years. Other forms of financial security comparable to a company financial showing, a letter of credit, and/or cash fund may be considered by the Town Council if such financial security provides comparable security to safely maintain, upgrade, and operate the dam for a period of at least 10 years.

(l) Any insurance documentation and related costs that owner(s) currently have in place to insure or remediate breaches, failures, and remedial costs related to the dams;

(m) All contracts between dam owners and other businesses related to provision of and maintenance of water supply, lake-level maintenance, and obligations to provide water supply and lake level(s);

(n) Existing as-built construction plans for dams and all appurtenances, including structural plans and drawings and any revisions thereto, including any plans, site layout plans, contours, adjacent land use, right-of-way maps of properties related to dams, utility maps, and mechanical drawings for gates, pumps, and fish ladders;

(o) Engineering reports/information related to the dam, including capital upgrade assessments and recommendations, operational and expense recommendations from the prior 10 years and next 10 years, any geotechnical borings/soil test data/recommendation reports,

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topographic survey data, stream/lake cross sections, and/or bathymetric surveys upstream and downstream of the dams; hydrologic/hydraulic studies/data, and HEC-RAS or similar hydrologic models;

(p) Any environmental reports related to the dams, including impact assessments related to dam removals, configuration, or abandonment, including evaluations of contaminants in the sediments in the impoundment that could potentially be released by dam removal or failure;

(q) The identity, address, officers, members, shareholders, and ownership of any proposed transferees of the dam and impoundments, including financial and technical capacity showing of ability to manage and maintain the dam and impoundment safely for the next 10 years; the technical capacity showing for proposed transferees can consistent of submissions responsive to information requirements in Subsection B(1)(a) through (g) and (j) through (p) of these submission requirements; and

(r) Any other reasonable information the Town determines necessary to implement this chapter and requested of the petitioner and/or owner(s) by the Town, including information on financial security to assure the dam is adequately maintained to avoid creation of an unsafe, nuisance, or deleterious condition related to dam transfer, abandonment, or release of water in a controlled or uncontrolled manner.

(2) The Town shall notify the owner within 15 business days of receipt of the petition if the Town determines that the petition does not comply with the requirements of this section and provide the petitioners with an opportunity to resubmit. A petitioner may request specific submission requirements be waived in this section if a new owner is identified to transfer the dam and impoundment to which the owner can satisfy the technical and financial capacity requirements for a transfer in § 43-3A(2)(a) below.

C. Public notice. Not more than 14 days before filing a petition with the Town, the dam owner shall publish notice of intent to file a petition under this section at least once in a newspaper circulated in the area in which the dam and impoundment are located. The dam owner shall notify by certified mail the abutting property owners of the dams and impoundment and property owners that would be impacted by failure of the dam through flooding of downstream properties. The downstream property owner notification can be satisfied by providing notice to all downstream ownership within a mile downstream and within 250 feet of the downstream water bodies, where those downstream water bodies are streams, brooks, rivers, and/or wetlands in the Town of Bucksport Shoreland Zoning Ordinance. The dam owner shall also provide notice to any municipal departments of downstream impacts for any Town-owned property or infrastructure within a mile downstream and within 250 feet of the downstream water bodies.

D. Notice to property owners. The dam owner shall send notice of the intent to file a petition by first class mail to persons who own property abutting the dam site, water impounded by the dam or waterways (streams, brooks, rivers, and/or wetlands), abutters or underlying riparian or littoral landowners extending within one mile downstream of the dam. If there are identified Federal Emergency Management Agency, Maine Emergency Management Agency, or Maine Department of Environmental Protection flood zones one mile downstream of such impoundment outlet, the dam owner shall notify all property owners within 100 feet of such flood zone limits.

E. Resubmission of petition. If the dam owner fails to timely respond to requests for information from the Town related to the petition for dam abandonment within 15 business days receipt of such requests for information from the Town, the Town may return the petition and offer the owner the

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opportunity to refile a new application. Petitions related to the same dam may be refiled once if returned by the Town for a period extending for 12 months after the date of initial filing. After 12 months pass from initial filing, a dam owner may file a new petition.

§ 43-3. Financial and technical capacity to transfer, abandon, or remove dam or impoundment.

A. Standard of review for transfer or financial capacity.

(1) The Town Council shall hold a public hearing and review any filed petition to assure that any request to transfer, abandon, or remove a dam will not pose an unreasonable risk of flooding or uncontrolled release of water within the subsequent 10 years following such action by the dam owner.

(2) The standard of review shall be to determine whether the petitioner(s) have put forward adequate technical and financial capacity in a new transferee or adequate financial capacity to safely and adequately manage the dam(s) and impoundments through adequate capital investment(s) and upgrades as well as regular operations and maintenance expense to ensure the dam(s) and impoundments are safely managed, consistent with good engineering practice and relevant state and federal water and dams management standards for 10 years such that the facility/facilities are in serviceable and well-maintained condition for the next 10 years and will similarly be operable and serviceable at the end of that ten-year period. In undertaking this review, the Town Council shall examine whether adequate capital and operations and maintenance have been undertaken in the past and can consider proper investments and operations expenses that should have been undertaken in determining any level of adequate financial capacity required for transfer, abandonment, or removal.

(a) Transferee. If there is a proposed transferee, the Town shall review the financial capacity of the transferee to undertake necessary capital and operations and maintenance of the dam(s). The Town Council shall also review the technical capacity of the transferee to safely and competently manage the dam and impoundment, including but not limited to meeting existing dam owner obligations to Town inhabitants and property owners. In undertaking such review of a transferee, the Town shall evaluate and consider the transferee's financial and technical capacity, and financial commitments relating to dam management, abandonment, and/or removal.

(b) Abandonment. If there is no new transferee with adequate financial capacity, petitioner(s) may satisfy this standard by providing a cash, escrow, or letter of credit fund drawable by the Town or third party to ensure the same standard is met as specified by this chapter to assure funds are available for necessary dam maintenance or investments, and operations and maintenance of any dam abandoned for at least 10 years.

B. Alternative standard of review for dam removal. In the event there is no transferee and the dam owner(s) desire to petition to entirely remove the dam, the standard of review will be to determine whether the petitioner(s) have put forward adequate technical and financial capacity to safely and adequately ensure the costs of removing the dam(s) is safely managed by others contracted by the dam owner or the Town to do so, consistent with good engineering practice and state and federal requirements and standards, including the costs of permitting, overseeing and managing such dam removal, costs of retaining contractors, subcontractors, construction management, and supervisors and proper oversight contractors and other costs directly related to removal of said dam(s) and remediation of environmental conditions identified at the dam property/properties in and around the impoundments and downstream to abate dangerous conditions, public nuisances, property damage,

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and satisfy any environmental requirements, including removal and disposal of any contaminated materials or sediment.

C. Information required. The Town Council may require submission requirements and additional information necessary to satisfy either standard of review in addition to the information required for initial application as may be recommended by outside engineers or consultants or related to safety of the dam, the protection of the welfare of Town inhabitants, and prevention of damage to property and value of property/properties in the Town.

D. Authority.

(1) The Town Council may set conditions in any approval to assure the safety and property of Town inhabitants is protected and reasonably assured safety, enjoyment, and use for a period of at least 10 years from such action by the dam owner. The Town shall make findings as to the adequacy of the technical and financial capacity of a transferee or financial provisions made by the dam owner in the case of abandonment and removal, including any offering financial security to provide adequate financial capacity to maintain or upgrade the dam in safe working order. The Town Council may require additional financial capacity if the dam owner's offer is insufficient to assure safe maintenance of facilities and dam owner's obligations under this chapter. The Town Council may also require financial capacity for the Town's third-party engineering and consultant oversight of any dam-owner obligations for a period of 10 years following transfer, abandonment, or removal.

(2) In reviewing a proposed transferee's financial capacity or determining financial capacity sufficiency of petitioner's showing and offer of financial capacity to safely abandon or remove the dam, the Town Council may consider an applicant's request for a waiver, in full or in part, of financial capacity and security upon a showing that the petitioner(s) and petitioner's affiliates owning property/properties in the Town related to the dam(s) have not received substantial income related to the dams and properties related to the dam in the prior 10 years. If a petitioner seeks a waiver, in full or in part, of the financial capacity to safely transfer, abandon, or remove the dam, the petitioner shall provide information on its income and its affiliates' income related to the dam and the properties related to the dam, showing that it has received substantially less income than necessary to provide for safe management of a dam the petitioner seeks to transfer, abandon, or remove.

E. State review not affected. Nothing in this chapter is intended to affect or conflict with the Maine Department of Environmental Protection (DEP) statutes set forth at 38 M.R.S.A. §§ 901 to 908 (2024), or subsequent amendments thereto. This chapter has a different municipal purpose than the state statutory process and is adopted under the Town's home rule authority pursuant to the Constitution of Maine, Article VIII, Part Second, and 30-A M.R.S.A. § 3001. This chapter is intended to act together with the state process. Maine DEP approval under 38 M.R.S.A. §§ 901 to 908 (2024) is neither determinative of nor required for application to the Town under this chapter.

§ 43-4. Town authority to retain engineering and consulting expertise.

A. Retention of outside engineering expertise and consultant expertise. The Town Council may retain outside engineering expertise to review and advise on submissions by petitioner(s) for dam transfer, abandonment, or removal under this chapter. Such outside engineers may review and advise on petitioner submissions and produce analysis, work product, cost estimates, plans, and management documents necessary for Town Council consideration and review of petitioner's proposal to transfer, abandon, or remove a dam. Specifically, such outside expertise may assist the Town in assessing

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adequacy of financial and technical capacity of a transferee or a financial capacity plan put forth by petitioner to abandon or remove a dam.

B. Petitioner will agree to pay outside reviewer expense. Any petitioner to transfer, abandon, or remove a dam under this chapter shall agree, in writing, to pay outside reviewers' costs, including costs incurred by the Town under this chapter to review a petition to transfer, abandon, or remove a dam.

§ 43-5. Violations and penalties.

This chapter shall be enforced by the Code Enforcement Officer or her/his designees, who may institute any and all actions to be brought in the name of the Town.

A. Any violation of this chapter shall be enforced under the provisions in 30-A M.R.S.A. § 4452 and subject to civil penalties in the minimum amount of $100 and the maximum amount of $5,000. Every day a violation exists constitutes a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this chapter. In any court action, the Town may seek injunctive relief in addition to penalties and shall be entitled to recover its costs of enforcement, including its attorneys' fees.

B. The Town Manager shall inform members of the Town Council before instituting legal action in court but need not obtain the consent of the Town Council, and the Town Manager may institute an action for injunctive relief without first informing members of the Town Council in circumstances where immediate relief is needed to prevent a serious public harm.

§ 43-6. Appeals.

Any appeal of a decision of the Town Council to approve, approve with conditions, deny, or revoke an approval under this chapter shall be to the Superior Court in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

§ 43-7. Severability.

The provisions of this chapter are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

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Chapter 56

FIRE DEPARTMENT AND AMBULANCE SERVICE

[HISTORY: Adopted by the Town Council of the Town of Bucksport 1-10-2008 (Ch. 7, Art. 1, of the 1978 Town Code). Amendments noted where applicable.]

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§ 56-1. Title.

This chapter shall be known as the "Town of Bucksport Fire Department and Ambulance Service Ordinance."

§ 56-2. Purpose.

The purpose of this chapter is to establish in the manner provided by law a municipal fire department and ambulance service and to define the powers and duties of the Chief of the Department and Ambulance Service. The further purpose of this chapter is to provide the maximum legal protection available to the Department, Service, Chief, EMTs and municipal firefighters, and to best protect the health, safety, and welfare of the residents of Bucksport.

§ 56-3. Authority.

This chapter is enacted pursuant to 30-A M.R.S.A. §§ 2001 et seq., 3001 et seq., and 3151 et seq.

§ 56-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMBULANCE SERVICE — An organized ambulance service established to transport ill or injured persons and to provide emergency treatment.

AMBULANCE SERVICE PERSONNEL — An active member, whether full-time, part-time or on call, of a municipal ambulance service, who routinely provides emergency medical treatment to the sick and injured and who is licensed in accordance to Maine Emergency Medical Services System Rules.

MUNICIPAL FIRE DEPARTMENT — An organized firefighting unit established pursuant to this chapter to prevent and extinguish fires and to provide rescue assistance.

MUNICIPAL FIREFIGHTER — An active member, whether full-time, part-time or on call, of a municipal fire department, who is adequately trained and who aids in the extinguishment of fires or assists in rescue of persons, receives compensation from the municipality for such services and who is at least 18 years of age. All firefighters must undergo, prior to employment, a complete pre-employment medical examination by a competent medical authority who will certify, after examination, the person is capable of performing the required duties of Firefighter.

§ 56-5. Establishment.

There shall be a Municipal Fire Department and Ambulance Service, which is hereby established by this chapter.

§ 56-6. Duties.

The Municipal Fire Department shall provide firefighting protection and rescue services within the Town of Bucksport and elsewhere as provided by mutual aid or other contractual agreement and approved by the municipal officers. The Ambulance Service will provide transportation for ill and injured persons within the Town of Bucksport and elsewhere as provided by mutual aid or other contractual agreement and approved by the municipal officers.

§ 56-7. Fire Chief.

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A. Appointment. The head of the Municipal Fire Department and Ambulance Service shall be the Fire Chief, who shall be appointed by the Town Council.

B. Terms, compensation, supervision. The Fire Chief shall be appointed by the municipal officers for an indefinite term, except the first year of the appointment will be a probationary period. The municipal officers may remove the Fire Chief for cause after notice and hearing by a majority vote of its members. The compensation of the Fire Chief shall be established by the municipal officers. The Fire Chief will report to and be supervised by the Town Manager.

C. Duties of the Fire Chief.

(1) Direct and control all municipal firefighters and ambulance personnel in the performance of their duties, within the municipality or contracted municipality(s), in accordance with the rules and regulations approved by the municipal officers of the Town of Bucksport and the Bucksport Town Charter.

(2) Provide a training program for firefighters and ambulance personnel in cooperation with appropriate governmental agencies and upon review by the Town Manager.

(3) Provide for the maintenance of all fire and ambulance equipment owned by the municipality and buildings used by the Municipal Fire Department and Ambulance Service.

(4) Prepare and submit annually to the Town Manager a budget relating to the Fire Department and Ambulance Service.

(5) Prepare and submit every five years to the Town Manager a capital improvement plan relating to the Fire Department and Ambulance Service. Annual updates will be provided as directed by the Town Manager.

(6) Prepare and submit annually to the Town Manager, as directed, a report outlining the Fire Department and Ambulance Service activities for the preceding fiscal year.

(7) Suppress disorder and tumult at the scene of a fire or ambulance call and generally direct all operations to prevent further destruction, damage or injury.

(8) Submit, for approval by the municipal officers, receipt of any gift(s) or donation(s) or request for grant funds of any type.

(9) Submit, for approval by the municipal officers, any change in scope of service beyond that which is described by this chapter for fire protection or ambulance service.

D. Powers of the Fire Chief.

(1) Advise and recommend to the Town Manager in the employment of all firefighters and EMTs, and appoint a deputy, ambulance director, and other officers of the Fire Department and Ambulance Service.

(2) Advise and recommend to the Town Manager regarding the removal of firefighter(s) and EMTs and remove any deputy, director or officer of the Fire Department and Ambulance Service for cause after notice and hearing.

(3) With approval of the municipal officers, adopt administrative and operating regulations or procedures relating to municipal fire protection and ambulance service, consistent with this chapter and municipal ordinances.

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§ 56-8. Wages.

The wages for all firefighter and ambulance personnel will be set by the municipal officers.

§ 56-9. Privileges, immunities.

Members of the Municipal Fire Department and Ambulance Service shall enjoy the privileges and immunities provided by the Maine Tort Claims Act[12] when acting in their capacity as firefighters and ambulance personnel.

§ 56-10. Severability.

The invalidity of any portion of this chapter shall not invalidate any other part thereof.

12. **Editor's Note: See 14 M.R.S.A. § 8118 et seq.**

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Chapter 60

FIRE PREVENTION

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I
Open Burning
[Adopted 12-10-2009 (Ch. 7, Art. 2, of the 1978 Town Code)]

§ 60-1. Open burning restrictions.

Open burning requiring a permit, as identified in 12 M.R.S.A. § 9325, is restricted as follows:

A. Open burning of wood wastes, leaves, brush, deadwood and tree cuttings, and painted and unpainted wood collected in the course of a commercial landscaping, lawn care or contracting activity may only be permitted if the material is located on the property where it originated.

B. Open burning of demolition material may only be permitted if:

(1) The material originated from the demolition of a structure located on the property where the burn will be conducted;

(2) There is no visible evidence of any material in the pile that may not be legally burned out-of-doors;

(3) There are favorable conditions for burning; and

(4) The burn is conducted in accordance with any restrictions imposed by the Fire Department.

C. On any property in the Downtown, Downtown Shoreland, Village, Route 1 Shoreland, or Tannery Brook Shoreland Overlay District, open burning subject to permitting, other than recreational campfires, may not be permitted from June 1 to August 31 except by special permission from the Fire Department. A permit may only be issued if the Fire Department has determined that there are favorable conditions for burning. Any permitted burn must be conducted on the same day the permit is issued. All permitted burns must be fully extinguished no later than 12:00 midnight on the day of the burn, except as otherwise specified by the Fire Department.

D. On any property in the Downtown, Downtown Shoreland, Village, Route 1 Shoreland, or Tannery Brook Shoreland Overlay District, open burning of leaves is prohibited.

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Chapter 64

FLOODPLAIN MANAGEMENT

[HISTORY: Adopted by the Town Council of the Town of Bucksport 3-17-2005; amended 12-13-2007, 4-28-2016 (Appendix D of the 1978 Town Code).[13] Subsequent amendments noted where applicable.]

13. Editor's Note: Prior to 2005, the Floodplain Management Ordinance was adopted 9-11-1975, repealed and replaced 4-9-1987, amended 10-27-1988, and repealed and replaced 7-11-1996.

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§ 64-1. Purpose.

A. The purpose of this chapter is to establish a flood hazard development permit system and review procedures for recognizing and evaluating flood hazards affecting development activities in the designated flood hazard areas of the Town.

B. Certain areas within the Town of Bucksport are subject to periodic flooding that can cause serious damages to properties. The National Flood Insurance Program, established in the National Flood Insurance Act of 1968 (P.L. 90-488, as amended), provides that these areas be identified by the Federal Emergency Management Agency as having a special flood hazard and that development activities taking place within these areas be subject to floodplain management measures.

C. To assure that flood insurance is available to property owners, the Town has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements in the aforesaid Act, as delineated in this chapter.

§ 64-2. Authority.

The Town of Bucksport has legal authority to adopt land use and control measures to reduce future flood losses pursuant to 30-A M.R.S.A. §§ 3001-3007, § 4352, §§ 4401-4407 and 38 M.R.S.A. § 440.

§ 64-3. Applicability.

This chapter applies to development activities in areas of special flood hazard in the Town of Bucksport, Hancock County, Maine, which are identified as Zones A, AE and VE in a report published by the Federal Emergency Management Agency entitled "Flood Insurance Study - Hancock County, Maine," dated July 20, 2016, with accompanying Flood Insurance Rate Ma, dated July 20, 2016, with panels 510D, 512D, 513D, 514D, 516D, 520D, 530D, 535D, 536D, 537D, 538D, 539D, 541D, 542D, 543D, 544D, 676D, 677D, 679D, 681D, 682D, 683D, 684D, 703D, and 705D, derived from the county-wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Hancock County, Maine." These documents are hereby adopted by reference and declared to be a part of this chapter.

§ 64-4. Severability and conflict.

A. In the event that any provision of this chapter is ruled to be invalid by a court of competent jurisdiction, the remaining provisions will continue in full force and effect.

B. In the event any provision of this chapter conflicts with or is inconsistent with another provision of this chapter or any other ordinance, regulation or statute, the more restrictive provision will govern.

C. This chapter 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.

§ 64-5. When effective.

This chapter is effective 30 days after the date of adoption by the Bucksport Town Council.

§ 64-6. Administration.

A. This chapter shall be administered by the Code Enforcement Officer who, after receiving an application for a flood hazard development permit, must conduct a review to determine if the proposed development is reasonably safe from flooding and if all pertinent requirements of this

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chapter have been, or will be met.

B. Base flood data required by this chapter must be obtained from the "Flood Insurance Study - Hancock County, Maine," as described in § 64-3. When base flood elevation data are not provided by said study, any federal, state, or other technical flood data sources must be reviewed and utilized as may be appropriate, including information obtained pursuant to §§ 64-8D, 64-9L, M, N and 64-10D, in order to administer § 64-9 of this chapter.

C. Interpretation of boundary locations of special flood hazard areas as shown on the maps described in § 64-3 of this chapter shall be the responsibility of the Code Enforcement Officer.

D. Adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program must be notified prior to any alteration or relocation of a watercourse, and copies of such notifications must be submitted to the Federal Emergency Management Agency.

E. When base flood elevation data in a Zone A flood hazard area are established by methods outlined in § 64-8D(2), such data must be submitted to the Maine Floodplain Management Program.

F. No land in a special flood hazard area may be occupied or used and no structure that is constructed or substantially improved may be occupied until the Code Enforcement Officer issues a certificate of compliance.

G. Before a certificate of compliance may be issued, the following requirements must be met:

(1) For new construction or substantial improvement of any elevated structure, the applicant must submit to the Code Enforcement Officer an elevation certificate completed by a professional land surveyor, licensed professional engineer, or architect, documenting compliance with § 64-9B, C, D, E, F or G, as applicable.

(2) For structures in Zone VE, the applicant must submit certification by a licensed professional engineer or architect that the design and methods of construction used are in compliance with § 64-9T.

(3) The applicant must submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this chapter.

(4) The Code Enforcement Officer shall review the elevation certificate and the applicant's written notification within 10 working days and, upon determining that the development conforms with the provisions of this chapter, shall issue a certificate of compliance.

H. The Planning Board shall hear and decide upon applications for conditional uses provided for in this chapter, in accordance with the following procedures:

(1) The applicant must submit to the Planning Board a flood hazard development permit application with additional information attached addressing how each of the conditional use criteria specified in this chapter will be satisfied.

(2) The Planning Board shall hold a public hearing on the application within 30 days of its receipt of the application.

(3) The Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing if the application satisfies all relevant requirements of this chapter.

(4) A conditional use permit issued under the provisions of this chapter shall expire if the work or

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change involved is not commenced within 180 days of the date of approval of the conditional use by the Planning Board.

(5) The applicant shall be notified by the Planning Board, in writing over the signature of the Chairman of the Planning Board, that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

(6) No existing building or use of premises may be expanded or enlarged without Planning Board approval if that building or use was established or constructed under a previously issued conditional use permit or if it is a building or use which would require a conditional use permit if being newly established or constructed under this chapter.

§ 64-7. Permits.

A. Before any construction or other development (as defined in § 64-13), including the placement of manufactured homes, begins within any areas of special flood hazard established in § 64-1, a flood hazard development permit must be obtained from the Code Enforcement Officer, except as provided for in § 64-6H. This permit is in addition to any other permits that may be required pursuant to the codes and ordinances of the Town of Bucksport, Maine.

B. Before a flood hazard development permit may be issued, the Code Enforcement Officer must determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

C. If the application satisfies the requirements of this chapter, the Code Enforcement Officer shall 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 authorizes the applicant to build a structure to and including the first horizontal floor only above the base flood level. Upon completion of that work, the applicant must provide the Code Enforcement Officer with an elevation certificate completed by a professional land surveyor, licensed professional engineer or architect based on the Part I permit construction, verifying that the structure, as built, complies with the elevation requirements of § 64-9B, C, D, E, F or G, as applicable. Within 72 hours of receipt of the completed elevation certificate, the Code Enforcement Officer must determine if all Part I requirements have been met and, upon making such determination, issue Part II of the flood hazard development permit that authorizes the applicant to complete the construction project; or

(2) A flood hazard development permit for floodproofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated, but that meet the floodproofing standards of § 64-9E(1), (2) and (3). The application for this permit must include a floodproofing certificate signed by a licensed 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 § 64-9K, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or

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materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures. Also included are nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

D. Any flood hazard development permit application for a conditional use, as provided for in this chapter, must be reviewed and approved by the Planning Board in accordance with § 64-8 before a permit may be issued by the Code Enforcement Officer.

E. The Code Enforcement Officer shall 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 § 64-11 of this chapter, and copies of elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of §§ 64-6, 64-8 and 64-9 of this chapter.

§ 64-8. Application requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Any application for a flood hazard development permit must be submitted to the Code Enforcement Officer and must include the following information:

(1) The name, address and phone number of the applicant, owner, and contractor;

(2) An address and a map indicating the location of the construction site;

(3) A site plan showing the 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;

(4) A statement of the intended use of the structure and/or development;

(5) A statement of the cost of the development, including all materials and labor;

(6) A statement as to the type of sewage system proposed;

(7) Dimensions of the proposed structure and/or development;

(8) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

(9) A statement of construction plans describing in detail how each applicable development standard in § 64-9 will be met.

B. In addition to the requirements of § 64-8A, any application for a flood hazard development permit for new construction or substantial improvement must also include the following information:

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

(a) The base flood at the proposed site of all new or substantially improved structures;

(b) The highest and lowest grades at the site adjacent to the walls of the proposed building;

(c) The lowest floor, including basement, and whether or not such structures contain a basement; and

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(d) The level to which any nonresidential structure will be floodproofed.

(2) A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in § 64-9;

(3) A written certification by a professional land surveyor, a licensed professional engineer or an architect that the base flood elevation and grade elevations shown on the application are accurate;

(4) The following certifications by a licensed professional engineer or architect as required in § 64-9:

(a) A floodproofing certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of § 64-9E and other applicable standards in § 64-9;

(b) A V-Zone certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of § 64-9T and other applicable standards in § 64-9;

(c) A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of § 64-9O(3);

(d) A statement from a licensed professional engineer or architect, certifying that bridges will meet the standards of § 64-9P; and

(e) A statement from a licensed professional engineer, certifying that containment walls will meet the standards of § 64-9Q.

C. Base flood elevation data for Zone AE and VE shall be obtained from the "Flood Insurance Study - Hancock County, Maine," as described in § 64-3;

D. Base flood elevation data for Zone A must be obtained from any of the following sources:

(1) Base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to § 94-6L, M and N;

(2) 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 licensed professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or,

(3) In the absence of all other data, the elevation of the ground at a point on the floodplain boundary that intersects with a line projecting in a perpendicular direction from the shoreline and passing through the site of the proposed building.

E. A nonrefundable application fee must be paid to the Town at the time the application is submitted. The permit fee shall be determined in accordance with the Schedule of Fees.

F. The applicant may be charged additional fees for professional consultants required by the Code Enforcement Officer, Planning Board or Board of Appeals to assist in determining compliance with the requirements of this chapter. Fees are due within 10 days after submittal of a bill by the Town. Failure to pay the bill shall constitute a violation of this chapter 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

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on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

§ 64-9. Development standards.

A. All development in areas of special flood hazard must meet the following requirements:

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

(2) Construction materials must be resistant to flood damage, and construction methods and practices must minimize flood damage;

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities must be designed and located so as to prevent water from entering or accumulating within the components during flooding conditions;

(4) New and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems;

(5) New and replacement sanitary sewage systems must be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters;

(6) On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during floods; and

(7) All development associated with altered or relocated portions of a watercourse must be constructed and maintained in such a manner that no reduction occurs in the flood-carrying capacity of the watercourse.

B. New construction or substantial improvement of any residential structure located within Zone AE must have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

C. New construction or substantial improvement of any residential structure located within Zone A must have the lowest floor, including basement, elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to § 64-6B, 64-8D or 64-10D.

D. New construction or substantial improvement of any residential structure located within Zone VE shall meet the requirements of § 64-9S and T.

E. New construction or substantial improvement of any nonresidential structure located within Zones A and AE must comply with the following floodproofing standards:

(1) In Zone AE, the lowest floor, including basement, must be elevated to at least one foot above the base flood elevation; or

(2) The nonresidential structure, together with attendant utility and sanitary facilities, must be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls constructed of structural components that are substantially impermeable to the passage of water and that are capable of resisting the effects of buoyancy

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and hydrostatic and hydrodynamic loads; and

(3) A licensed professional engineer or architect has certified 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 must be provided with the application for a flood hazard development permit, as required by § 64-8B(4)(a), and must include a record of the elevation above mean sea level to which the structure is floodproofed;

(4) In Zone A, the lowest floor, including basement, must be elevated to at least one foot above the base flood elevation, utilizing information pursuant to § 64-6B, 64-8D or 64-10D; or

(5) Together with attendant utility and sanitary facilities, the lowest floor, including basement, must meet the floodproofing standards of § 64-9E(2) and (3).

F. New construction or substantial improvement of any nonresidential structure located within Zone VE must meet the requirements of § 64-9S and T.

G. New or substantially improved manufactured homes located within Zones A and AE must comply with the following standards:

(1) In Zone AE, the lowest floor, including basement, must be at least one foot above the base flood elevation;

(2) In Zone A, the lowest floor, including basement, must be at least one foot above the base flood elevation, utilizing information obtained pursuant to § 64-6B, 64-8D or 64-10D;

(3) The manufactured home must be installed on a permanent foundation, which may be a poured masonry slab or foundation walls with hydraulic openings, or it 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

(4) The manufactured home must 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:

(a) 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

(b) 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).

(5) All components of the anchoring system described in § 64-9G(4)(a) and (b) must be capable of carrying a force of 4,800 pounds.

H. New construction or substantial improvement of any manufactured home located within Zone VE shall meet the requirements of § 64-9S and T.

I. Recreational vehicles located within Zone A and AE must comply with the following standards:

(1) Recreational vehicles may be parked on the site for no more than 120 consecutive days; and

(2) Recreational vehicles must be fully licensed and ready for highway use. A recreational vehicle

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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;

(3) As an alternative to meeting the requirements of § 64-9I(1) and (2), recreational vehicles may be permitted in Zone A and AE in accordance with the elevation and anchoring requirements in § 64-9G;

(4) Recreational vehicles may not be occupied for year-round residential use.

J. Recreational vehicles located within Zone VE shall meet the requirements of § 64-9I(1) and (2) or § 64-9S and T.

K. Accessory structures, as defined in § 64-13, located only within Zones AE and A are exempt from the elevation criteria required in § 64-9B, C, D, E, F and G if all other applicable requirements of § 64-9 and all the following requirements are met:

(1) An accessory structure must have unfinished interiors and not be used for human habitation;

(2) An accessory structure must have hydraulic openings, as specified in § 64-9O(2) through (3), in at least two different walls of the accessory structure;

(3) An accessory structure must be located outside the floodway;

(4) An accessory structure must be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed farther from the source of flooding than the primary structure whenever possible; and

(5) An accessory structure must have only ground fault interrupt electrical outlets. The electric service disconnect must be located above the base flood elevation and, when possible, outside the special flood hazard area.

L. In Zone AE riverine areas for which a regulatory floodway is designated on the community's Flood Insurance Rate Map, encroachments, including fill, new construction, substantial improvement, and other development, may not be permitted within the floodway unless a technical evaluation certified by a licensed 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.

M. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development, may not be permitted in the regulatory floodway as defined in § 64-13, unless a technical evaluation certified by a licensed professional engineer is provided, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

N. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of a river or other watercourse 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.

O. New construction or substantial improvement of any structure in Zones AE and A that meets the

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development standards of § 64-9, including the elevation requirements of § 64-9B, C, E or G and that is elevated on posts, columns, piers, piles, stilts or crawl spaces, may include enclosed areas below the base flood elevation requirements, provided all the following criteria are met or exceeded:

(1) Enclosed areas are not basements, as defined in § 64-13;

(2) Enclosed areas are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater; and

(3) Designs meeting the requirement of § 64-9O(2) are engineered and certified by a licensed professional engineer or architect, or meet or exceed the following minimum requirements:

(a) A minimum of two openings must have a combined total net area of not less than one square inch for every square foot of the enclosed area.

(b) The bottom of all openings must be below the base flood elevation and no higher than one foot above the lowest grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means.

(4) The enclosed areas may not be used for human habitation; and

(5) The enclosed areas may only be used for building access, parking of vehicles, or storage.

P. New construction or substantial improvement of any bridge in Zones AE, A and VE must be designed, when possible, to locate the lowest horizontal member, excluding the pilings or columns, at least one foot above the base flood elevation. A licensed professional engineer must certify that:

(1) The structural design and methods of construction meet the elevation requirements of this section and the floodway standards of § 64-9L, M and N; and,

(2) The foundation and superstructure 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 must be those associated with the base flood.

(3) Such certification must be provided with a flood hazard development permit application, as required by § 64-8B(4)(d).

Q. New construction or substantial improvement of any containment wall located within Zones AE, A and VE must meet the following requirements:

(1) The containment wall must be elevated to at least one foot above the base flood elevation;

(2) Structural components must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(3) A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

(4) Such certification must be provided with a flood hazard development permit application as is required by § 64-8B(4)(e).

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R. New construction or substantial improvement of wharves, piers, and docks may be permitted in Zones AE, A and VE in and over water and seaward of the mean high tide if the following requirements are met:

(1) Wharves, piers, and docks must comply with all applicable local, state, and federal regulations; and

(2) A licensed professional engineer must develop or review the structural design, specifications, and plans for the construction of commercial wharves, piers, and docks.

S. All new construction located within Zones AE and VE must be located landward of the reach of mean high tide, except as provided in § 64-9U.

T. All new construction or substantial improvement of any structure located within Zone VE must comply with the following requirements:

(1) Structures must be elevated on posts or columns such that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation.

(2) The pile or column foundation and the elevated portion of the structure attached thereto must be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

(3) Water-loading values used must be those associated with the base flood. Wind-loading values used must be those required by applicable state and local building standards.

(4) The space below the lowest floor must be free of obstructions or enclosed with open-wood latticework or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns. Areas of less than 300 square feet may be enclosed with nonsupporting breakaway walls that have a designed safe loading resistance of not less than 10 pounds per square foot or more than 20 pounds per square foot.

(a) A licensed professional engineer or architect must develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual (FEMA-55).

(b) A licensed professional engineer or architect must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of § 64-9U.

(5) The use of fill for structural support in Zone VE is prohibited.

(6) Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

(7) The area below the lowest floor may only be used for parking vehicles, building access, and storage.

U. Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in § 64-9D only if permitted as a conditional use as provided for in § 64-6H, and if all the following requirements and those of § 64-9A, L, M, N and O are met:

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(1) The conditional use must be limited to low-value structures such as metal or wooden sheds 200 square feet or less and may not exceed more than one story;

(2) The structure must be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components;

(3) The structure will not adversely increase wave or debris impact forces affecting nearby buildings;

(4) The structure must have unfinished interiors and may not be used for human habitation;

(5) Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation; and

(6) All electrical outlets must be ground fault interrupt type. The electrical service disconnect must be located on shore above the base flood elevation and, when possible, outside the special flood hazard area.

§ 64-10. Subdivisions and developments.

This section is applicable to any proposed subdivision, any proposed manufactured home park as defined in § 64-13, any project involving five or more acres of disturbed soils, and any other project requiring local Planning Board approval that is also subject to review under federal or state regulation or law. When reviewing any of the above-described proposed projects that are located on land that is either partially or entirely within a special flood hazard area, the Planning Board must 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 damage;

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 must be based on engineering practices recognized by the Federal Emergency Management Agency; and

E. The subdivision or development plan includes a condition of approval that requires structures to be constructed in accordance with § 64-9 of this chapter. Such requirement must be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition must clearly articulate that the municipality may enforce any violation of the construction requirement and that fact must also be included in the deed or any other document previously described. The construction requirement must also be stated on any map, plat or plan to be signed by the Planning Board as part of the approval process.

§ 64-11. Appeals.

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

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B. The Board of Appeals may grant a variance from the requirements of this chapter upon determining that:

(1) There is good and sufficient cause;

(2) If a flood comparable to the base flood should 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;

(3) The issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

(4) Failure to grant the variance would result in undue hardship, which in this subsection means:

(a) The land in question cannot yield a reasonable return unless a variance is granted;

(b) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(c) The granting of a variance will not alter the essential character of the locality; and

(d) The hardship is not the result of action taken by the applicant or a prior owner.

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

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

E. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use, provided that all other criteria of this section and § 64-9L, M and N are met and the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

F. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that the development meets the criteria of § 94-11A through E; 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.

G. Any applicant who meets the applicable criteria of § 64-11A through F must be notified, in writing over the signature of the Chairman of the Board of Appeals, that 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, and such construction increases risks to life and property.

H. Any applicant granted a variance must agree, in writing, to the following statement:

(1) The applicant is fully aware of all the risks inherent in the use of land subject to flooding and agrees to assume those risks and 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. The applicant further agrees to individually release the municipality from any claims the applicant

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may have against the municipality that are related to the use of land located in a floodplain.

I. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within 30 days of the date of a written decision of the Code Enforcement Officer or Planning Board.

J. 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.

K. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

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

M. The Board of Appeals shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.

N. 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.

O. 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 45 days of the date of any decision of the Board of Appeals.

§ 64-12. Enforcement.

A. The Code Enforcement Officer shall enforce the provisions of this chapter pursuant to 30-A M.R.S.A. § 4452.

B. The penalties contained in Title 30-A M.R.S.A. § 4452 apply to any violation of this chapter.

C. In addition to any other actions, the Code Enforcement Officer, upon determining 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 the following information:

(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.

§ 64-13. Definitions and word usage.

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A. Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have at common law and to give this chapter 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" and "must" are mandatory and not discretionary.

B. As used in this chapter, the following terms shall have the meanings indicated:

100-YEAR FLOOD — See "base flood."

ACCESSORY STRUCTURE — A small, detached structure that is incidental and subordinate to the principal structure.

ADJACENT GRADE — The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain having a 1% or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in § 94-3 of this chapter.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year, commonly called the "100-year flood."

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

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 chapter.

CODE ENFORCEMENT OFFICER — A person certified under 30-A M.R.S.A. 4451 (including exceptions in § 4451, Subdivision 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

CONDITIONAL USE — A use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to §§ 64-6H, 64-7D and 64-9U.

CONTAINMENT WALL — Wall used to convey or direct stormwater or sanitary water from the initial source to the final destination.

DEVELOPMENT — A man-made change to improved or unimproved real estate. This includes, but is not limited 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.

DIGITAL FLOOD INSURANCE RATE MAP (FIRM) — See "Flood Insurance Rate Map."

ELEVATED BUILDING —

(1) In Zones AE or A, a nonbasement building built to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or stilts; and 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 Zones AE or A,

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"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 floodwaters, as required in § 64-9K.

(2) In Zone VE, a nonbasement building built to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or stilts; and 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 Zone VE, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of § 64-9T(4).

ELEVATION CERTIFICATE — An official form (FEMA Form 81-31, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program and is required for purchasing flood insurance.

FLOOD or FLOODING —

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(2) 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.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM) — 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 — Any land area susceptible to being inundated by water from any source (see "flood or flooding").

FLOODPROOFING — Any combination of structural and nonstructural 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.

FLOODPLAIN MANAGEMENT — 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 — 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.

FLOODWAY — See "regulatory floodway."

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FLOODWAY ENCROACHMENT LINES — The lines marking the limits of floodways on federal, state, and local floodplain maps.

FREEBOARD — 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 — A use that 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 shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURE — Any structure that is:

(1) 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;

(2) 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;

(3) 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

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

LOCALLY ESTABLISHED DATUM — For the purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum, and is used in areas where mean sea level data is too far from a specific site to be practically used.

LOWEST FLOOR — 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 nonelevation design requirements described in § 64-9K of this chapter.

MANUFACTURED HOME — 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 — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum

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to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MINOR DEVELOPMENT — 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 § 64-9K; 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 nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — The national vertical datum, based on a standard 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 — Structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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

RECREATIONAL VEHICLE — A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection (not including slide outs), designed to be self-propelled or towed by a motor vehicle and designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use and not for a permanent dwelling.

REGULATORY FLOODWAY — The channel of a river or other watercourse 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, when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other watercourse 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 — 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 —

(1) 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.

(2) 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

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garages or sheds not occupied as dwelling units or not part of the main structure.

(3) 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 — For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally aboveground is also a structure.

SUBSTANTIAL DAMAGE — 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% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) 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

(2) 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 — A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION — The failure of a structure or development to comply with a community's floodplain management regulations.[14]

14. Editor's Note: Original Sec. 14, Abrogations and Amendments, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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Chapter 67

FOOD SOVEREIGNTY

[HISTORY: Adopted by the Town Council of the Town of Bucksport 6-14-2018 (Appendix O of the 1978 Town Code). Amendments noted where applicable.]

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§ 67-1. Short title.

This chapter shall be known and may be cited as the "Local Food Sovereignty Ordinance."

§ 67-2. Definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

For the purposes of this chapter, certain words and phrases are defined as follows:

CONSUMER — An individual who is the last person to purchase any food or food product for consumption directly from a producer or processor and who does not resell the food or food product.

DIRECT PRODUCER-TO-CONSUMER TRANSACTION — An exchange of food or food products directly between a food producer and a consumer by barter, trade or purchase on the property or premises owned, leased or rented by the food producer; 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.

FOOD or FOOD PRODUCTS — Food or food products that are grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

PROCESSOR — An individual who processes or prepares products of the soil or animals for food and drink.

PRODUCER — A farmer or gardener who grows or raises any plant or animal for food or drink.

§ 67-3. License and inspection exemptions.

A. Producers or processors of food or food products in the Town of Bucksport intended for direct producer-to-consumer transactions shall be exempt from state licensure and inspection when the food or food products are sold through such direct producer-to-consumer transactions.

B. These exemptions do not apply to any meat or poultry products that are licensed and inspected by the State of Maine in compliance with applicable federal acts.

§ 67-4. Statutory authority; severability.

A. This chapter is adopted and enacted pursuant to 7 M.R.S.A. §§ 281 to 286, the "Maine Food Sovereignty Act."

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

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Chapter 75

GENERAL ASSISTANCE

[HISTORY: Adopted by the Town Council of the Town of Bucksport 11-14-1991 (Appendix M of the 1978 Town Code). Amendments noted where applicable.]

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ARTICLE I
Statement of Policy

§ 75-1. Purpose; general provisions.

A. The municipality of Bucksport administers a program of general assistance (GA) available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided within this chapter, Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq.

B. Every effort will be made to recognize the dignity of the applicant while encouraging self-reliance. The program will strive to help eligible persons achieve self-maintenance by promoting the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. The general assistance program will place no unreasonable restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the municipal GA program are encouraged to provide the municipality with advance notice regarding the accommodation request.

C. The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. GA applicants will be provided information regarding their rights and responsibilities under the GA program. Within 24 hours of receiving an application, the administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the administrator issues nonemergency assistance conditionally on the successful completion of a workfare assignment (see § 75-25 of this chapter).

D. The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law (see 22 M.R.S.A. § 4306).

E. The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this chapter and Maine General Assistance Law[15] will be readily available to any member of the public upon request. Notice to this effect will be posted.

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15. Editor's Note: See 22 M.R.S.A. § 4301 et seq.

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ARTICLE II
Definitions

§ 75-2. Common meaning of words.

Unless otherwise apparent or defined, all words in this chapter will have their common meaning.

§ 75-3. Special definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR — See "general assistance administrator," below.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

APPLICANT — A person who has submitted, either directly or through an authorized representative, an application for general assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

APPLICATION FORM — A standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

BASIC NECESSITIES —

A. Food, clothing, shelter, fuel, electricity, nonelective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

B. Basic necessities do not include:

   (1) Phone bills.

   (2) Cable or satellite dish television.

   (3) Mail orders.

   (4) Vehicle payments.

   (5) Credit card debt.

   (6) Loan repayments.

   (7) Cigarettes.

   (8) Alcohol.

   (9) Pet care costs.

   (10) Vacation costs.

   (11) Legal fees.

   (12) Late fees.

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(13) Key deposits.

(14) Security deposits for rental property (except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full) (22 M.R.S.A. § 4301, Subdivision 1).

CASE RECORD — An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility, including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

CATEGORICAL ASSISTANCE — All state and federal income maintenance programs.

CLAIMANT — A person who has requested a fair hearing.

DEFICIT — An applicant's "deficit" is the appropriate overall maximum level of assistance for the household as provided in § 75-36 of this chapter, less the household income as calculated pursuant to § 75-35 of this chapter, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

DISABLED PERSON — A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

DWELLING UNIT — A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit (22 M.R.S.A. § 4301, Subdivision 2).

EARNED INCOME — Wages or income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

ELIGIBLE PERSON — A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this chapter, Maine law (22 M.R.S.A. Ch. 1161), and DHHS regulations (10-144 CMR Ch. 323). If otherwise qualified, "eligible person" includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1) to (3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for noncitizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. "Eligible person" does not include a fugitive from justice as defined in 15 M.R.S.A. § 201, Subdivision 4. (See "pursuing a lawful process," below.)**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

EMERGENCY — Any life-threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person At the municipality's option, a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately (22 M.R.S.A. §§ 4301, Subdivision 4; 4308, Subdivision 2, 4310).

GENERAL ASSISTANCE ADMINISTRATOR — A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a Town manager, welfare director, or caseworker (22 M.R.S.A. § 4301, Subdivision 12).

GENERAL ASSISTANCE BENEFITS — Benefits provided to a person through the GA program.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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GENERAL ASSISTANCE PROGRAM — A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing grant-in-aid or categorical welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person is in need and is found to be otherwise eligible to receive general assistance (22 M.R.S.A. § 4301, Subdivision 5).

HOMELESSNESS — "Homelessness" means a situation in which a person or household is living in a place that is not fit for human habitation; living in an emergency shelter; living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; exiting a hospital or institution licensed under 22 M.R.S.A. Ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or fleeing or attempting to flee violence and has no other residence.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

HOUSEHOLD — An individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income (22 M.R.S.A. § 4301, Subdivision 6).

INCOME —

A. Any form of income in cash or in kind received by the household, including:

(1) Net remuneration for services performed.

(2) Cash received on either secured or unsecured credit.

(3) Payments received as an annuity, retirement or disability benefits.

(4) Veterans' pensions and/or benefits.

(5) Retirement accounts or benefits.

(6) Workers' compensation unemployment benefits.

(7) Federal and/or state tax returns.

(8) Benefits under any state or federal categorical assistance program such as TANF, supplemental security income, social security and any other payments from governmental sources (unless specifically prohibited by any law or regulation).

(9) Court-ordered support payments, e.g., child support, income from pension or trust funds.

(10) Household income from any other source, including relatives or unrelated household members.

(11) Student loans.

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(12) Rental income.

B. The following items shall not be considered as income or assets that must be liquidated for the purposes of deriving income:

(1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;

(2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or

(3) Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

C. In determining need, the period of time used as a basis for the calculation shall be a thirty-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality (22 M.R.S.A. § 4301, Subdivision 7).

D. Certain public benefit programs are specifically exempt from being counted as income for purposes of GA. These programs include:

(1) Supplemental Nutrition Assistance Program (SNAP) [7 U.S.C. § 2017(b)]. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(2) Li-Heap (42 U.S.C. § 8624).

(3) Family development accounts (22 M.R.S.A. § 3762).

(4) Americorp VISTA program benefits [42 U.S.C. § 5044 (f)].

(5) Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S.A. § 4301, Subdivision 7]). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(6) Aspire support service payments (10-144 CMR Chapter 323).

INITIAL APPLICANTS — A person who has not applied for assistance in this or any other municipality are considered initial applicants.

JUST CAUSE — A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing (22 M.R.S.A. §§ 4301, Subdivision 8; 4316-A, Subdivision 5).

LANDLORD — A person who owns a property and allows another person to use that property in return for payment (22 M.R.S.A. § 4301, Subdivision 8-B).**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

LUMP SUM PAYMENT — A one-time or typically nonrecurring sum of money issued to an applicant or recipient. "Lump sum payment" includes, but is not limited to, retroactive or settlement portions of social security benefits; workers' compensation payments; unemployment benefits; disability income; Veterans benefits; severance pay benefits; or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount

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of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses (22 M.R.S.A. § 4301, Subdivision 8-A).

MATERIAL FACT — A "material fact" is a fact that necessarily has some bearing on the determination of an applicant's general assistance eligibility and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

MAXIMUM LEVELS OF ASSISTANCE — The amount of financial assistance for a commodity or service as established in § 75-36 of this chapter or the actual cost of any such basic necessity, whichever is less.

MISCONDUCT — For purposes of the GA work requirement (see 22 M.R.S.A. § 4316-A), misconduct shall have the same meaning as misconduct defined in 26 M.R.S.A. § 1043, Subdivision 23. (See Appendix I of this chapter for the official definition of misconduct.[16]) Generally, employees are guilty of misconduct when the employee violates his or her duties or obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer's interest may also be found guilty of misconduct.

MISSPENT INCOME — "Misspent income" includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous thirty-day period.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

MUNICIPALITY — Any city, town or plantation administering a general assistance program.

MUNICIPALITY OF RESPONSIBILITY — The municipality which is financially liable for the support of an eligible person at the time of application (22 M.R.S.A. §§ 4301, Subdivision 9; 4307).

NEED — The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance (22 M.R.S.A. §§ 4301, Subdivision 10, 4308).

NET GENERAL ASSISTANCE COSTS — Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistance program (22 M.R.S.A.§§ 4301, Subdivision 11, 4311).

PERIOD OF ELIGIBILITY — The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance; provided, however, in no event shall this period extend beyond one month (22 M.R.S.A. § 4309, Subdivision 1).

POOLING OF INCOME — "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This chapter establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a recovery residence are not considered to be commingling funds. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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16. Editor's Note: Appendix I is on file in the Town office.

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POTENTIAL RESOURCES — Sources of financial assistance, including programs, services, nonliquid assets or trusts, which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

PURSUING A LAWFUL PROCESS TO APPLY FOR IMMIGRATION RELIEF — Taking reasonable, good-faith steps to apply for immigration relief within 12 months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 CMR Ch. 323, for additional guidance.)**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

REAL ESTATE — Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S.A. § 4301, Subdivision 13).

RECIPIENT — A person who has applied for and is currently receiving general assistance.

RECOVERY RESIDENCE — "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder (5 M.R.S.A. § 20003, Subdivision 19-D).**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

REPEAT APPLICANTS — All applicants for general assistance that are not initial applicants are repeat applicants. For purposes of this chapter, "repeat" and "subsequent" shall have the same meaning.

RESIDENT — A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S.A. § 4307).

RESOURCES —

A. Includes any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources: available and potential. "Potential" resources are programs, services, nonliquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

B. Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual (22 M.R.S.A. § 4317). Potential resources include the TANF (previously known as "AFDC") program, food stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

C. "Available" resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts; assets for which there is an immediate and available market; or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the GA administrator, a necessary minimum balance required by a

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financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

D. The municipal GA administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities. Although GA applicants/recipients may be informed of the existence of a charitable resource and/or organization, GA eligibility shall not be based or conditioned on the use of a private charitable resource(s).

THIRTY-DAY NEED — An applicant's thirty-day need is the sum of the household's prospective thirty-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the "thirty-day cost" for any basic need shall be the household's actual thirty-day cost for the basic necessity or the maximum thirty-day cost for the basic necessity as established by this chapter, whichever is less.

UNEARNED INCOME — "Unearned income" is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

UNFORESEEN REPEAT APPLICANTS — Are repeat applicants who have not applied for assistance within the last 12 months and who have been regularly employed or receiving support from a public benefit or private source and who have unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

UNMET NEED — An applicant's "unmet need" is the household's thirty-day need as established by § 75-34 of this chapter, less the household income as calculated pursuant to § 75-35 of this chapter, provided such a calculation yields a positive number. If the household income is greater than the household's thirty-day need, the household does not have an unmet need.

WORK REQUIREMENTS — "Work requirements" are those obligations the municipal administrator places on applicants for general assistance as directed and/or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for general assistance when complied with, result in ineligibility when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work; looking for work in good faith; accepting all suitable job offers; maintaining employment; performing workfare; and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

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ARTICLE III
Administrative Rules and Regulations

§ 75-4. Establishment.

The following are rules and regulations for the administration of general assistance.

§ 75-5. Confidentiality of information.

Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states, in writing, what information is to be released (22 M.R.S.A. § 4306).

A. Release of information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his or her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file, stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

B. Information from other sources; penalty.

(1) Information furnished to the municipality by the Department of Health and Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314 is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death (22 M.R.S.A. § 2706).

(2) Any representative of a financial institution (except national banks) or any employer of a general assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state, in writing, the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. §§ 4314, 4315).

C. Misuse of information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S.A. § 42, Subdivision 2).

§ 75-6. Maintenance of records.

A. The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:

(1) Provide a valid basis of accounting for municipal expenditures;

(2) Document and support decisions concerning an applicant or recipient; and

(3) Ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.

B. Case records.

(1) The administrator will establish and maintain a separate case record, either in paper format or

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digital format for each applicant or recipient. Each case record will include at least:

(a) Household applications.

(b) Budget sheets.

(c) Information concerning the types and amounts of assistance provided.

(d) Narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less).

(e) Written decisions.

(f) Requests for fair hearings and the fair hearing authority decisions.

(g) Workfare participation records.

(h) Repayments to the municipality.

(i) Narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status.

(j) Client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information.

(k) Adjustments in aid, and suspension or termination of eligibility.

(l) Physician's documentation.

(m) Supplemental security income (SSI) interim assistance reimbursement authorization forms.

(n) Vendor forms.

(2) Case records will not include information or material that is irrelevant to either the applicant's or recipient's application or the administrator's decisions.

C. Retention of records. General assistance records shall be retained for a minimum of three full years. The three-year period shall coincide with the state's fiscal year, which begins July 1 and ends on the following June 30. Records may be destroyed after three years by one of the two preferred methods of destruction for confidential records; i.e., supervised shredding, burning or appropriate digital deletion/destruction process. In the event a client's records contain SSI reimbursement forms, the client's records should be maintained so that the municipality may seek reimbursement.

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ARTICLE IV
Application Procedure

§ 75-7. Right to apply.

A. Who may apply. Anyone may apply for general assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in § 75-15 of this chapter or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for general assistance (22 M.R.S.A. § 4304, Subdivision 3). In such cases, the administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for general assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. §§ 4305, 4308). With notice, all members of the household receiving general assistance may be required to physically present themselves to the administrator.

B. Application via telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail and visiting the applicant's home with his or her permission (22 M.R.S.A. § 4304).

C. Written application upon each request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for general assistance each time a person applies (22 M.R.S.A. §§ 4308, 4309).

D. Applications accepted; posted notice. Application forms will be available during regular business hours at the municipal office and when the general assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the DHHS toll-free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator or his or her designee will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

§ 75-8. Application interview.

Except when it is impractical, the general assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

§ 75-9. Contents of application.

A. At a minimum, the application will contain the following mandatory information:

(1) Applicant's name, address, date of birth, social security number or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;

(2) Names, date(s) of birth, and social security number(s) or appropriate USCIS documentation of

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other household members for whom the applicant is seeking assistance;

(3) Total number of individuals living with the applicant;

(4) Employment and employability information;

(5) All household income, resources, assets, and property;

(6) Household expenses;

(7) Types of assistance being requested;

(8) Penalty for false representation;

(9) Applicant's permission to verify information;

(10) Signature of applicant and date.

B. In the event an initial applicant is unable to provide identification records (e.g., social security card/ number) because the record may have been lost, stolen or misplaced, the initial applicant may be provided a reasonable amount of time, e.g., five working days, in order to obtain copies of identification records. Provided the initial applicant makes a good-faith effort to obtain the item/ record sought, GA required to cure an immediate and/or emergency need shall not be withheld. In such cases, the municipality may elect to provide only a prorated amount of GA, e.g., five day's worth, while the applicant proceeds to obtain the required information.

§ 75-10. General assistance administrator responsibilities at time of application. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving general assistance, including application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

A. Application requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.

B. Eligibility requirements. The administrator will inform, either verbally or in writing, the applicant of the eligibility requirements of the program, including:

(1) The income standard of need;

(2) The applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;

(3) The financial reduction in assistance that is the consequence of spending household income on nonbasic necessities;

(4) Immigration status (see definition of "eligible person"); and

(5) The disqualification penalties associated with committing fraud, failing to perform work-related

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assignments without just cause, or failing to make a good-faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

C. Applicant rights. The administrator will inform all applicants of their rights to:

(1) Review the municipal General Assistance ordinance and Maine General Assistance Law;[17]

(2) Apply for assistance;

(3) Receive a written decision concerning eligibility within 24 hours of applying for assistance;

(4) Confidentiality;

(5) Contact the DHHS;

(6) Challenge the administrator's decision by requesting a fair hearing.

D. Reimbursement/recovery. The administrator will inform the applicant that he/she must reimburse the municipality for the amount of general assistance he/she has been granted in the event of a subsequent ability to pay. The municipality may also, as appropriate, contact the client's legal representative to inform him or her of the client's obligation to repay the municipality under the GA program. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25; see Article VIII, Recovery of Expenses) (22 M.R.S.A. §§ 4318, 4319). Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the workers' compensation lump sum payment lien, or the SSI interim assistance agreement lien, as these liens are described in Article VIII, Recovery of Expenses.

§ 75-11. Responsibilities of applicant at time of application.

A. The applicant has the responsibility at the time of each application to provide accurate, complete and current household information and verifiable documentation concerning:

(1) Income.

(2) Resources.

(3) Assets.

(4) Employment.

(5) Use of income.

(6) Names and addresses of any relatives legally liable for the applicant's support.

(7) Any change in this information from a previous application that would affect household eligibility (22 M.R.S.A. § 4309).

B. In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

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17. Editor's Note: See 22 M.R.S.A. § 4301 et seq.

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(1) Has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;

(2) Has been seeking employment, if previously unemployed or employed on a part-time basis; has accepted any suitable offer of employment; and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

(3) Has made use of all available and potential resources when directed, in writing, to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and

(4) Has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed, in writing, to such a program by the administrator, in order to diminish the applicant's need for general assistance (22 M.R.S.A. §§ 4316-A, 4317).

§ 75-12. Action on application.

A. Written decision. The general assistance administrator will give a written decision to the applicant concerning his or her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to § 75-25 of this chapter) to issue assistance conditionally on the successful completion of a workfare assignment (22 M.R.S.A. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

B. Content. The written decision will contain the following information:

(1) The type and amount of aid the applicant is being granted or the applicant's ineligibility;

(2) The period of eligibility if the applicant is eligible for assistance;

(3) The specific reasons for the decision;

(4) The applicant's right to a fair hearing; and

(5) The applicant's right to notify the DHHS if he/she believes the municipality has acted illegally (22 M.R.S.A. § 4321).

§ 75-13. Withdrawal of application.

An application is considered withdrawn if:

A. The applicant requests, in writing, that his or her application be withdrawn; or

B. The applicant refuses to complete or sign the application or any other form needed by the general assistance administrator.

§ 75-14. Temporary refusal to accept application.

Under special circumstances, the general assistance administrator may temporarily refuse to accept applications. Such circumstances may include, but are not limited to, the following:

A. When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the

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applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.

B. If the administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, or if such behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, then the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;

C. When a third person applies for assistance on behalf of the applicant, that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

§ 75-15. Emergencies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. An "emergency" is considered to be any life-threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household (22 M.R.S.A. § 4301, Subdivision 4). An emergency includes homelessness or imminent homelessness. Although they may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency may be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency (22 M.R.S.A. § 4308).

B. A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the client or the municipality.

C. Disqualification.

(1) A person who is currently disqualified from receiving general assistance due to a violation of § 75-24, 75-25, 75-26, 75-27, or 75-32 of this chapter is ineligible to receive emergency assistance (22 M.R.S.A. § 4308, Subdivision 2A). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as:

(a) A dependent minor child;

(b) An elderly, ill or disabled person; or

(c) A person whose presence is required to provide care for any child under the age of six years or any ill or disabled member of the household (22 M.R.S.A. § 4309, Subdivision 3).

(2) In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.

D. Assistance prior to verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

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(1) After interviewing the applicant, the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and

(2) The applicant submits documentation, when possible, to verify his or her need. The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S.A. § 4310).

E. Telephone applications.

(1) If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator shall accept an application over the telephone (22 M.R.S.A. § 4304).

(2) The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his or her home or by mail and the administrator cannot determine his or her eligibility through any other means.

F. Limitation on emergency assistance.

(1) Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive general assistance to replace the misspent money (22 M.R.S.A. §§ 4308, Subdivision 2, and 4315-A).

(2) All applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert the emergency situation. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

(a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.

(b) The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.

(c) The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this chapter for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

(d) From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the

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household for the applicable time period as well as the total general assistance actually received during the applicable time period.

(e) The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in Subsection F(2)(d), even when such a grant will not totally alleviate the emergency situation.

(f) The administrator may waive this limitation on emergency assistance in life-threatening situations or for "initial applicants"; that is, persons who have never before applied for general assistance.

(g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

§ 75-16. Residence.

A. The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of this municipality. A "resident" is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

B. The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

C. Moving/relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves, provided the recipient remains eligible.

D. Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to six months after he/she enters the institution if the conditions of 22 M.R.S.A. §§ 4307 and 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution (22 M.R.S.A. § 4307, Subdivision 4).

E. Temporary housing. Hotels/motels and similar places of temporary lodging are considered institutions (above) if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging. (Note: Municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to six months and may be subject to other penalties (22 M.R.S.A. § 4307, Subdivision 4).

F. Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility, the administrator will notify the DHHS in Augusta

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(287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality (22 M.R.S.A. §§ 4307, Subdivision 5; 4307, Subdivision 6).

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ARTICLE V
Eligibility Factors

§ 75-17. General liability.

A person will be eligible for general assistance if he/she is in need and has complied with the eligibility requirements set forth below.

§ 75-18. Initial and subsequent applicants. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Initial application.

(1) For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 1043, Subdivision 23) (see § 75-24 of this chapter) or who are fugitives from justice as defined in 15 M.R.S.A. § 201, Subdivision 4; and 22 M.R.S.A. § 4301, Subdivision 3. An "initial applicant" is a person who has never before applied for general assistance in any municipality in Maine (22 M.R.S.A. § 4308, Subdivision 1).

(2) "Need" means that the applicant's income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in § 75-36 of this chapter or the applicant's thirty-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

B. Subsequent applicants. Persons who are not initial applicants are repeat applicants. "Repeat applicants" are people who have applied for general assistance at any time in the past. "Repeat applicants" are also people on whose behalf a general assistance application was made at any time in the past, provided that at such time, the applicant was not a dependent minor in the household. For repeat applicants to be eligible for general assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

§ 75-19. Presumptive eligibility. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a twelve-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that thirty-day period.

§ 75-20. Recovery residences. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S.A. § 20005, Subdivision 22, except that the person may receive housing assistance while residing in an uncertified recovery residence

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for one thirty-day period only. The administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this section may remain eligible to receive GA for other basic necessities. Upon request by a person residing in a certified recovery residence, who has been determined eligible for housing assistance, housing assistance payments will be issued to the operator of the certified recovery residence instead of to a landlord.

§ 75-21. Eligibility for categorical assistance.

A. Receipt of categorical assistance will not disqualify a person from receiving general assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of food stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need [7 U.S.C. § 2017(b)].

B. In addition, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs [42 U.S.C. § 8624(f)]. The calculation of general assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with § 75-35C, Types of income, of this chapter.

C. Applicants or recipients must apply for other program benefits within seven days after being advised, in writing, to do so by the general assistance administrator. Persons who, without just cause, make no good-faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good-faith effort to obtain the benefit (22 M.R.S.A. § 4317).

§ 75-22. Personal property.

A. Liquid assets. No person owning assets easily convertible into cash, including, but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security, will be eligible for general assistance unless and until he or she uses these assets to meet his or her basic needs and thereby exhausts them. At the discretion of the GA administrator, "liquid assets" do not mean a reasonable minimum balance necessary for obtaining free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

B. Tangible assets. No person owning or possessing personal property, such as but not limited to a motor vehicle or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are nonessential to the maintenance of the applicant's household, will be eligible for general assistance. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in § 75-3 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

C. Automobile ownership.

(1) Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation or training facilities, or for any other reason the GA administrator determines reasonable for the maintenance of the applicant's household. Recipients of general assistance who own an automobile with a market value greater than $8,000 may be required,

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with written, seven-day notice, to make a good-faith effort to trade that automobile for an automobile with a market value of less than $8,000. Any income received by the applicant by virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification (22 M.R.S.A. § 4317).

(2) The municipality will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, provided the vehicle value is $8,000 or less and the applicant is utilizing the vehicle for any of the above-mentioned essential reasons, the municipality in its discretion may choose to not consider reasonable car payments, reasonable car insurance and reasonable associated costs of maintenance as misspent income. General assistance for travel-related needs shall be computed in accordance with § 75-36B(7)(g), Work-related expenses, and § 75-36B(7)(h), Travel expenses.

D. Insurance. Insurance that is available to an applicant on a noncontributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may, at the discretion of the GA administrator, be considered as a tangible asset.

E. Transfer of property. Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for general assistance will not be granted general assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his or her assets in order to be eligible for general assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for general assistance unless the applicant can demonstrate the existence of a good-faith transaction.

§ 75-23. Ownership of real estate.

A. Principal residence.

(1) For purposes of general assistance solely, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness or disaster, provided there is demonstrated an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, then that land may be considered a potential resource if:

(a) The applicant has received general assistance for the last 120 consecutive days; and

(b) The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and

(c) The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and

(d) The land is not utilized for the maintenance and/or support of the household; and

(e) A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at

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fair market value for an amount which will aid the applicant's financial rehabilitation; and

(f) No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

(2) If the above conditions are met, then the administrator may condition the receipt of future assistance on the applicant's good-faith efforts to sell, or render salable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 excess acres; sale of 10 of the acres would provide for the necessary support, and therefore, not all the land need be sold at the present time). Assistance shall not be denied during the time that the applicant is making a good-faith effort to sell or render salable the land in question.

(3) Once the applicant ceases to receive assistance, the obligations under this section shall also cease.

B. Other property.

(1) If the applicant or dependents own real property other than that occupied as the principal residence, continued eligibility will depend on the applicant making a reasonable effort to:

(a) Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or

(b) Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for general assistance will be ineligible.

(2) If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient (see also § 75-36 of this chapter) (22 M.R.S.A. § 4320).

§ 75-24. Work requirement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

All general assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below:

A. Employment; rehabilitation.

(1) All unemployed applicants and members of their households who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (see Subsection I, Exemptions). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

(2) A "suitable job" means any job which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

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B. Verification.

(1) Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of employment" means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers.

(2) For the duration of any repeat applicant's period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each nonexempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work-search activities after considering all time the applicant must devote to existing employment obligations; workfare obligations; and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

C. Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

(1) Refuse to register for employment with the Maine Job Service;

(2) Refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;

(3) Refuse to accept a suitable job offer;

(4) Refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;

(5) Fail to be available for work; or

(6) Refuse to participate or participate in a substandard manner in the municipal work program (see § 75-25).

D. Ineligibility due to job quit or discharge for misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (see Appendix 1, 26 M.R.S.A. § 1043, Subdivision 23, for the definition) will be eligible to receive general assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. §§ 4301, Subdivision 8; 4316-A, Subdivision 1-A).

E. Just cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

(1) The applicant has a physical or mental illness or disability which prevents him/her from working;

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(2) The work assignment pays below minimum wages;

(3) The applicant was subject to sexual harassment;

(4) The applicant is physically or mentally unable to perform required job tasks or to meet piecework standards;

(5) The applicant has no means of transportation to or from work or a training or rehabilitation program;

(6) The applicant is unable to arrange for necessary child care or care of ill or disabled family members; or

(7) Any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the administrator considers reasonable and appropriate will be accepted as just cause (22 M.R.S.A. § 4316-A, Subdivision 5).

F. Applicant's burden of establishing just cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

G. Eligibility regained.

(1) Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

(2) For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. §§ 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

(3) The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in § 75-25G, Eligibility regained, of this chapter.

H. Dependents.

(1) Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

(a) A dependent minor child;

(b) An elderly, ill, or disabled person; and

(c) A person whose presence is required in order to provide care for any child under six years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309, Subdivision 3).

(2) In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

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I. Exemptions.

(1) The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any preschool-age child or for any ill or disabled member of the household is also exempt from these requirements.

(2) The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on-site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Labor.

§ 75-25. Municipal work program.

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a nonprofit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A, Subdivision 2). As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in § 75-24 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

A. Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

B. Subtracting value of workfare performed from client's GA debt. Pursuant to 22 M.R.S.A. § 4318, individuals owing the municipality funds for general assistance provided to them are obligated to repay the municipality when and if they become able (see Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt, including GA liens (e.g., workers' compensation settlement, SSI retroactive payment, capital improvement, home mortgage) that might exist against their settlements, payments or other such property.

C. Limitations. The work requirement is subject to the following limitations (22 M.R.S.A. § 4316-A, Subdivision 3):

(1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.

(2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.

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(3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

(4) In no case will work performed under this subsection interfere with an eligible person's:

(a) Existing employment;

(b) Ability to follow up on a bona fide job offer;

(c) Attendance at an interview for possible employment;

(d) Classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or

(e) Classroom or on-site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the Department of Labor.

(5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full- or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.

(6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309). If the administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case, the administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316, Subdivision 5).

(7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving general assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for general assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving general assistance in accordance with the following "workfare first" policy.

D. "Workfare first" policy. Under the authority of 22 M.R.S.A. § 4316-A, Subdivision 2D, the administrator may, in accordance with the following guidelines, require a recipient of general assistance to perform a workfare assignment prior to the actual issuance of the general assistance benefit conditionally granted:

(1) In no circumstance will emergency general assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.

(2) All workfare participants under this policy will be provided a written decision, as otherwise

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required by law, within 24 hours of submitting an application for general assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:

(a) A specific description of the amount of general assistance being conditionally granted to the household, and for which basic needs;

(b) The period of eligibility for which the general assistance grant is being issued (in days or weeks, but not to exceed 30 days);

(c) The rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;

(d) The actual duration of the workfare assignment that must be performed, in hours, before the general assistance grant will be actually issued;

(e) The specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and

(f) Any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.

(3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.

(4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment without just cause, the administrator shall issue a grant of general assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance grant shall be terminated, and notice of the partial termination, and the reasons therefor, will be issued to the workfare participant in accordance with § 75-35 of this chapter.

(5) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just-cause reasons shall be reassigned or excused at the discretion of the GA administrator.

E. Work-related expenses. A participant's expenses related to work performed under this section will be added to the amount of net general assistance to be provided to the person (22 M.R.S.A. § 4316.2, Subdivision E). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

F. Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality will be ineligible for assistance for 120 days (22 M.R.S.A. § 4316-A, Subdivision 1). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient, in writing, that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The burden of demonstrating a just-cause failure to perform a workfare assignment falls on the workfare participant.

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G. Eligibility regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

(1) Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see § 75-24H, Dependents).

(2) If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause, failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible.

(3) If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of such emergency assistance will not bar the administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

(4) Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

(5) If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but will be provided no opportunity to requalify.

(6) Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

H. Reports. The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS (22 M.R.S.A. § 4316A, Subdivision 2).

§ 75-26. Use of resources.

Each applicant has the responsibility to make a good-faith effort to utilize every available or potential resource that may reduce his or her need for general assistance (see § 75-3 for definition of "resources"). People who refuse or fail to make a good-faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good-faith effort to secure the resource (22 M.R.S.A. § 4317).

A. Minors.

(1) A minor under the age of 18 who has never married and is applying independently for general

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assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

(a) The minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or

(b) The minor has no living parent or the whereabouts of the both parents are unknown; or

(c) No parent will permit the minor to live in the parent's home; or

(d) The minor has lived apart from both parents for at least one year before the birth of any dependent child; or

(e) The DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or

(f) The DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility (22 M.R.S.A. § 4309, Subdivision 4).

(2) Any person under the age of 25 who is applying independently from his or her parents for general assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality (22 M.R.S.A. § 4319).

(3) With regard to such application, the municipality may seek verification of the applicant's need for general assistance by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the administrator may find the applicant not to be in need of general assistance for the reason that his or her needs can be provided by a legally liable relative.

B. Mental or physical disability. Any applicant who has a mental or physical disability must make a good-faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

C. Written notice; disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written seven-day notice will be ineligible for further assistance until he/she has made a good-faith effort to utilize or obtain the resources. General assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good-faith effort to obtain the resource.

D. Forfeiture of benefits.

(1) Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be

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ineligible to receive general assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

(2) To the extent the forfeited benefits were provided not in the form of income but, rather, in the form of a specific, regularly issued resource of a calculable value, that resource, up to its forfeited value, need not be replaced with general assistance for a period of 120 days from the date of the forfeiture unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S.A. § 4317).

§ 75-27. Period of ineligibility.

No one will have his or her assistance terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S.A. §§ 4321 to 4322). Each person will be notified, in writing, of the reasons for his or her ineligibility, and any person disqualified for not complying with this chapter will be informed, in writing, of the period of ineligibility.

A. Work requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (see §§ 75-24 and 75-25). If an applicant/recipient is provided assistance and does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision of ineligibility.

B. Fraud. People who commit fraud are disqualified from receiving assistance for a period of 120 days (see § 75-32, Fraud). The administrator shall give recipients written notice that they are ineligible as soon as the administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

§ 75-28. Unemployment fraud. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S.A. § 1051, Subdivision 1, is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor (22 M.R.S.A. § 4317).

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ARTICLE VI
Determination of Eligibility

§ 75-29. Recognition of dignity and rights.

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

§ 75-30. Determination; redetermination.

A. The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for general assistance. The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a thirty-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a thirty-day period of eligibility pursuant to that initial eligibility determination.

B. The administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient, explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

§ 75-31. Verification.

A. Eligibility of applicant; duration of eligibility. The overseer shall determine eligibility each time a person applies or reapplies for general assistance. The period of eligibility will not exceed one month. At the expiration of this period, applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

B. Applicant's responsibilities.

(1) Applicants and recipients for general assistance are responsible for providing to the overseer all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by the overseer. When information required by the overseer is unavailable, the overseer must accept alternative available information, which is subject to verification.

(2) Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her:

(a) Need.

(b) Income.

(c) Employment.

(d) Use of income.

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(e) Expenses.

(f) Assets and liabilities.

(g) Use of available resources.

(h) Household composition.

C. Initial applicants. A person who has not applied for assistance in this or any other municipality is considered an initial applicant and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (see below). However, such applicants are still responsible for providing the GA administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., job quit).

D. Repeat applicants.

(1) All applicants for general assistance that are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this chapter.

(2) The administrator will require documentation of a repeat applicant's income, use of income, assets and resources, plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results; e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted, as required by the GA administrator.

(3) Repeat applicants are also responsible for providing any changes of information reported on previous applications, including changes in his/her household or income, that may affect his/her eligibility.

E. Unforeseen repeat applicants. "Unforeseen repeat applicants" are applicants who have not applied for assistance within the last 12 months and who have been regularly employed or receiving support from a public benefit or private source who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

F. Overseer's responsibilities.

(1) In order to determine an applicant's eligibility for general assistance, the overseer first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the overseer is responsible for determining eligibility. The overseer will seek verification necessary to determine eligibility. In order to determine eligibility, the overseer may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant, except that the overseer may examine public records without the applicant's knowledge and consent.

(2) Appropriate sources, which the overseers may contact, include, but are not limited to:

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(a) DHHS and any other department/agency of the state or nonprofit organizations.

(b) Financial institutions.

(c) Creditors.

(d) Utility companies.

(e) Employers.

(f) Landlords.

(g) Physicians.

(h) Persons with whom the applicant/recipient is a cohabitant.

(i) Legally and nonlegally liable relatives.

(3) Assistance will be denied or terminated if the applicant is unwilling to supply the overseer with necessary information, documentation, or permission to make collateral contacts, or if the overseer cannot determine that eligibility exists based on information supplied by the applicant or others.

G. Redetermination of eligibility. The overseer may redetermine a person's eligibility at any time during the period that person is receiving assistance if the overseer is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient with the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

H. Penalty for refusing to release information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the administrator after it has been requested must state, in writing, the reasons for the refusal within three days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100, which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. §§ 4314, Subdivision 5; 4314, Subdivision 6; 4315).

§ 75-32. Fraud. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. False representation.

(1) It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance (22 M.R.S.A. § 4315). A person who commits fraud in an effort to receive general assistance benefits may be prosecuted for this offense. False representation shall consist of any individual knowingly and willfully:

(a) Making a false statement to the general assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;

(b) Concealing information from the general assistance administrator in order to obtain

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assistance to which the applicant or applicant's household is not entitled; or

(c) Using general assistance benefits for a purpose other than that for which they were intended.

(2) No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

B. Period of ineligibility.

(1) When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for general assistance, the administrator shall notify that applicant, in writing, that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that they are ineligible for assistance for the longer of a period of 120 days, until he or she reimburses the municipality for the assistance, or until he or she enters a reasonable written agreement to reimburse the municipality (22 M.R.S.A. § 4315). For the purpose of this subsection, a "material misrepresentation" is a false statement about eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted.

(2) The notification of ineligibility issued by the administrator shall inform the applicant of his or her right to appeal the administrator's decision to the fair hearing authority (FHA) within five working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

C. Right to a fair hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this chapter. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309(3)).

D. Reimbursement. If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

E. Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309, Subdivision 3). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

§ 75-33. Period of eligibility.

A. The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need, but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S.A. § 4309). Upon receiving a completed and signed application, the administrator will determine the applicant's eligibility on the basis of a thirty-day prospective analysis.

B. When an applicant submits an incomplete or unsigned application, due to the twenty-four-hour

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decision requirement placed on the GA administrator, the GA administrator shall render a notice of ineligibility and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

C. Although eligibility is determined on a thirty-day basis, for reasons of administrative efficiency the administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the thirty-day period of eligibility. When the administrator elects to disburse general assistance for a period of time less than 30 days, subsequent grants of assistance during that thirty-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

§ 75-34. Determination of need. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Calculation.

(1) The period of time used to calculate need will be the next thirty-day period from the date of application (22 M.R.S.A. § 4301, Subdivision 7). The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in § 75-36, whichever is less. The sum of these expenses, as calculated for a prospective thirty-day period, is the applicant's thirty-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (22 M.R.S.A. § 4308, Subdivision 2) (see § 75-15 of this chapter).

(2) Applicants will also not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of § 75-36 (22 M.R.S.A. §§ 4301, Subdivision 10; and 4305, Subdivision 3-B). The difference between the applicant's income and the overall maximum levels of assistance established by this chapter is the applicant's deficit.

(3) Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity (see Appendixes A through H of this chapter[18]) shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305, Subdivision 3-A).

B. Income for basic necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the thirty-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective thirty-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

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18. Editor's Note: Appendixes A through H are on file in the Town office.

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C. Use-of-income requirements.

(1) The administrator may require that anyone applying for general assistance provide documentation of his or her use of income. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last thirty-day period. Except as is deemed appropriate by the GA administrator for unforeseen repeat applicants (See § 75-31 of this chapter), repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the thirty-day prospective income.

(2) Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to this chapter's maximums; telephone costs at the base rate if the household needs a telephone for medical reasons; the cost of nonelective medical services as recommended by a physician which are not otherwise covered by medical entitlement, hospital free care or insurance; the reasonable cost of essential clothing and nonprescription drugs; and the costs of any other commodity or service determined essential by the administrator.

(3) Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

(a) Internet services.

(b) Cable or satellite television.

(c) Cellular phones, except when deemed essential by the overseer for medical or work-related purposes.

(d) Cigarettes/alcohol.

(e) Gifts purchased.

(f) Pet care costs.

(g) Costs of trips or vacations.

(h) Paid court fines.

(i) Repayment of unsecured loans.

(j) Legal fees.

(k) Late fees.

(l) Credit card debt.

(4) The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income (22 M.R.S.A. § 4315-A). Those additional requirements will be applied in the following manner:

(a) The administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified

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basic necessities;

(b) The administrator will notify applicants, in writing, of the specific use-of-income requirements placed on them;

(c) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and

(d) If the applicant does not spend his or her income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

D. Calculation of income and expenses.

(1) When determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of § 75-36. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (see § 75-15). If income is less than the overall maximum level of assistance, the applicant has a deficit.

(2) The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in § 75-36 of this chapter for specific basic necessities except in an emergency or when the administrator elects to consolidate the applicant's deficit, as provided immediately below.

E. Consolidation of deficit. As a general rule and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this chapter or the actual thirty-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than this chapter's maximum for that necessity.

(1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than this chapter's maximum shall be the exception rather than the rule;

(2) The total general assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and

(3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending his or her income or resources in violation of the use-of-income requirements of this chapter.

§ 75-35. Income. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Income standards. Applicants whose income exceeds the overall maximum level of assistance provided in § 75-36 shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

B. Calculation of income.

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(1) To determine whether applicants are in need, the administrator will calculate the income they will receive during the next thirty-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous thirty-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of this chapter's maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in § 75-36, applicants will not be considered in need.

(2) Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded (22 M.R.S.A. § 4308) (see § 75-15 of this chapter). To calculate weekly income and expenses, the administrator will use actual income received or actual anticipated income.

C. Types of income. Income that will be considered in determining an applicant's need includes:

(1) Earned income. Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income. [Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will be deducted from an applicant's income (22 M.R.S.A. § 4301, Subdivision 7).]

(2) Income from other assistance or social services programs.

(a) State/federal categorical assistance benefits, SSI payments, social security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits food stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and ECIP) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of general assistance the applicant is eligible to receive. Although applicants may have only a limited or reduced need for general assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective thirty-day period.

(b) The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to this chapter's maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward nonheating purposes

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solely on the basis of the recipient's receipt of HEAP/ECIP.

(c) Other programs whose income cannot be counted for purposes of GA eligibility include:

[1] Family development accounts (22 M.R.S.A. § 3762).

[2] Americorp VISTA program benefits [42 U.S.C. § 5044(f)].

[3] Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities (22 M.R.S.A. § 4301, Subdivision 7).

(3) Court-ordered support payments. Alimony and child support payments will be considered income only if actually received by the applicant. The general assistance administrator will refer cases where support payments are not actually received to the State Department of Health and Human Services, Child Support Enforcement Unit. In order to be eligible for future GA, applicants being referred to DHHS for such enforcement services shall be required to follow through with such services. Because child support payments are considered a resource, applicants must make a good-faith effort to secure such payments.

(4) Income from other sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income, as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301, Subdivision 7).

(5) Earnings of a son or daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

(6) Income from household members. Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

(7) The pooling or nonpooling of income.

(a) When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S.A. § 4301, Subdivision 12A).

(b) One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of nonpooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro rata share of household costs.

(c) If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's

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presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro rata share of actual household expenses.

(8) Lump sum income.

(a) A lump sum payment received by any GA applicant or recipient prior to the date of application for general assistance will be considered as income available to the household. However, verified required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below, will not be considered available income.

(b) Where a household receives a lump sum payment at any time prior to or subsequent to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria (22 M.R.S.A. § 4301, Subdivisions 7 and 8-A):

[1] Identify the date the lump sum payment was received;

[2] Subtract from the lump sum payment all required payments;

[3] Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the general assistance program, such as reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities, and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted (22 M.R.S.A. § 4301, Subdivision 7 and 8-A);

[4] Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance; and

[5] Divide the sum created in Subsection C(8)(b)[4] by the greater of the verified actual monthly amounts for all of the household's basic necessities or 150% of the applicable federal poverty guidelines (22 M.R.S.A. § 4305, Subdivision 3-B).

(c) This dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

(d) The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment (22 M.R.S.A. § 4308).

§ 75-36. Basic necessities; maximum levels of assistance. [Amended at time of adoption of Code (see

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Ch. 1, General Provisions, Art. II)]

A. Overall maximum levels of assistance.

(1) Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Appendices B through H of this chapter, an applicant's eligibility for general assistance will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size (22 M.R.S.A. § 4305, Subdivision 3-B).[19] The difference yielded by this calculation shall be the applicant's deficit.

(2) Applicants will be eligible for general assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for general assistance unless they are in an emergency, in which case eligibility for emergency general assistance will be determined according to § 75-15 of this chapter.

B. Maximum levels of assistance for specific basic necessities.

(1) The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities, not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases, either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

(a) In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule, the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

(b) Temporary exceptions to this general rule may be made by the administrator in the following circumstances:

[1] A recent, unplanned separation has occurred in the household, resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued;

[2] The applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with general assistance; and

[3] The applicant will make a good-faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

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19. Editor's Note: Appendixes A through H are on file in the Town office.

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(2) Food.

(a) The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the USDA Thrifty Food Plan for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the USDA Thrifty Food Plan, as distributed by the Maine Department of Health and Human Services on or about October of each year. See Appendix B of this chapter[20] for the current year's food maximums.

(b) In determining need for food, the administrator will not consider the value of the food stamps an applicant receives as income [22 M.R.S.A. § 4301.7, Subdivision A; 7 U.S.C. § 2017(b)]. The municipality will authorize vouchers to be used solely for approved food products.

(c) The administrator will exceed the maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than this chapter's maximums.

(3) Housing. The administrator will provide assistance with rent or mortgage payments that are reasonable within the allowed maximum levels and in accordance with the housing assistance limits and exceptions provided in 22 M.R.S.A. § 4308, Subdivision 1-A and 1-B. See Appendix C of this chapter[21] for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level of the number of rooms actually needed.

(a) Rental payments to relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this subsection, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parents' siblings, or any of those relative's children (22 M.R.S.A. § 4319, Subdivision 2).

(b) Rental payments to nonrelatives.

[1] When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to this chapter's maximum (22 M.R.S.A. § 4301, Subdivision 6).

[2] Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most

20. Editor's Note: Appendix B is on file in the Town office.

21. Editor's Note: Appendix C is on file in the Town office.

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superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

[3] When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation [see Section 6041(a) of Internal Revenue Code].

[4] Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good-faith effort to obtain a lodging license from the Department of Health and Human Services, Division of Health Engineering, pursuant to 10-144A CMR Ch. 201, as a condition of that landlord receiving future general assistance payments on behalf of his or her tenants.

(c) Mortgage payments.

[1] In the case of a request for assistance with a mortgage payment, the general assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

[a] The marketability of the shelter's equity;

[b] The amount of equity;

[c] The availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;

[d] The extent to which liquidation may aid the applicant's financial rehabilitation;

[e] A comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;

[f] The imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;

[g] The likelihood that the provision of housing assistance will prevent such dislocation; and

[h] The applicant's age, health, and social situation.

[2] These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

[3] The administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for general assistance if, after reviewing the above criteria, the administrator determines that:

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[a] The monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;

[b] There is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and

[c] The failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

[4] If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

(d) Liens.

[1] The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S.A. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for general assistance if the lien were enforced.

[2] If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment or capital improvement, it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

[3] Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the general assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement, plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent

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to the recipient.

[4] The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

(e) Property taxes. In the event an applicant requests assistance with his or her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S.A. § 841, Subdivision 2) and general assistance. If the applicant chooses to seek property tax assistance through general assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:

[1] The property tax in question is for the applicant's place of residence;

[2] There is a tax lien on the property which is due to mature within 60 days of the date of application;

[3] As a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and

[4] The applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

(f) Housing maximums.

[1] The maximum levels of housing assistance contained in this chapter have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. See Appendix C of this chapter[22] for the current year's housing maximums.

[2] If and when the maximum levels of housing contained in this chapter are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS General Assistance Unit and the maximum levels of housing assistance will be incorporated into this chapter pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

(4) Utilities.

(a) General.

[1] Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

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22. Editor's Note: Appendix C is on file in the Town office.

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[2] Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to § 75-15.

[3] Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive general assistance to replace those funds.

[4] Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308, Subdivision 2) (see §§ 75-15 and 75-31). The administrator will notify applicants, in writing, that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

(b) Electricity.

[1] Electricity maximums for households without electric hot water. See Appendix D of this chapter[23] for the current year's electricity maximums.

[2] Electricity maximums for households that use electrically heated hot water. See Appendix D of this chapter for the current year's electricity maximums.

(c) Nonelectric utilities. The allowed amount for water and sewer utility service will be budgeted at a thirty-day reasonable usage rate.

(5) Fuel.

(a) Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May), provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

(b) Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in § 75-15. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control and process the emergency request accordingly, pursuant to § 75-15 of this chapter.

(c) See Appendix E of this chapter[24] for the current year's fuel maximums.

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23. Editor's Note: Appendix D is on file in the Town office.

24. Editor's Note: Appendix E is on file in the Town office.

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(6) Personal care and household supplies. Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include hand soap; toothpaste; shampoo; shaving cream; deodorant; dish detergent; laundry supplies and costs; household cleaning supplies; razors; paper products such as toilet paper, tissues, paper towels; garbage/trash bags; light bulbs; and supplies for children under five years of age. See Appendix F of this chapter[25] for the current year's personal care and household supplies maximums.

(7) Other basic necessities. Expenses falling under this subsection will be granted when they are deemed essential to an applicant's or recipient's health and safety by the general assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

(a) Clothing. The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.

(b) Medical.

[1] The municipality will pay for essential medical expenses, other than hospital bills (see below), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be medically necessary by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for nonemergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

[2] Generally, the municipality will issue general assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing general assistance for any medical expenses; the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

[3] Ordinary medical supplies/nonprescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic-brand, nonprescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the

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household. In order for telephone service to be considered an allowable expense, the applicant must provide a written statement from a physician certifying that the telephone is essential.

(c) Hospital bills.

[1] In the event of an emergency admission to the hospital, the hospital must notify the administrator within five business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

[2] Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the hospital's free care program as provided in 22 M.R.S.A. § 1716. Anyone who is not eligible for the hospital's free care program may apply for general assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's free care program.

[3] Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at § 75-34 of this chapter.

(d) Dental. The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue general assistance for dental services at the established Medicaid rates for those services, and before authorizing the general assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full-mouth extractions are necessary, the municipality will pay for dentures, provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

(e) Eye care. In order to be eligible to receive general assistance for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The general assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.

(f) Telephone charge. A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA administrator, minimum/basic telephone services may be allowed for households with children, for households where job-search or job-related reasons exist and/or for any other reasons the administrator deems necessary.

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(g) Work-related expenses. In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include child care costs, work clothes, supplies and transportation at the actual costs, not to exceed this chapter's maximum (see Appendix G[26] for this year's maximum mileage allotment). The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

(h) Travel expenses. In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. See Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

(i) Burials, cremations. Under the circumstances and in accordance with the procedures and limitations described below (see § 75-37), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Appendix H[27] for the current maximums.

(j) Capital improvements.

[1] The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been preapproved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant general assistance for capital improvements when:

[a] The failure to do so would place the applicant(s) in emergency circumstances;

[b] There are no other resources available to effect the capital repair; and

[c] There is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

[2] In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when general assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in Subsection B(3)(d), Liens, above.

§ 75-37. Burials; cremations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Funeral director must give timely notice. In order for the municipality to be liable for a burial or

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26. Editor's Note: Appendix G is on file in the Town office.

27. Editor's Note: Appendix H is on file in the Town office.

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cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of the next business day following the funeral director' receipt of the body, whichever is earlier (22 M.R.S.A. § 4313, Subdivision 2). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

B. Application for assistance shall be calculated on behalf of the deceased. For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be completed by the administrator on behalf of the deceased.

(1) With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under § 75-16 of this chapter.

(2) Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

C. The financial responsibility of certain family members. Grandparents, parents, siblings, children and grandchildren of the deceased, who live in Maine or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with 22 M.R.S.A. § 4313, Subdivision 2, and provide a written request and a notarized affidavit signed by the administrator of the municipality or its agents, stating that the named depositor is deceased.

D. Consideration of the financial responsibility of family members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

E. Proration of familial responsibility. A proration of familial financial responsibility will be used when

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no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives. Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares, less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

F. Eight days to determine eligibility. The administrator may take up to eight days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The eight-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this eight-day period allowed by law to unreasonably delay the municipality's decision.

G. The municipal obligation to pay when legally liable relatives or others can contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as social security burial benefits, veterans burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

H. Burial expenses. The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremated. See Appendix H[28] for the maximum levels of assistance granted for the purpose of burials.

I. Cremation expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator may issue general assistance for cremation services. See Appendix H for the maximum levels of assistance granted for the purpose of cremations.

§ 75-38. Notice of decision.

A. Written decision. The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving a completed and signed application (22 M.R.S.A. § 4305, Subdivision 3) (see Article IV, § 75-12).

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28. Editor's Note: Appendix H is on file in the Town office.

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(1) When an applicant submits an incomplete or unsigned application, due to the twenty-four-hour decision requirement placed on the GA administrator, the GA administrator may decide to render a notice of ineligibility and provide the applicant with another application to submit as soon as is practicable for the applicant.

(2) In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to explain the applicants' right to a fair hearing in the written notice of decision.

B. Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in § 75-12 of this chapter, the notice will state that applicants:

(1) Have the right to a fair hearing and the method by which they may obtain a fair hearing; and

(2) Have the right to contact the DHHS if they believe the municipality has violated the law. The decision will state the method for notifying the Department.

C. Disbursement of general assistance. Except when determined impractical by the administrator, all general assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing general assistance in the form of cash (22 M.R.S.A. § 4305, Subdivision 6).

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ARTICLE VII
Fair Hearing

§ 75-39. Right to fair hearing.

Within five working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the general assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

§ 75-40. Method of obtaining fair hearing.

Upon receiving notification of the decision of the general assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the general assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

A. Written request.

(1) To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within five working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

(a) The decision on which review is sought;

(b) The reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and

(c) The relief sought by the claimant.

(2) The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn, in writing, by the claimant.

B. Scheduling the fair hearing.

(1) Upon receipt of the completed written request, the fair hearing authority must meet and hold the hearing within five working days. The administrator will notify the claimant, in writing, when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

(a) Be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;

(b) Confront and cross-examine any witnesses presented at the hearing against the claimant; and

(c) Present witnesses on his or her own behalf.

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(2) Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

§ 75-41. Fair hearing authority.

A. The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance.

B. The fair hearing authority may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated, the Board of Appeals created under 30-A M.R.S.A. § 2691 (22 M.R.S.A. § 4322). In determining the organization of the fair hearing authority, the municipal officers will use the following criteria. The person(s) serving as FHA must:

(1) Not have participated in the decision which is the subject of the appeal;

(2) Be impartial;

(3) Be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and

(4) Be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

§ 75-42. Fair hearing procedure.

A. When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing, in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case. The claimant shall be permitted to review his or her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

(1) Be conducted privately and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present; and the general assistance administrator, his or her agents, counsel and witnesses;

(2) Be opened with a presentation of the issue by the fair hearing authority;

(3) Be conducted informally, without technical rules of evidence, but subject to the requirements of due process;

(4) Allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;

(5) Give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal, question witnesses presented at the hearing; and examine all evidence presented at the hearing;

(6) Result in a decision, based exclusively on evidence or testimony presented at the hearing; and

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(7) Be tape-recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

B. The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs (22 M.R.S.A. § 4322).

C. Claimant's failure to appear.

(1) In the event the claimant fails to appear, the FHA will send a written notice to the claimant that the GA administrator's decision was not altered due to the claimant's failure to appear. Furthermore, the notice shall indicate that the claimant has five working days from receipt of the notice to submit to the GA administrator information demonstrating just cause for failing to appear. For the purposes of a claimant's failure to appear at a fair hearing, examples of just cause include:

(a) A death or serious illness in the family;

(b) A personal illness which reasonably prevents the party from attending the hearing;

(c) An emergency or unforeseen event which reasonably prevents the party from attending the hearing;

(d) An obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or

(e) Lack of receipt of adequate or timely notice, excusable neglect, excusable inadvertence, or excusable mistake.

(2) If the claimant (or their attorney) establishes just cause, the request for the hearing will be reinstated and a hearing rescheduled.

(3) In the event a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of fact but may cross-examine witnesses and make legal arguments on behalf of the claimant.

§ 75-43. Fair hearing decision. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The decision of the fair hearing authority will be binding on the general assistance administrator and will be communicated, in writing, to the claimant within five working days of completion of the hearing. Written notice of the decision will contain the following:

(1) A statement of the issue;

(2) Relevant facts brought out at the hearing;

(3) Pertinent provisions in the law or this chapter related to the decision; and

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(4) The decision and the reasons for it.

B. A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the general assistance administrator.

C. The written decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

D. When the decision by the fair hearing authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

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ARTICLE VIII
Recovery of Expenses

§ 75-44. Guidelines.

A. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall offset the value of any workfare performed by a GA recipient, at a rate not less than minimum wage.

B. Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for general assistance (22 M.R.S.A. § 4318).

§ 75-45. Recipients anticipating workers' compensation benefits.

A. The municipality shall claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers' Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any general assistance on behalf of a recipient who has applied for or is receiving workers' compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the Office of Secretary of State, Uniform Commercial Code Division.

B. The notice of lien shall be filed on a UCC-1 form, which must be signed by the recipient of general assistance who has applied for or is receiving workers' compensation. Any general assistance applicant who has applied for or who is receiving workers' compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive general assistance until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient's worker's compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum workers' compensation benefit is issued.

§ 75-46. Recipients of SSI.

All applicants who receive general assistance while receipt of their supplemental security income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an interim assistance agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive general assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

§ 75-47. Liability of relatives.

The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, grandchildren, children, siblings, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The

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municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S.A. § 4319).

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ARTICLE IX
Severability

§ 75-48. Severability.

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

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BUCKSPORT CODE

Chapter 81

HARBOR MANAGEMENT

[HISTORY: Adopted by the Town Council of the Town of Bucksport 4-13-1984; amended 10-14-1993, 9-11-1997, 8-10-2006 (Appendix G of the 1978 Town Code). Amendments noted where applicable.]

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§ 81-1. Purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The purpose of this chapter is to establish and maintain order in the arrangement and utilization of the mooring area, harbor channels, Town dock, Marina, and other related facilities in Bucksport Harbor.

§ 81-2. Authority.

This chapter is adopted under the authority granted under 38 M.R.S.A. § 2, as amended.

§ 81-3. Applicability.

The provisions of this chapter shall apply to all activities occurring within or directly affecting Bucksport Harbor, as defined.

§ 81-4. Moorings. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Placement of moorings. No person shall place a mooring or mooring buoy of any type within Bucksport Harbor without first obtaining a harbor mooring permit from the Harbor Master. The permit shall be for the period May 1 to November 1. The permit fee for each mooring location shall be as provided in the Schedule of Fees. Proof shall be submitted to the Harbor Master by the owner or agent that the vessel is currently registered or documented and the excise tax has been paid.

B. Designation of mooring space. The Harbor Master shall designate mooring spaces and shall maintain a chart of the harbor, showing locations of moorings and areas designated as channels. The Harbor Master shall maintain a written record of the basic information on each mooring, including assigned location, identifying number, vessel description, owner, and any additional data deemed useful.

C. Mooring identification. All moorings shall be assigned an identifying number which must be marked in a legible fashion on the marked buoy, including the first four letters of the last name in at least three-inch numerals and letters.

D. Mooring material. Only moorings consisting of granite or marble stone or mushroom anchor constructed of steel or cast iron shall be allowed.

§ 81-5. Town dock and float. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Town dock is solely for the loading and unloading of vessels and for the mooring of skiffs.

A. Obstructions. No owner or master of any vessel, boat, or watercraft of any kind shall permit or suffer the same to be docked in such a manner as to obstruct the free passage of other vessels going in and coming out of the Town dock and float.

B. Tying to Town float. No person shall leave any watercraft tied to the main Town float for any purpose for a period of time of more than one hour without permission from the Harbor Master. During the hours of 9:00 p.m. to 7:00 a.m., a watercraft may be tied to the southerly side of the Town float if the watercraft or vessel is greater than 60 feet in length or if the Bucksport Marina is filled to capacity, upon written approval from the Harbor Master and payment to the Town of a daily fee as provided in the Schedule of Fees. A space at the float may be designated by the Town Council for the Harbor Master's boat.

C. Access to Town dock and float. No person shall place or cause to be placed any vehicle, equipment or other material on the Town dock unless it is for the purpose of unloading or loading of a vessel and

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in no way shall block access by other users. At no time shall any person be parked on the dock for any period exceeding 15 minutes unless the Harbor Master has granted approval.

D. Storage. No person shall place or cause to be placed any equipment or material on the Town dock or float for a longer period than is reasonably necessary, as determined by the Harbor Master, for the loading or unloading of the same.

E. Removal of debris. All users of the Town dock, float, and ramp shall be responsible for promptly cleaning up any spillage or untidiness resulting from their operations.

F. Skiffs. Skiffs may be tied only to the finger floats or the northerly side of the main float between the finger floats and must be properly maintained, be kept bailed, and must be secured so as to not interfere with vessels landing and departing to and from the main float.

G. Curfew hours. No person shall be allowed on the dock or float between the hours of 10:00 p.m. and 5:00 a.m. daily unless such person(s) has a boat in the harbor or tied to the float or unless such person(s) is authorized by the Police Department or Harbor Master.

H. Swimming. No person shall engage in swimming from the Town dock, floats or fishing pier.[29]

§ 81-6. Operation of vessels.

A. General. No persons shall use or operate any vessel in Bucksport Harbor in such a way as to cause danger, annoyance, disturbance, or inconvenience to the public.

B. Reckless operation. No person shall operate any vessel in a reckless or negligent manner, or while under the influence of intoxicants or drugs so as to endanger the life, limb, or property of any person.

C. Navigational hazard. No person shall deposit, throw, sweep, or cause to be deposited or swept, from any vessel, dock, float, or any other place, into the waters of Bucksport Harbor or into the water adjacent thereto any gas, oil, or bilge water containing any of the same, ashes, dirt, stones, gravel, mud, logs, planks, or any other substances tending to obstruct the navigation of said harbor or water adjacent thereto, or to shoal the depth of said harbor or pollute the waters thereof.

D. Speed limit. All vessels shall be operated at a speed so as to create minimal wake.

§ 81-7. Abandonment of vessels and related materials.

A. No person shall cause to be abandoned any boat, vessel, hulk, skiff, mooring, mooring rope, buoy, cradle, raft, or any other possible obstruction on the shores within Bucksport Harbor. Any such object left within the confines of Bucksport Harbor and which has been unattended for a period of 90 days shall be deemed to be abandoned. The Harbor Master, upon his own complaint or the complaint of another, shall order the last owner of record of any such abandoned boat, vessel, hulk, skiff, mooring, mooring rope, buoy, cradle, or raft, if such owner is ascertainable, to remove same within 30 days; and upon his refusal or failure to remove within 30 days, the Harbor Master shall cause its removal or destruction at the cost of the said last owner of record. Any violation of the above shall be considered a misdemeanor and punishable as stipulated in the penalties section of this chapter.[30]

B. If such object or property is not claimed, and removal expenses are not paid within six months of the

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29. Editor's Note: Original Sec. 501I, No Vessels Tied to Fisherman's Float, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

30. Editor's Note: See § 81-9D.

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date the owner has been notified, in writing, the object or property may be sold by the Town and all monies retained from the sale shall inure to the benefit of the Town's waterfront account. Any tender or skiff tied to the Town floats that is left sunk or awash for a period exceeding seven days shall be deemed abandoned. The tender or skiff may be impounded by the Harbor Master and may be disposed of in the same manner as noted in this section. The Town shall not be liable for any damage sustained by an impounded tender or skiff.

C. This section shall not apply to boats or private floats stored for the winter on private property within Bucksport Harbor.

§ 81-8. Removal of vessels.

The Harbor Master is hereby authorized, and it shall be his duty, to remove or cause to be removed at the owner's/owners' risk and expense any vessel, vehicle, trailer, or other obstruction which is in violation of the provisions of this chapter.

§ 81-9. Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Enforcement. It shall be the duty of the Harbor Master to administer and enforce the provisions of this chapter. If the Harbor Master shall find that any provision of this chapter is being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

B. Obedience to orders. No person shall fail to observe any lawful order of the Harbor Master with reference to the navigation and disposition of his watercraft within the limits of Bucksport Harbor. The Harbor Master may arrest and deliver to District Court, the Town Constable, the County Sheriff or his deputy, or the municipal Police Department any person committing an assault upon him or another person acting under his authority as provided by the revised Statutes of Maine.

C. Legal action. When notification of violation does not result in the correction of the violation or nuisance condition, the Town Council, upon complaint from the Harbor Master, is hereby authorized and directed to institute any and all action 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 chapter in the name of the Town.

D. Penalties. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine in accordance with the enforcement provisions of 30-A M.R.S.A. § 4452 for each violation. A repetition or continuation of any violation of any provisions of this chapter on successive days after notification by the Harbor Master constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

§ 81-10. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUCKSPORT HARBOR — The harbor shall include that area of water to high tide lying within the following boundaries: beginning at the northerly end at Orland town line, thence generally westerly along the Bucksport, Verona, Prospect, Frankfort and Winterport town lines to a point due south to the Orrington town line, thence due north to the shore, thence along the shore to the beginning.

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MOORING — The term "mooring" shall include the entire mooring apparatus, including the block and weight on the harbor floor, the mooring buoys on the surface and every part in between the two, or otherwise attached.

VESSEL — The term "vessel" shall include any and all forms of watercraft.

§ 81-11. Liability for damage, loss and personal injury.

A. Damage or loss of property. Any person using the facilities within the limits of a harbor or maritime facility shall assume all risks of damage or loss of property, and the Town of Bucksport assumes no risk on account of fire, theft, act of God, or damage of any kind to vessels within said harbors or maritime facility.

B. Personal injury. The Town dock and facilities shall be used at the owner's/owners' own risk, and the area shall be posted accordingly.

§ 81-12. Validity and severability.

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

§ 81-13. Conflict with other provisions.

Whenever any section, subsection, sentence, clause, phrase, or portion of this chapter is deemed to be in conflict with any existing state and/or federal law, regulation or rule(s) then the stricter provision shall apply.

§ 81-14. When effective.

This chapter shall become effective immediately upon adoption by the Town Council.

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BUCKSPORT CODE

Chapter 100

LAND USE

[HISTORY: Adopted by the Town Council of the Town of Bucksport 12-10-2009, as amended through 8-25-2022 (Appendix K of the 1978 Town Code). Subsequent amendments noted where applicable.]

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ARTICLE I
General Provisions

§ 100-1. Purpose.

A. The purpose of this chapter is to support the land development and natural resource management goals of the Town's adopted Comprehensive Plan, the State's Growth Management Program and Coastal Management Policies, and the State's Mandatory Shoreland Zoning Act.[31] When effectively administered, this chapter shall:

(1) Protect the rural character of the Town and prevent overdevelopment;

(2) Allow orderly growth and development of areas that may efficiently utilize public services and facilities;

(3) Encourage an overall improved economic climate with increased job opportunities and affordable, quality housing;

(4) Address the impacts of development in shoreland areas and protect and preserve the Town's critical and unique natural resources, including:

(a) Great ponds, rivers, streams, estuaries and coastal areas;

(b) Freshwater and coastal wetlands;

(c) Fish spawning grounds, aquatic life, bird and other wildlife habitat;

(d) Shore cover and visual as well as actual points of access to inland and coastal waters; and

(e) Scenic vistas, natural beauty, open spaces and other unique natural areas.

(5) Protect agriculture and forest resources from the threats of incompatible development;

(6) Prevent and control water pollution;

(7) Protect private and public water supplies;

(8) Protect the ports and harbors from the threat of development that is incompatible with commercial fishing and maritime industries;

(9) Protect archaeological and historical resources;

(10) Control building sites and the placement of structures;

(11) Protect buildings and lands from flooding and accelerated erosion;

(12) Protect municipal services from the impact of development;

(13) Protect abutting properties from the impact of development;

(14) Protect the public health, safety and welfare; and

(15) Further the maintenance of safe and healthful conditions.

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31. Editor's Note: See 38 M.R.S.A. § 347-A et seq.

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§ 100-2. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 et seq., 30-A M.R.S.A. § 4312 et seq. and 38 M.R.S.A. §§ 435 to 448.

§ 100-3. Applicability.

A. This chapter applies to the use of all land areas within the boundaries of the Town of Bucksport. No land may be occupied with any land use, except in conformance with the applicable requirements of this chapter.

B. This chapter applies to the construction, alteration, enlargement, relocation, replacement or use of all buildings and structures within the boundaries of the Town of Bucksport. No such construction, change or use of any building or structure may be conducted except in conformance with the applicable requirements of this chapter.

C. This chapter applies to the creation of any lot. No new lot may be created, except in conformance with the applicable requirements of this chapter.

D. This chapter shall include Articles I through XI as identified in the Table of Contents, and Addenda 1, 2, and 3, as adopted and amended by the Bucksport Town Council.[32]

§ 100-4. Severability; conflict with other provisions.

A. If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.

B. If any provision of this chapter conflicts with another provision of this chapter or any other ordinance, regulation or statute, the more restrictive provision governs.

§ 100-5. Adoption and amendment; repealer; applicability; when effective.

A. This chapter, adopted on December 10, 2009, is effective 30 days after the date of adoption by the Bucksport Town Council, except as provided for in § 100-5B. Upon the effective date of this chapter, the Land Use and Site Plan Ordinance and the Shoreland Zoning Ordinance in effect at that time shall be repealed and replaced by this chapter.

B. Any provision of this chapter or amendment thereto that is applicable within a shoreland district is subject to approval by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to issue written approval or disapproval within 45 days of receipt of this chapter, it is deemed automatically approved. Any ordinance subject to approval by the Commissioner may not become effective until such time approval has been determined.

C. A certified copy of the ordinance, as amended, attested and signed by the Town Clerk, must be forwarded to the Commissioner for approval upon adoption by the Town Council.

D. Any application for which at least one substantive review has been conducted by the reviewing authority prior to the date on which this chapter or any amendment thereto is approved shall be considered a pending application and shall be subject to the requirements of the ordinance in effect at the time the application was submitted. "Substantive review" means a review conducted in accordance with the requirements of § 100-26D or 100-28H, as applicable.

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32. Editor's Note: Addenda 1, 2, and 3 are included as attachments to this chapter.

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E. In addition to the right to propose any ordinance directly to the Town Council as outlined in the Bucksport Town Council-Manager Charter, Article 9, residents of the Town of Bucksport may also submit a proposed amendment of this chapter to the Planning Board for the purposes of seeking the Board's support and recommendations for adoption by the Town Council. The procedure for making such a proposal is described as follows:

(1) The proposed amendment must be submitted to the Code Enforcement Officer, who shall ensure that the item is placed on the first available Planning Board agenda.

(2) The Planning Board shall review the proposed amendment and consider recommending the amendment to the Town Council. The Board may also consider recommending an alternate version of the proposed amendment. The Board shall consult with DEP prior to deciding on a recommendation if the proposed amendment involves a shoreland regulation.

(3) A decision to recommend an amendment of this chapter to the Town Council must be supported with a favorable vote of no less than four members. Upon making a favorable decision, the Planning Board shall submit its amendment recommendations to the Town Manager, who shall ensure that the item is placed on the first available Town Council agenda.

(4) Any proposed amendment submitted to the Town Council shall be referred to the Ordinance Committee for its review and recommendation.

F. Before the Ordinance Committee may introduce any proposed amendment of this chapter to the Town Council, the Planning Board must conduct a public hearing in accordance with the requirements of 30-A M.R.S.A. § 4352. Upon conclusion of the public hearing, the Board shall forward its recommendations regarding adoption of the proposed amendment to the Town Council.

§ 100-6. Definitions and word usage.

A. All words used in this chapter, other than those specifically defined in this section, have their common meaning.

B. In the case of any difference of meaning or intent between the text of this chapter and any map, illustration or table, the text controls.

C. The words "shall," "must" and "will" mean an action or duty is mandatory. The word "may" means an action or duty is permissive. The phrase "may not" means an action is prohibited.[33]

D. Some land use definitions include examples of similar land uses, but the examples given are not intended to be all-inclusive.

E. In this chapter, terms and phrases are defined as follows:

ABUTTER — The owner of land that shares a common boundary or portion of a boundary with land under another ownership.

ACCESSORY DWELLING UNIT (ADU) — A self-contained dwelling unit on a lot subordinate to a single-family dwelling (for purposes of this definition, the principal dwelling) on the same lot. ADUs are secondary in size, form and location to the single-family dwelling and may be attached, detached or contained within an accessory building (e.g., garage) on the lot.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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33. Editor's Note: Original Secs. 20.4 and 20.5, regarding formatting of definitions, of the 1978 Town Code, which immediately followed, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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ACCESSORY STRUCTURE — A structure that is separate from and incidental and subordinate to the principal structure on the property.

ACCESSORY USE — A use of a structure or property that is incidental and subordinate to the principal use of the structure or property.

ADULT ENTERTAINMENT — Plays, performances, shows, films, or any other type of presentation that focuses on or promotes sexually oriented subject matter or the display of nudity for the purposes of entertainment.

ADULT FAMILY CARE HOME — A type of assisted living housing where six or fewer people who meet medical eligibility requirements live in a homelike setting and receive personal care, medication management and supervision.

ADULT PRODUCT —

(1) Written, photographic or recorded material that focuses on or promotes sexually oriented subject matter or the display of nudity for the purposes of entertainment.

(2) Devices or novelties of any kind that depict, illustrate, describe or promote sexual activities.

AFFORDABLE — When used for the purpose of claiming the affordable housing density bonus, "affordable" means:**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(1) For rental housing, a household whose income does not exceed 80% of the area median income can afford to rent the dwelling unit without spending more than 30% of the household's monthly income on housing costs.

(2) For owned housing, a household whose income does not exceed 120% of the area median income can afford to own the dwelling unit without spending more than 30% of the household's monthly income on housing costs.

(3) For the purposes of this definition, "area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development.

(4) For the purposes of this definition, "housing costs" include, but are not limited to:

(a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

(b) For an owned unit, the cost of the mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowners' insurance, condominium fees, and homeowners' association fees.

AGGRIEVED PARTY —

(1) An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter.

(2) Any person or group of persons that has suffered a specific injury as a result of the granting or denial of a permit or variance.

AGRICULTURE —

(1) COMMERCIAL AGRICULTURE — A place of business that involves the raising of

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plants or animals used in the production of various consumer products. Business activities typically include soil cultivation, crop or livestock management, and the activities of processing and marketing. Commercial agriculture also includes the breeding and raising of animals for sale. Manure from livestock on the premises may be processed and sold for compost.

(2) HOMESTEAD AGRICULTURE — A property utilized for the production of products from plants or animals primarily for consumption or use by the occupants. Production activities typically include soil cultivation, crop or livestock management and the activities of processing. A seasonal roadside stand may be included to sell or offer excess product to the public. Manure from livestock on the premises may be processed and sold for compost.

(3) Agriculture does not include forest management and timber harvesting activities.

ALTERNATIVE TREATMENT OFFICE — A place of business that offers nontraditional health care services such as acupuncture, aromatherapy, homeopathy, herbology, holistic and massage therapy practices.

ANCILLARY MEDICAL SERVICE — A place of business that offers medical support services outside a hospital or clinical setting.

Hearing and speech service

Magnetic resonance imaging (MRI) service

Medical laboratory

Optician

Occupational therapist

Orthotics and prosthetics

Private ambulance service

ANIMAL HUSBANDRY — Controlled breeding, management, and production of domestic animals, including, but not limited to, sheep, cows, horses, pigs, poultry, and rabbits.

ANIMAL IMPOUNDMENT — A public facility or a place of business that offers temporary housing of stray or abandoned animals.

Animal shelter

ANTENNA — A device designed for telephonic, radio, or television communication through the transmission of electromagnetic waves. Telecommunication towers are not considered to be antennas for the purposes of this chapter.

Satellite dish

APPLICANT — A person applying for a permit who demonstrates legal standing as property owner or authorized agent by means of deed, purchase and sale agreement, written consent or the like.

AQUACULTURE — The growing or propagation of harvestable freshwater, estuarine or marine plant or animal species.

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ARCADE — A place of business that offers table sports, pinball machines, video games or similar mechanical or electronic games for the amusement or recreation of the public.

AUCTION HOUSE — A place of business where items of merchandise are displayed and sold by bid.

AUTHORIZED AGENT —

(1) A person representing an applicant during review of their application with their written consent.

(2) A person applying for and receiving a permit on behalf of a property owner with their written consent.

(3) A tenant or lessee applying for and receiving a permit in their own behalf with written consent of the property owner.

AUTOMOBILE GRAVEYARD — A yard, field or other outdoor area used to store three or more unregistered or uninspected motor vehicles, as defined in 29-A M.R.S.A. § 101, Subdivision 42, or parts of the vehicles. Automobile graveyard does not include:

(1) An 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. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of 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 29-A M.R.S.A. § 101. The hobbyist's activities must comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this chapter regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. An "automobile hobbyist" is a person who is not primarily engaged in the business of selling any of the above vehicle 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 29-A M.R.S.A. Ch. 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 29-A M.R.S.A. § 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 29-A M.R.S.A. § 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 subsection, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

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(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in 29-A M.R.S.A. § 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. An area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area is not exempt.

AUTOMOBILE RECYCLING FACILITY — The business premises of a dealer or a recycler licensed under 29-A M.R.S.A. §§ 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, as long as 80% of the business premises specified in the site plan is used for automobile recycling operations. Automobile recycling facility does not include:

(1) Financial institutions as defined in 9-B M.R.S.A. § 131, 17 M.R.S.A. and 17-A M.R.S.A.;

(2) Insurance companies licensed to do business in the state;

(3) New vehicle dealers, as defined in 29-A M.R.S.A. § 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 to be temporary under this subsection, the vehicle must be removed from the site within 180 days of receipt of title by the business.

AUTOMOBILE REPAIR GARAGE — See "vehicle services, Class 2."

BASAL AREA — The area of the cross-section of a tree stem, including bark, as measured at 4 1/2 feet above ground level.

BASAL AREA, RESIDUAL — The average of the basal area of trees remaining on a harvested site.

BASE DENSITY — The maximum number of units allowed on a lot not used for affordable housing based on the dimensional requirements listed for the zone(s) in which the lot is located. This does not include any other density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

BASEMENT — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

BED-AND-BREAKFAST INN — See "home-based lodging."

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.

BRIDGES — See "zero setback shoreline structure."

BUFFER — An area of land with naturally occurring or intentionally installed or constructed features that minimize a detrimental impact of a land use on adjacent properties or on natural resources.

BUILDING — A principal or accessory structure consisting of floor, wall and roof features designed to form one or more sheltered rooms or spaces for use or occupancy. The structure may be prefabricated or constructed on-site.

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BULK FUEL/CHEMICAL STORAGE FACILITY — An industry category land use comprised of one or more permanently installed large-volume storage tanks with secondary containment protection. The tanks are used to store fuel or chemicals awaiting bulk transport from the site. The use also includes structures for loading and unloading of transport vehicles, administrative offices and related site development features.

BUNKHOUSE — A detached structure occupied as a sleeping space only. A bunkhouse does not contain internal plumbing.

BUSINESS OFFICE — A place of business where recordkeeping, desk work, clerical or executive functions or similar activities are conducted and which may or may not include direct contact with the public.

Accountant office

Advertising agency

Architect/engineer office

Attorney office

Collection agency

Community and charitable service office

Employment agency

Governmental office

Insurance office

Mortgage finance office

Payroll service office

Real estate/appraiser's office

Travel agent office

CABIN — A building consisting of one or more rooms that contain sleeping and living space. A kitchenette may be included. A cabin does not contain bathroom facilities.

CAMPGROUND — A place of business that offers at least two spaces for the traveling or vacationing public or private members to park a recreational vehicle or camper, occupy a cabin or erect a tent for temporary overnight accommodations. Water and sewer service may be provided to each camping site. Bathrooms and recreational activities may be provided in a separate structure.

Summer camp

CANNABIS CULTIVATION FACILITY — A facility licensed to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

CANNABIS ESTABLISHMENT — Any business or individual that grows, cultivates, prepares, manufactures, packages, tests, or sells medical cannabis or adult use cannabis.

CANNABIS PRODUCTS MANUFACTURING FACILITY — A facility licensed to purchase adult

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use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.

CANNABIS STORE — A facility licensed to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility; to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants and seedlings to consumers.

CANNABIS TESTING FACILITY — A facility licensed to develop, research and test cannabis, cannabis products and other substances.

CANOPY — The more or less continuous cover formed by tree crowns in a wooded area.

CEMETERY — A place or ground set apart for the burial of the dead.

CEO — The abbreviation used in this chapter for Code Enforcement Officer.

CHANGE OF USE — The replacement of a land use with another land use from the same or different land use category, as identified in Article VIII.

(1) A change of ownership of an existing land use is not a change of use.

(2) A change of a commercial or noncommercial identifying name of an existing land use is not a change of use.

CHURCH — See "place of worship."

CLINICIAN OFFICE — A place of business that offers medical diagnosis and treatment by a licensed health professional other than a veterinarian.

Audiologist office

Chiropractor office

Dentist office

Optometrist office

Physician office

Psychiatrist office

Psychologist office

COMMERCIAL UNIT — An area within a building that is occupied seasonally or year-round as a business by the building owner or tenant

COMMERCIAL USE — The use of land, buildings or structures for the purpose of producing income from the buying and selling of goods or services. "Commercial use" does not include rentals of residential dwelling units, except for short-term rentals.**[Amended 4-25-2024]**

COMMUNICATION FACILITY — An industry category land use comprised of structures that transmit or receive electronic signals to convey information by voice, text, video or other electronic methods. The use may include transmission towers, antennas, satellite dishes and related equipment, studios and offices and related site development features.

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Television/radio broadcast station

Wireless communication facility

COMPACT AREA — An area that includes any lot located within 200 feet of a public sewer service or public water service.

COMPLETE APPLICATION — An application which the appropriate reviewing authority has determined to contain all required and requested information, except any information that has been waived or otherwise excluded from review as allowed.

CONSTRUCTION TRADES SERVICE — A place of business that offers off-site licensed or skilled services in the building construction industry, including but not limited to the following specific trades:

Acoustical

Alarm

Carpenter

Drywall

Electrical

Fencing

Fire alarm

Flooring

Foundation

General contractor

HVAC

Insulation

Masonry

Painting/papering

Paving

Plumbing

Pumps

Roofing

Sprinkler

Windows/siding

DAY-CARE CENTER — A facility in which more than 12 clients receive care, maintenance and supervision by other than their relative or legal guardian for less than 24 hours per day and without an overnight stay.

DAY-CARE HOME — A facility in which more than three, but not more than 12, clients receive care, maintenance and supervision by other than their relative or legal guardian for less than 24 hours per day and without an overnight stay. The facility is generally located within a dwelling unit.

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DEP — The abbreviation used in this chapter for the Maine Department of Environmental Protection.

DEVELOPMENT —

(1) An intentional improvement or change involving alteration of land or vegetation.

(2) The addition or alteration of structures or other construction not naturally occurring.

(3) See also "land use."

DIMENSIONAL STANDARD — A numerical datum identifying a spatial relationship, including, but not limited to:

(1) Minimum structure setback from water bodies, tributary streams, wetlands, property lines, other structures and rights-of-way (expressed in feet);

(2) Maximum structure height (expressed in feet);

(3) Minimum lot area (expressed in square feet or acres);

(4) Minimum lot street frontage (expressed in feet);

(5) Maximum lot coverage (expressed in percent of total lot area); and

(6) Minimum lot shore frontage (expressed in feet).

DISABILITY —

(1) Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness.

(2) Any physical or mental condition of a person that constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist.

(3) Any health or sensory impairment that requires special education, vocational rehabilitation or related services.

DOCKS — See "zero setback shoreline structure."

DORMITORY — A building containing living quarters for students. The living quarters are arranged as groups of bedrooms that share a common bathroom. The building may also contain one or more rooms for student social or study activities and a kitchen and dining room for communal dining.

DRIVEWAY — A gravel, paved or otherwise prepared surface providing vehicular access to a property from a public or private road. A driveway for a one- or two-family dwelling includes parking and maneuvering spaces.

DWELLING UNIT — An area within a building that is occupied temporarily, seasonally or year-round as a residence by one person who may be an owner, renter or tenant; or by more than one person living as a family, co-owners, co-renters or co-tenants. The area contains cooking, sleeping and living space and bathing and toilet facilities, all for exclusive use by one family at a time. (See also "short-term rental.")**[Amended 4-25-2024]**

DWELLING, MULTIFAMILY — A structure containing three or more dwelling units and no other use. The structure may be constructed on-site or may be manufactured housing.

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DWELLING, ONE-AND-ONE-HALF-FAMILY — A one-family dwelling that is also occupied with a small dwelling unit occupying no more than 30% of the total floor area of the dwelling, with a maximum size of 600 square feet. The dwelling unit may or may not have a separate entrance.

DWELLING, ONE-FAMILY — A structure containing one dwelling unit and no other use, except a home-based business as allowed. The structure may be constructed on-site or may be manufactured housing.

DWELLING, TWO-FAMILY — A structure containing two dwelling units and no other use, except a home-based business as allowed. The structure may be constructed on-site or may be manufactured housing.

EMERGENCY OPERATIONS — Operations conducted for the public health, safety or general welfare, such as operations necessary to protect natural resources or public or private property from immediate damage, destruction or loss; operations necessary for law enforcement and operations to rescue human beings or animals from the threat of destruction, injury or loss of life.

ENTERTAINMENT ESTABLISHMENT —

(1) A place of business where the public gathers as an audience for plays, performances, shows, films, or any other type of theatrical presentation.

(2) A building or property where the public gathers for dancing and social activities.

Auditorium

Dance hall

Theater

ESSENTIAL SERVICES — See "utility transport system," "utility service connection."

EXPANSION OF A LAND USE — The addition of one or more months to a use's operating season or the use of more floor area or footprint, or ground area devoted to a particular use.

EXPANSION OF A STRUCTURE — An increase in the footprint of a structure, including all extensions, such as, but not limited to, attached decks, garages, porches and greenhouses. A vertical addition to a structure to increase habitable space.

FABRIC-COVERED SHELTER — A structure constructed with a lightweight metal or wood frame enclosed with a flexible vinyl, canvas or plastic cover. The structure is typically installed on a gravel pad or the existing ground and is designed to allow disassembly and relocation. The shelter is used as an accessory structure to provide storage, cover for a vehicle or boat, or for use as a greenhouse. (See also "fabric-covered structure.")

FABRIC-COVERED STRUCTURE — An engineered structure that consists of a fabric covering supported either by a frame or pressurized air. The structure is installed on a foundation and is intended for occupancy by a commercial or noncommercial use. (See also "fabric-covered shelter.")

FACTORY — An industry-category land use comprised of manually operated or automated equipment, tools and machinery used to mass-produce a finished product intended for immediate use or consumption, or to mass-produce a component product used in the manufacturing, assembling, constructing, fabricating, formulating, processing or other production of a finished product. An industry-category factory typically runs continuously, producing one or more specific products, but may also include custom orders. The use includes structures, buildings and related site improvements (See also "manufacturing facility," "mill," "refinery.")

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FAMILY — One or more persons occupying a dwelling and living as a single housekeeping unit.

FEMA — The abbreviation used in this chapter for Federal Emergency Management Agency.

FILLING AND MOVING OF EARTH — An activity involving the intentional removal, depositing, or relocation of soil or mineral material on a property for the purposes of site improvements. (See also "mineral extraction.")

Excavations

Landscaping

Retaining walls

Riprap

FINANCIAL INSTITUTION — A place of business that makes loans and provides investment, checking and savings account services.

Bank

Credit union

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

FLOOR AREA —

(1) The horizontal floor surfaces of a structure enclosed by exterior walls, including the area under interior and exterior walls.

(2) The horizontal floor surfaces of unenclosed portions of a structure, such as lean-tos, porches and decks.

(3) The horizontal floor surfaces in any basement used for living space.

(4) The surfaces of stairway treads or stairway landings 16 square feet or less are not considered to be floor area.

FOOTPRINT — The entire area of ground covered by the structure(s) on a lot, including, but not limited to, cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

FOUNDATION — The supporting substructure of a building or other structure, including:

(1) Basement walls;

(2) Slabs;

(3) Frost walls; or

(4) Other bases consisting of concrete, block, brick or similar material.

(5) Wooden sills and post supports are not considered to be foundations.

FREIGHT TERMINAL — An industry category land use comprised of structures, buildings and site

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development features designed to accommodate the loading and unloading of large transport vehicles such as tractor trailers and delivery trucks, for the purposes of transferring goods between vehicles for further transport or delivery. The use may include areas for temporary storage of goods awaiting transport, administrative offices and related activities.

FUNCTIONALLY WATER-DEPENDENT USE — Any use that must be located on submerged lands for its primary purpose, or any use that requires direct access to or location in coastal or inland waters and which cannot be located away from these waters. Uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and marketing facilities, waterfront dock and port facilities, shipyards, boat-building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. A recreational boat storage building is not a functionally water-dependent use. (See also "zero setback shoreline structure.")

FUNERAL HOME — A place of business where the dead are prepared for burial or cremation and where wakes and funerals may be held.

GREAT POND —

(1) Any inland body of water that has a surface area in excess of 10 acres in its natural state.

(2) Any inland body of water artificially formed or increased that has a surface area in excess of 30 acres, except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GROUND COVER — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HAZARD TREE — A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to, hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A "target" is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

HAZARDOUS WASTE — Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, which are designated as hazardous by the Maine Department of Environmental Protection.

HEIGHT OF A STRUCTURE — The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances with no floor area.

HOME VEHICLE SERVICE — Routine maintenance and repairs performed on a motorized vehicle by the vehicle's owner at their place of residence.

HOME-BASED HEALTH CARE SERVICE — A place of business in a dwelling or a residential accessory building where clinicians, counselors or alternative treatment providers offer their services to the public. A home-based health care business is incidental and secondary to the residential use of

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the property, is operated by a family member residing in the dwelling and employs no more than two employees who may be other than family members residing in the dwelling.

HOME-BASED LODGING —

(1) A dwelling or a residential accessory building where sleeping accommodations without meals are provided for at least four and no more than 16 persons for a fee.

(2) A dwelling where sleeping accommodations and breakfast are provided for at least four and no more than 16 persons for a fee. A bed-and-breakfast inn.

(3) A home-based lodging business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than two employees, who may be other than family members residing in the dwelling.

HOME-BASED MERCHANT — A place of business in a dwelling or a residential accessory building that displays and sells merchandise which customers may directly select and purchase or order for pickup or delivery. A home-based merchant business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than two employees, who may be other than family members residing in the dwelling.

HOME-BASED PRODUCTION — A place of business in a dwelling or a residential accessory building where a product is manufactured, assembled, constructed, fabricated, formulated, processed or otherwise produced utilizing raw materials, parts or ingredients generally obtained from outside sources, but some may be produced on-site. Limited on-site display and sale of the product may be included. A home-based production business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than two employees, who may be other than family members residing in the dwelling.

HOME-BASED PROFESSION — A place of business in a dwelling or a residential accessory building where recordkeeping, desk work, clerical or executive functions or similar activities are conducted and which may or may not include direct contact with the public. A home-based profession business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than two employees, who may be other than family members residing in the dwelling.

HOME-BASED TRADE — A place of business in a dwelling or a residential accessory building where a learned or licensed skill or a specialized service is conducted and which may or may not include direct contact with the public. A home-based trade business is incidental and secondary to the residential use of the property. It is operated by a family member residing in the dwelling and employs no more than two employees who may be other than family members residing in the dwelling.

HOSPITAL — An institution that primarily provides inpatient medical, surgical, or psychiatric care and treatment for the sick or the injured. The institution may also provide related services such as laboratories, outpatient departments, training facilities, central services facilities and staff offices.

HOTEL — A place of business that provides sleeping rooms for more than 16 people and usually meals and other services for travelers and other paying guests.

HUT — A small building intended for day use as a retreat, for recreational use or a place of refuge and relief from the elements. A hut does not include sleeping and internal plumbing accommodations

INCREASE IN NONCONFORMITY OF A STRUCTURE —

(1) A change in a structure or property that causes a nonconforming dimension to become

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more nonconforming to a required dimensional standard.

(2) A property change or structure expansion that increases the setback nonconformity of an existing structure.

(3) An expansion that in-fills an irregularly shaped structure or is a lateral expansion to a structure is not considered to increase the setback nonconformity, provided that the setback of the expanded structure will be no less than that portion of the existing structure with the greatest nonconformity to the minimum setback requirement.

INCREASE IN NONCONFORMITY OF A USE — Any change in a feature of a nonconforming use of a structure or property that causes the use to become more nonconforming to a required standard.

INDEPENDENT HOUSING WITH SERVICES — A type of assisted living housing that includes private apartments, central dining and supportive services for the occupants.

INDIVIDUAL PRIVATE CAMPSITE — An area of land not associated with a campground that is developed for repeated camping by only one group, not to exceed 10 individuals, and which involves site improvements such as a gravel pad, parking area, fireplace, or tent platform.

INTRASTATE/INTERSTATE PIPELINE — An industry land use comprised of below- or aboveground structures for the intrastate or interstate transport of gases or liquids. The use includes pipelines and may also include structures for pumping and maintenance of the pipeline installation. (See also "utility transport system.")

INTRASTATE/INTERSTATE TRANSMISSION LINE — An industry land use comprised of above- or belowground structures for the intrastate or interstate transport of electricity or electronic information or signals. The use includes poles and cable supports, transmission wiring, substations and related equipment installations. (See also "utility transport system.")

JUNKYARD — See also "salvage yard." A yard, field or other outside area used to store, dismantle or otherwise handle:**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(1) Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture;

(2) Discarded, scrap and junked lumber; and

(3) 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.

KENNEL —

(1) A place of business where dogs, cats or other pets are boarded.

(2) A place of business where dogs are bred or trained.

LAND USE —

(1) A construction, installation, alteration or expansion of a structure.

(2) A use or change of use of a structure or property.

(3) An improvement or development of a property.

(4) An occupancy of a structure or property.

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LARGE PRODUCT DEALER — A place of business offering for sale or lease prefabricated structures or motorized products that typically require storage and display out of doors due to size or quantity. Repair services may be included.

Boat dealer

Earthwork equipment dealer

Heavy equipment dealer

Manufactured housing dealer

Motor vehicle dealer

Recreational vehicle dealer

LOT — An area, plot, or parcel of land with ascertainable boundaries established by deed or instrument of record. A front lot contains frontage on a street. A rear lot also contains frontage on a street, but the majority of the lot is located behind a front lot. The portion of the lot that fronts on a street is relatively narrow in comparison to the main portion of the lot located to the rear. On a map, the narrow and main portions of the lot often resemble a flag on a pole. These lots are commonly referred to as "flag lots."

LOT AREA — The area of land enclosed within the boundary lines of a lot.

LOT AREA COVERAGE — That portion of the lot area covered by buildings or nonvegetated surfaces composed of mineral, concrete, brick, asphalt or other low-permeability materials.

LOT LINE — A linear boundary of a parcel of land as may be described in a survey or deed.

(1) FRONT — The property boundary adjacent to a street right-of-way. Each property line of a corner lot bordering a street is considered a front lot line.

(2) REAR — The lot line opposite a front lot line.

(3) SIDE — Any lot line other than a front lot line or rear lot line.

LOT OF RECORD — A legally created parcel of land described in a deed or other document or plan that is recorded at the Hancock County Registry of Deeds.

LOT OF RECORD, NONCONFORMING — A legally created parcel of land described in a deed or other document recorded at the Hancock County Registry of Deeds and which existed on the effective date of an ordinance establishing a minimum land area, lot width or frontage dimensional requirement that the parcel of land cannot meet.

LOT, CONTIGUOUS — A lot or parcel of land that shares a boundary line with another lot or parcel of land in the same ownership.

LUMBERYARD — A place of business that sells lumber and other building products from a yard and buildings designed for product storage and customer transactions.

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

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes,"

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that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.; and

(2) Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with 10 M.R.S.A. Ch. 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

MANUFACTURING FACILITY — A production-category factory, mill or refinery. Products are manufactured primarily based on customer orders, but may also include production for sales, inventory or design purposes. A production-level manufacturing facility does not typically have continuously operated production. The use includes structures, buildings and related site improvements. Limited on-site display and sale of products may be included. (See also "factory," "home-based production," "mill," "refinery.")

MARINA — A place of business having frontage on navigable water that offers offshore moorings or docking facilities for boats and may also offer 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.

MEDICAL CANNABIS CAREGIVER RETAIL STORE — A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

MEDICAL CANNABIS CULTIVATION AREA — Shall mean a "cultivation area" as that term is defined in 22 M.R.S.A. § 2421-A, as may be amended.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

MEDICAL CANNABIS CULTIVATION FACILITY — Shall mean a medical cannabis cultivation area used or occupied by one or more medical cannabis registered caregivers. A medical cannabis cultivation facility is prohibited from selling medical cannabis to medical cannabis qualifying patients, medical cannabis caregivers or medical cannabis registered caregivers on premises. A medical cannabis cultivation facility shall not be used or occupied by a "collective" as that term is defined in 22 M.R.S.A. § 2430-D, as may be amended.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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MEDICAL CANNABIS PRODUCTS MANUFACTURING FACILITY — A registered Tier 1 or Tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under 22 M.R.S.A. § 2423-F.

MEDICAL CANNABIS REGISTERED DISPENSARY — An entity registered under 22 M.R.S.A. § 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

MEETING FACILITY — A place where people assemble as groups for social activities, business conferences, public meetings or similar activities.

Banquet facility

Club

Conference facility

Convention center

Grange hall

METALLIC MINERAL MINING — Any activity or process that is for the purpose of extraction or removal of metallic minerals, and which includes processes used in the separation or extraction of metallic minerals from other minerals, including, but not limited to, crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic or magnetic), cyanidation, leaching, crystallization, or precipitation, mine waste handling and disposal, and the processes substantially equivalent, necessary, or incidental to any of the foregoing. Metallic mineral mining does not include:

(1) Exploration activities, including boring, drilling, hand sampling, test pits 100 square feet or less, or other test sampling methods which cause minimal disturbance of soil and vegetative cover.

(2) Advanced exploration activities, including bulk sampling of metallic mineral deposits or any exploration activities that exceed exploration activities described in Subsection (1).

(3) Thermal or electric smelting.

MILL — An industry-category land use comprised of manually operated or automated equipment, tools and machinery used to mass-produce a base material product that is used by others to manufacture, assemble, construct, fabricate, formulate, process or otherwise produce a component product or a finished product. The base material product is shipped in a bulk form such as sheets, rolls, bundles, lifts, cords, barrels, tanks or other containers. An industry category mill typically runs continuously, producing one or more specific products, but may also include custom orders. The use includes structures, buildings and related site improvements. (See also "factory," "manufacturing facility," "refinery.")

MINERAL EXPLORATION — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources.

MINERAL EXTRACTION —

(1) The excavation of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location for use either in its natural state or after processing. The excavation of material may involve drilling, blasting, digging, cutting, or other methods to

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release the material from its natural location. Processing of material may involve crushing, screening, washing or mixing, and temporary on-site storage. The operation may include buildings to house vehicles, employees, fuel storage tanks, pumps, generators and other equipment, access roads, water treatment facilities, buffers, screening, and erosion control features. Excavated material is transported from the site by vehicle, rail, or other means of conveyance. A mineral extraction may be conducted as a commercial or noncommercial operation.

Gravel pit

Rock excavation (also known as a "quarry")

(2) Mineral extraction does not include:

(a) Any on-site excavation required to install, repair, replace, or expand a foundation or any other subgrade structure.

(b) An excavation of not more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location in any twelve-month period, where the operation is conducted by the property owner and the excavated material is for the owner's personal use.

(c) Any on-site excavation that is incidental to a landscaping improvement.

(d) Any on-site excavation that is incidental to the construction, repair, alteration, or maintenance of a public or private road or a driveway.

(e) Any on-site excavation required to construct a pond or reservoir.

(f) Any on-site excavation required to construct a well.

(g) Exploration activities, including boring, drilling, hand sampling, test pits 100 square feet or less, or other test sampling methods which cause minimal disturbance of soil and vegetative cover.

(h) Metallic mineral mining.

MINIMUM LOT WIDTH — The closest distance between the side lot lines of a lot.

MOBILE HOME — See "manufactured housing."

MOBILE HOME PARK — A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile homes.

MODULAR HOME — See "manufactured housing."

MOTEL — A place of business that provides lodging for more than 16 people. Each sleeping room has a door that provides direct access at ground level or via a stairway to an on-site parking area.

Motor court

Motor lodge

MOTORCYCLE SERVICE GARAGE — A place of business that offers parts, repairs and maintenance for motorcycles, motorbikes or motor scooters

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MULTIPLE OCCUPANCY — The existence of two or more land uses in common to a property or structure. Accessory land uses are not included when identifying the existence of a multiple occupancy.

NATIVE — Indigenous to the local forests.

NONCOMMERCIAL USE — The use of land, buildings or structures for a governmental, municipal, not-for-profit, charitable, religious or other tax-exempt use. "Noncommercial use" does not include rentals of residential dwelling units.

NONCONFORMING CONDITION — A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING LOT — See "lot of record, nonconforming."

NONCONFORMING STRUCTURE — A structure in lawful existence on the effective date of an ordinance that causes such structure to become noncompliant with a dimensional standard such as minimum setback, maximum lot coverage or maximum height.

NONCONFORMING USE — A land use in lawful existence on the effective date of an ordinance that prohibits or otherwise restricts such use.

NONNATIVE INVASIVE SPECIES OF VEGETATION — Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGH-WATER LINE —

(1) Adjacent to nontidal waters, the line that distinguishes between predominantly aquatic and predominantly terrestrial land, identified by visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation.

(2) Adjacent to tidal waters, the upland edge of the coastal wetland.

(3) Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond. (See also "shoreline.")

NUDITY — Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering, as part of a live entertainment activity conducted on any premises subject to licensing or permitting.

OFF-SITE SERVICE BUSINESS — A place of business that offers a learned or licensed skill or a specialized service where the skill or service performed takes place primarily at another location.

Construction trades service

Catering service

Exterminating service

Garbage removal/trucking service

Glass installation service

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Guide/tour service

Home health care service

Janitorial/house cleaning service

Landscaping/groundskeeping service

Limousine/taxi service

Locksmith service

Moving service

Oil/propane delivery service

Pedicabs

Septic waste disposal service

Sign installation service

Towing service

Tree service

Well drilling service

OFFICE TRAILER — A manufactured structure designed for use as a temporary field office. The structure may be transported by the use of its own chassis or an independent chassis. Office trailer does not include manufactured structures designed for housing.

ON-SITE SERVICE BUSINESS — A place of business that offers a learned or licensed skill or a specialized service that takes place primarily at the business location. (See also "home-based trade.")

Appliance repair shop

Bottle recycling facility

Canvas/upholstery repair shop

Dry cleaning/laundry

Electronics repair shop

Furniture restoration service

General repair shop

Gunsmith

Machine shop

Motorcycle service garage

Packing/parcel shipping service

Picture-framing shop

Photography studio

Photo processing service

Printing/copy/publishing service

Small engine service garage

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Storage/self-storage facility

Tailor/seamstress service

Welding service

OUTDOOR FESTIVAL — An organized public event of short duration that includes a combination of activities that may include entertainment, food, games, amusement rides, races, fireworks or other celebratory activities and which takes place in a defined area primarily in the out-of-doors.

Fair

OUTDOOR MARKET — A place of business located in a defined area out of doors and which offers a variety of new or used merchandise for sale to the public, usually from more than one vendor. The use may include temporary or permanent roofed structures for weather protection.

Flea market

Farmers market

Open-air market

OUTDOOR RECREATION — A residential accessory use of property for play, exercise, sport activities, relaxation or for enjoyment of the environment. The use may involve minimal structural development. Outdoor recreation is not conducted as a business activity and is a use that is not intended for, nor accessible to the public.

(1) Individual private campsite.

(2) Float.

(3) Hunting/fishing.

(4) Play equipment/structure.

(5) Playfield/court.

(6) Pond/fountain.

(7) Recreational vehicle parking/hookup.

(8) Recreational trail.

(9) Sauna.

(10) Swimming pool.

(11) Whirlpool/hot tub.

OUTDOOR VENDOR — A person or business that displays and sells their product at a temporary fixed location, often adjacent to a public way.

Flower vendor

Food vendor

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Produce vendor

Seafood vendor

OUTLET STREAM — Any perennial or intermittent stream, as shown on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

OUTPATIENT CLINIC — A place of business offering medical or psychiatric care to patients who do not require an overnight stay.

PARKING FACILITY — A structure or portion of a structure designated for the parking of motorized vehicles under cover. "Parking facility" does not include residential garages.

Parking garage

PARKING LOT — An area of land designated for the parking of motorized vehicles out of doors. Such areas are developed with gravel, concrete, asphalt or other impervious surfaces and are accessed by one or more entrances from a public or private street. Parking spaces serving a one-family, one-and-one-half-family or two-family dwelling are not considered to be a parking lot.

PARKING SPACE — An area of land designated for the parking of a motor vehicle. A parking space may be located in a parking lot, a parking facility or a driveway. A parking space may also be located adjacent to a public or private street or located within a public or private right-of-way, where allowed.

PERSON —

(1) An individual, or two or more individuals having a joint or common interest.

(2) A trust, estate, partnership, association, corporation, governmental agency, municipality, or other legal entity.

PERSONAL CARE SERVICE — A place of business that offers the cosmetic treatment of hair, skin or nails, artificial skin tanning, or designs and markings on the skin.

Barbershop

Beauty salon

Cosmetologist office

Electrologist office

Spa

Tanning salon

Tattoo/body piercing shop

PET SHELTER — A residential accessory structure intended to provide seasonal or year-round protection from the elements for any animal kept as a pet by the property owner or occupant.

PIERS AND WHARFS — See "zero setback shoreline structure."

PLACE OF WORSHIP — A place where a congregation assembles on a regular basis for prayer or religious services and related activities. The use may include fundraising or social events such as public suppers, craft fairs, musical performances or club meetings.

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POWER GENERATING FACILITY — An industry category land use comprised of manually operated or automated equipment and machinery used to produce electricity for intrastate or interstate transmission or for local transmission. A power generating facility typically runs continuously and includes structures, buildings and related site improvements. (See also "wind turbine facility.")

PRINCIPAL RESIDENCE — A dwelling unit that is intended to be occupied for at least seven months in any calendar year. Evidence of use as a principal residence includes, but is not limited to, the listing of that residence as an occupant's legal residence for the purpose of voting, filing a state tax return or automobile registration, or occupancy of that dwelling for a period of at least seven months in any calendar year.

Domicile

PRINCIPAL STRUCTURE — A building or structure that is used for purposes that are not wholly incidental or accessory to the use of another building or use on the same premises. An attached deck, porch or garage is considered part of a principal structure.

PRINCIPAL USE — A use other than one which is wholly incidental or accessory to another use on the same premises.

PRODUCT DISTRIBUTION FACILITY — An industry category land use comprised of structures, buildings and site development features designed to accommodate the loading and unloading of large transport vehicles such as tractor trailers and delivery trucks, and to accommodate the storage of product inventory to be delivered or shipped to dealers or customers as ordered. The use may include areas for administrative offices and related activities.

PROTECTED LOCATION —

(1) Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application is submitted, or any location within a locally designated passive recreation area.

(2) This term does not include buildings and structures used for seasonal purposes, and which are located on leased camp lots owned by the applicant.

(3) For purposes of this definition, a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired. A residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

PUBLIC BUILDING — A structure, owned, leased, or otherwise operated or funded by a government body or public entity.

PUBLIC DRINKING WATER SUPPLY — A well that provides water for human consumption and serves 15 service connections (e.g., homes, housing units, etc.), serves an average of at least 25 individuals daily 60 days of the year or more, or bottled water for sale.

PUBLIC INFORMATION CENTER — A structure that provides a compilation of local area information to the public via printed handouts, publications for purchase, signage, recorded message or direct contact with on-premises staff.

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PUBLIC RECREATION — A public outdoor activity involving exercise, play, repose, camping or the enjoyment of scenic or natural features. Minimal structural development may be included.

(1) Public campsite.

(2) Public picnic area.

(3) Public playground.

(4) Public park.

(5) Public trail.

(6) Public walkway.

PUBLIC SAFETY FACILITY — A property or building occupied with administrative offices, equipment storage or related activities for fire, police, ambulance or emergency dispatch services.

PUBLIC TRANSPORTATION FACILITY — A property or building occupied with administrative offices, equipment storage, passenger loading and disembarking sites or related activities for any form of transportation for the public.

Bus terminals

Railroad stations

Taxi businesses

PUBLIC WORKS FACILITY — A property or building occupied with administrative offices, equipment storage or activities related to the installation, maintenance or repair of public roads and infrastructure.

Public Works equipment storage facility

Public Works sand/salt storage facility

Town Garage

RAIL TRANSPORTATION FACILITY — An industry category land use comprised of structures, buildings and site development features designed to accommodate the loading and unloading of passengers or freight transported by railroad.

RECREATIONAL FACILITY (INDOOR) — A commercial or a noncommercial facility where games, exercise or sport activities are offered to the public or a membership. The use takes place primarily indoors and may also accommodate spectators. A noncommercial facility may or may not require a spectator or participant fee. Related merchandise sales or rentals may be an incidental activity.

(1) Arcade.

(2) Billiard room.

(3) Bowling facility.

(4) Casino.

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(5) Exercise/training facility.

(6) Health club.

(7) Spa/sauna.

(8) Swimming facility.

(9) Gymnasium.

(10) Sports arena.

RECREATIONAL FACILITY (OUTDOOR) — A commercial or a noncommercial facility where a recreational, sporting or amusement activity is offered to the public or a membership. The use takes place primarily out of doors and may also involve buildings or other structures. A noncommercial facility may or may not require a spectator or participant fee. Related merchandise sales or rentals may be an incidental activity.[34]

Amusement park

Golf club

Ice skating rink

Nordic ski facility

Paintball field

Playfield/court

Racetrack

Recreational trail

Sport shooting range

Swimming facility

Water sport

RECREATIONAL VEHICLE — A self-propelled motor home vehicle designed for seasonal use as temporary sleeping or living quarters for one or more persons.

(1) A slide-in camper, travel trailer, tent trailer or camp trailer designed for seasonal use as temporary sleeping or living quarters for one or more persons, and which is designed to be transported on or towed behind a self-propelled motor vehicle.

(2) A tiny house permanently attached to a motor vehicle or to a trailer frame designed to be towed by a motor vehicle.

REFINERY — An industry-category land use comprised of manually operated or automated equipment, tools and machinery used to mass-produce a refined product by purifying, blending, converting or otherwise processing unrefined raw materials such as crude oil, natural gas, or mineral ore. An industry-category refinery typically runs continuously and includes structures, buildings and related site improvements. (See also "factory," "manufacturing facility," "mill.")

REHABILITATION, MAJOR — A repair or replacement of a structure, the cost of which exceeds

34. **Editor's Note: The original definition of "recreational lodging," which immediately followed this definition, was repealed 4-25-2024.**

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50% of the market value of the structure in its condition prior to the damage, destruction or removal. Major rehabilitation does not include routine maintenance and repairs.

REHABILITATION, MINOR — A repair of a structure, the cost of which does not exceed 50% of the market value of the structure. Minor rehabilitation does not include routine maintenance and repairs.

RENOVATION — A physical change to a building within the confines of the building's footprint and overall height, including:

(1) The removal or construction of partitions to alter or rearrange floor space;

(2) The removal or installation of interior stairways;

(3) The installation or relocation of kitchens or bathrooms;

(4) The installation or replacement of masonry fireplaces or chimneys;

(5) The installation or replacement of a foundation;

(6) The replacement or enclosure of decks or porches; or

(7) The installation or alteration of dormers or roof framing.

RESEARCH FACILITY — A place of business where scientific investigation, testing and experimentation are conducted for the purpose of expanding knowledge and education.

RESIDENTIAL CARE FACILITY — An assisted living facility licensed by the Maine Department of Health and Human Services where residents receive room and board and personal services as needed.

(1) Level 1: A one- or two-bedroom facility.

(2) Level 2: A three- to six-bedroom facility A family unit primarily operates these facilities.

(3) Level 3: A three- to six-bedroom facility primarily agency-owned and -operated and employing three or more unrelated people.

(4) Level 4: A facility with seven or more beds. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

RESTAURANT, QUICK-SERVICE — A place of business where food and beverages are prepared, packaged and given to customers for immediate consumption on or off the premises. Customers either walk in to place orders at a counter or drive up in a vehicle to place orders via an intercom system or directly to an employee at a service window. Dining tables may be provided indoors or outdoors, but table service is not provided.

Coffee shop

Delicatessen

Drive-in restaurant

Fast-food restaurant

Pizza shop

Sandwich shop

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RESTAURANT, STANDARD-SERVICE — A place of business where food and beverages are prepared and served to customers seated at dining tables for immediate consumption on the premises. Called-in pickup or delivery orders may be an incidental service offered to customers.

RIGHT-OF-WAY, PRIVATE — A described area of privately owned land over which one or more landowners may pass either by vehicle or by foot, or over which private utilities may be installed.

RIGHT-OF-WAY, PUBLIC —

(1) A Town street or road.

(2) A state or federal highway.

(3) An easement for the purpose of public access or public utility or drainage installations.

RIPRAP — Rocks, irregularly shaped and at least six inches in diameter, which are used for erosion control and soil stabilization, typically on ground slopes of two units horizontal to one unit vertical or less.

RIVER — A free-flowing body of water, including its associated floodplain wetlands, from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

ROAD — A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. Street.

ROUTINE MAINTENANCE AND REPAIR —

(1) The periodic upkeep necessary to assure the proper functioning and performance of a structure, road, or other site development feature.

(2) The action necessary to correct minor damage, decay or defect of a structure, road or other site development feature.

(3) The replacement of doors or windows.

(4) The replacement of exterior stairs, ramps, railings or decking boards.

SALT MARSH — Areas of coastal wetland that support salt-tolerant species and, where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

SALT MEADOW — Areas of a coastal wetland that support salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season, but is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush. Common three square occurs in fresher areas.

SALVAGE YARD —

(1) A place of business where ferrous and nonferrous metals are stored and processed for reuse.

(2) A place of business where used building materials are stored, processed and displayed for sale. The land use requires outdoor storage and display areas and may also require indoor storage and display areas.

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(a) Scrap metal recycling facility.

(b) Architectural recycling facility.

SAND/GRAVEL PIT — See "mineral extraction."

SAPLING — A tree species that is less than two inches in diameter at 4.5 feet above ground level.

SAWMILL FACILITY (SMALL) — A land use that includes the use of gas-powered, portable cutting equipment to process logs into firewood or lumber. A small sawmill facility does not include the use of any other wood processing equipment, except a chipper may be included to process unwanted wood waste. Portable cutting equipment operated under the control of a property owner on their own land to process logs for the property owner's own personal use is not considered a small sawmill facility.

SCENIC VIEW — Any vista deemed worthy of protection, as identified in the Town's Comprehensive Plan.

SCHOOL — A publicly or privately funded facility providing educational opportunities.

(1) Kindergarten.

(2) Middle school.

(3) High school.

(4) Adult/community education.

(5) Alternative education.

(6) Trade/technical school.

(7) Academy.

(8) College.

(9) University.

SEASONAL ROADSIDE SALES — A residential accessory use, conducted by the property owner or family member on their property, involving the offering and selling of items that have a local seasonal demand. Items having a local seasonal demand include, but are not limited to, fish bait; wreaths; small crafts; firewood; iced beverages; and home-grown flowers, fruits and vegetables. Items for sale are displayed at a roadside location, except when such a display is impractical or damaging to the items. The roadside display may include a temporarily installed table or stand and a small advertising sign. A seasonal roadside sales use is of short duration, taking place until such time the local seasonal demand ends or the inventory is depleted, whichever comes first.

SEEDLING — A young tree species that is less than 4.5 feet in height above ground level.

SERVICE DROP — See "utility service connection."

SERVICE STATION — See "vehicle services, Class 1."

SETBACK —

(1) The horizontal distance between a structure, road, parking space or other regulated object or area and the normal high-water line of a water body, tributary stream or the upland edge of a wetland. The distance is measured from that portion of the regulated object that is

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nearest to the water body, tributary stream or wetland.

(2) The horizontal distance between a structure, road, parking space or other regulated object or area and a property line or boundary of a right-of-way or easement. The distance is measured from that portion of the regulated object that is nearest to the property line or boundary.

(3) Nearest portions of a structure from which the setback is measured include, but are not limited to, decks, porches, stairs, eave overhangs, foundations, walls, bay or bow windows and chimneys. Some exceptions apply.

SHORE FRONTAGE — The length of a lot bordering on a water body or wetland, measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND DISTRICT — Also referred to as the "Shoreland Zone"; land located within any of the following dimensioned areas, as measured horizontally:**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(1) Within 250 feet of the normal high-water line of any great pond or river.

(2) Within 250 feet of the upland edge of a coastal wetland, including all areas affected by tidal action.

(3) Within 250 feet of the upland edge of a freshwater wetland.

(4) Within 75 feet of the normal high-water line of a stream.

(5) The RTIS District includes land that is located more than 250 feet from the normal high-water line of Penobscot River.

SHORELINE — The normal high-water line of a water body or tributary stream, or the upland edge of a freshwater or coastal wetland.

SHORT-DURATION REPETITIVE SOUNDS — A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least six dBA on the fast-meter response above the sound level observed immediately before and after the event, each typically less than 10 seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

SHORT-TERM RENTAL — A dwelling unit or a portion thereof that is rented by the owner or the owner's agent for transient occupancy, for fewer than 30 consecutive nights, for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, boardinghouses, and inns.**[Added 4-25-2024]**

Seasonal rentals

Time-shares

Vacation homes

SKILLED NURSING FACILITY — An institution or a distinct part of an institution which is primarily engaged in providing skilled nursing care and related services for residents who require medical or nursing care or rehabilitation services on an inpatient basis and do not require acute level of care.

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Long-term care facility

SMALL ENGINE SERVICE GARAGE — A place of business that offers parts, repairs and maintenance for low-power gasoline or electric engines such as those used in chain saws, snowblowers, lawn mowers and go-carts, and for larger engines such as those used in snowmobiles, outboard motors and all-terrain recreational vehicles.

SMALL FACILITY FOR EDUCATIONAL, SCIENTIFIC OR NATURE INTERPRETATION USE — A low-impact, limited-size development comprised of small structures and minimally cleared areas used to conduct environmental studies, teaching or other outdoor educational activities. Small structures include, but are not limited to, observation decks or towers, walkways, kiosks, tree stands, blinds, warming huts, benches and group assembly areas.

SOLAR ENERGY SYSTEM — An installation of photovoltaic panels designed to convert sunlight into electricity. The installation includes supporting structures, piping, wiring and related electrical components.

SOLID WASTE DISPOSAL FACILITY — A place where garbage, refuse and recyclable materials are collected for processing and transfer to a licensed disposal or recycling site.

Recycling facility

SPORT SHOOTING RANGE — An area designed and used for archery, skeet and trap shooting or other similar shooting sports and the shooting of rifles, shotguns and pistols.

STORE — A place of business that displays and sells merchandise that customers may directly select and purchase or order for pickup or delivery. (See also "home-based merchant.")

(1) Class A mercantile stores have an aggregate gross area of more than 30,000 square feet or use more than three levels, excluding mezzanines, for sales purposes.

(2) Class B mercantile stores have an aggregate gross area of more than 3,000 square feet but not more than 30,000 square feet, or which have floors above or below the street floor level for sales purposes.

(3) Class C mercantile stores have an aggregate gross area of not more than 3,000 square feet on one story only, excluding mezzanines.

Adult products store

Animal supplies store

Antique shop

Automotive parts store

Bicycle shop

Bookstore

Cell/mobile phone store

Clothing store

Consignment shop

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Convenience store
Craft store
Department store
Electronics store
Flooring store
Florist
Furniture store
Gift/novelty shop
Grocery store
Hardware store
Hobby shop
Home-based merchant
Ice cream shop
Jewelry store
Lumberyard
Marine supply store
Market
Office supply store
Pastry shop
Pawnbroker
Pharmacy
Rental store
Retail store
Shoe store
Sporting goods store
Stained-glass shop
Tire store
Tobacco shop
Toy store
Video rental/sales store
Warehouse store
Wholesale store

STORM-DAMAGED TREE — A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STREAM — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national

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hydrology dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and the channel forms downstream of the water body or wetland as an outlet, that is also a stream.

STREET — See "road."

STRUCTURE —

(1) Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind.

(2) A building.

(3) Anything built, constructed or erected on or in the ground.

(4) A deck, patio, or the like.

(5) An outdoor wood boiler.

(6) A satellite dish.

(7) The term "structure" does not include fences and poles, wiring, guying, guy anchors and other aerial equipment normally associated with service drops are not considered to be structures.

(8) The term "structure" does not include subsurface wastewater disposal systems as defined in 30-A M.R.S.A. § 4201, Subdivision 5; geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subdivision 3-C; and wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subdivision 8.

(9) See also "principal structure," "accessory structure."

SUBSTANTIAL START — Completion of 30% of a permitted structure or use, measured as a percentage of estimated total cost.

SUBSTANTIALLY COMPLETE — The primary features and functions of a land use are operational and finished to the extent that the land use may be conducted in accordance with applicable rules and regulations, and in accordance with required conditions of approval, if any.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM —

(1) Any system designed to dispose of sewage waste or wastewater on or beneath the surface of the earth, including, but not limited to:

(a) Septic tanks;

(b) Disposal fields;

(c) Grandfathered cesspools;

(d) Holding tanks;

(e) Pretreatment filters;

(f) Piping; or

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(g) Any other fixture, mechanism, or apparatus used for those purposes.

(2) Subsurface wastewater disposal system does not include any discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system or any municipal or quasi-municipal sewer or wastewater treatment system.

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TAVERN — A place of business licensed to sell alcoholic beverages to be consumed on the premises as the primary function of the business.

Bar

Lounge

TELECOMMUNICATION TOWER — A structure of open-lattice, monopole or other design to which is attached any device designed for commercial telephonic, radio, or television communication through the transmission of electromagnetic waves.

TELEMARKETING CENTER — A place of business with the sole function of marketing goods or services by telephone or other forms of electronic communication.

TIDAL WATERS — All waters affected by tidal action during highest annual tide.

TINY HOUSE — A dwelling that is 400 square feet or less in floor area, excluding lofts.

TONAL SOUND — For the purposes of this chapter, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous, one-third octave bands by five dB for center frequencies at or between 500 Hz and 10,000 Hz, by eight dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

TREE — A woody, perennial plant with one or more well-defined trunks at least two inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water and which is connected hydrologically with other water bodies. The channel is characterized by the lack of terrestrial vegetation or by the presence of a bed that is devoid of topsoil; contains waterborne deposits or contains exposed soil, parent material or bedrock. Water may flow in the channel on a perennial or intermittent basis. Rills or gullies formed by accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity are not considered to be tributary streams.

UPLAND EDGE OF A WETLAND — The boundary between upland and wetland, described as follows:

(1) In a coastal wetland, the line formed by the landward limits of the salt-tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action.

(2) In a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation or where the soils support the growth of wetland vegetation dominated by woody stems that are six meters (approximately 20 feet) tall or taller. (See also "shoreline.")

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UTILITY SERVICE CONNECTION — An accessory land use involving above- or belowground installation of piping or wiring and related poles, guys, support slabs, appliances and equipment necessary to connect a structure with a utility transport system.

UTILITY TRANSPORT SYSTEM — A nonindustry land use comprised of above- or belowground structures for the transport of gases or liquids, electricity or electronic information or signals, or sewage, except subsurface wastewater disposal systems. Utility transport systems may include towers, poles, wires, mains, drains, pipes, collection and supply systems and associated storage tanks, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories. Utility transport systems include public and private installations. (See also "utility service connection," "intrastate/interstate pipeline," "intrastate/interstate transmission line.")

VARIANCE — A relaxation of the terms of an ordinance where such relaxation will not be contrary to the public interest and where a literal enforcement of an ordinance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.

VEGETATION — All live trees, shrubs and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

VEHICLE SERVICES, CLASS 1 —

(1) FUEL AND FOOD STORE — A place of business that offers the sale and dispensing of fuel for motor vehicles and the sale of food and miscellaneous sundries.

(2) FULL SERVICE STATION — A place of business that offers a wide variety of repair services for motor vehicles and the sale and dispensing of fuel for motor vehicles. Limited food sales may also be offered.

VEHICLE SERVICES, CLASS 2 —

(1) BODY REPAIR GARAGE — A place of business that offers motor vehicle body repair and painting services.

(2) BRAKE AND MUFFLER SERVICE GARAGE — A place of business that offers motor vehicle brake and muffler services.

(3) DETAILING SERVICE — A place of business that offers full interior and exterior cleaning of motor vehicles, including vacuuming, washing, waxing, buffing and polishing.

(4) GENERAL REPAIR GARAGE — A place of business that offers a wide variety of repair services for motor vehicles.

(5) OIL CHANGE GARAGE — A place of business that offers oil and filter changes for motor vehicles.

(6) TRANSMISSION SERVICE GARAGE — A place of business that offers motor vehicle transmission service.

(7) VEHICLE WASHING FACILITY — A place of business that offers automated drive-through washing facilities or self-service washing and vacuuming facilities for motor vehicles.

VETERINARY PRACTICE — A place of business operated by a licensed and professionally trained person offering medical or surgical treatment of animals, especially domestic animals.

VOLUME OF A STRUCTURE — The space (expressed in cubic feet) of all portions of a structure

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enclosed by roof and fixed exterior walls, as measured from the exterior faces of these walls and roof.

WAREHOUSE — An accessory structure with sufficient capacity to store bulk quantities of goods, parts, products, equipment, merchandise or other items requiring a large storage space.

WASTEWATER TREATMENT FACILITY — A place where sanitary wastewater is processed and discharged or otherwise disposed of in accordance with state licensing requirements. A subsurface wastewater disposal system is not considered to be a wastewater treatment facility for the purposes of this chapter.

Composting facilities

Public sewer pump stations

Sanitary waste dewatering facilities

Sludge spread sites

Stormwater separation facilities

WATER BODY — Any great pond, river or stream.

WATER CROSSING — Any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland, whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. Crossings for timber harvesting equipment and related activities are also included.

WATERWORKS FACILITIES — A place where water is processed and discharged into a public drinking water system in accordance with state licensing requirements and also including transport and collection piping systems and water storage tanks.

Public water pump stations

Public water storage tanks

WELLHEAD PROTECTION ZONE — An area within 1,000 feet of a community drinking water well identified by the Maine Drinking Water Program, or the source water protection area of a community drinking water well as mapped by the Department of Health and Human Services, whichever is greater.

WETLAND — A freshwater or coastal wetland.

WETLAND, COASTAL —

(1) All tidal and subtidal land.

(2) All land with vegetation that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat.

(3) Any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed, as identified in tide tables published by the National Ocean Service.

(4) Coastal wetlands may include portions of coastal sand dunes.

WETLAND, FORESTED — A freshwater wetland dominated by woody vegetation that is six meters

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(19.68 feet) tall or taller.

WETLAND, FRESHWATER —

(1) Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

(a) Of 10 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

(b) Inundated or saturated by surface water or groundwater 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.

(2) Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

WIND TURBINE FACILITY — A power generating facility comprised of one or more windmill installations used to produce electricity for intrastate or interstate transmission or for local transmission. The facility typically operates continuously and includes structures, buildings and related site improvements. Small wind turbine installations designed to produce electricity primarily for on-site consumption are not considered wind turbine facilities.

WINDMILL — A structure or machine that converts wind into usable energy through the rotation of a wheel with fixed or variable-pitch blades.

Wind turbine

WIRELESS COMMUNICATION — Any FCC-licensed commercial wireless telecommunication service, including cellular, personal communications services, mobile radio, paging and similar services.

WIRELESS COMMUNICATION FACILITY — A nonstaffed facility for the transmission or reception of wireless communication services, usually consisting of a telecommunications tower, antenna, transmission cables and equipment building.

WOODY VEGETATION — Live trees or woody, nonherbaceous shrubs.

YARD SALE — The sale of more than five items of personal property from any premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organization and other nonprofit organization.

ZERO SETBACK SHORELINE STRUCTURE — A pier, dock, wharf, bridge or other similar structure extending over or below the normal high-water line of a water body or the upland edge of a wetland. A zero setback shoreline structure is considered temporary if it remains in or over the water for less than seven months in any period of 12 consecutive months, and permanent if it remains in or over the water for seven months or more in any period of 12 consecutive months. A recreational boat storage building is not a zero setback shoreline structure. A recreational float is not a zero setback shoreline structure.

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ARTICLE II
Administration and Enforcement

§ 100-7. Administration.

A. This chapter shall be administered by the Planning Board. The Code Enforcement Officer shall provide administrative support to the Planning Board and shall serve as the first contact for all applicants seeking land use approval from the Town.

B. The Planning Board shall review all land use applications subject to Planning Board approval in accordance with the applicable requirements of Article VI.

C. The Code Enforcement Officer shall review all land use applications subject to Code Enforcement Officer approval in accordance with the applicable requirements of Article VI.

D. Public notice must be given for any public hearing required by this chapter. The Code Enforcement Officer shall be responsible for complying with the following public hearing notice requirement:

(1) Notice for any hearing pertaining to an application review must be posted at the Town office and must be published one time in a weekly or daily newspaper with general circulation in the Town. The date of the posting and publication of the notice may be no less than seven days before the date of the hearing.

(2) Notice for any hearing pertaining to an application review must be given to the applicant, the municipal officers, the Town Manager, the Town Clerk, the Public Works, Wastewater Treatment and Public Safety Departments, and the public water service provider if public water will be utilized. The date of notification must be no less than seven days before the date of the hearing. For the purposes of documenting notification requirements, the date of notification is considered to be the date of posting at the Town office or the postmark date of a notice delivered by U.S. mail.

(3) Notice for any hearing pertaining to contract zoning must be given in accordance with the notice requirements in 30-A M.R.S.A. § 4352, Subdivision 8.

(4) Notice for any hearing pertaining to the adoption or amendment of a zoning ordinance or zoning map must be given in accordance with the notice requirements in 30-A M.R.S.A. § 4352, Subdivision 9.

E. The Town Clerk shall keep a certified copy of this chapter. Any member of the public may have access to this chapter and obtain copies for a reasonable fee. Notice of availability of this chapter must be posted at the Town office.

§ 100-8. Waivers and special exceptions.

A. The reviewing authority may grant a waiver of any specific requirement of this chapter, provided that:

(1) No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

(2) Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and

(3) The health, safety and welfare of the public are protected.

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B. The following requirements of this chapter may not be waived:

(1) Required land use reviews.

(2) Dimensional requirements.

(3) Fees.

(4) Table § 100-18 requirements.

(5) Article XI requirements.

(6) Standards applicable to any land use in a shoreland district.

C. The reviewing authority may set conditions to any granted waiver as necessary to protect the purposes of this chapter.

D. The permit for an approved land use must include a description of any granted waiver and its date of approval.

E. The Planning Board may grant a special exception to allow a one-family residential use in the RPO District, subject to compliance with the applicable standards in this chapter, except the shoreline setback requirements in § 100-61G, and subject to compliance with the following conditions:

(1) There is no location on the property, other than a location within the RPO District, where the residential use can be located.

(2) The proposed residential use will be located on an undeveloped property, except as provided for in § 100-8E(3) below.

(3) If the proposed residential use is one or more accessory structures, the structures will be located on a property that is currently developed with a one-family dwelling permitted in accordance with the requirements of § 100-8E.

(4) If the proposed residential use includes a principal structure, the structure will not be a mobile home.

(5) The lot on which the proposed residential use will be located was established and recorded in the Hancock County Registry of Deeds before the adoption of the Resource Protection Shoreland Overlay District governing use of the property.

(6) All proposed buildings, sewage disposal systems and other improvements will be on natural ground slopes of less than 20% and outside the floodway of the 100-year floodplain delineated on the Town of Bucksport Flood Insurance Rate Maps, as adopted.

(7) All proposed buildings, including basements, that are located in a 100-year floodplain delineated on the Town of Bucksport Flood Insurance Rate Maps will be elevated at least one foot above the 100-year floodplain elevation and the development will be in compliance with Chapter 64, Floodplain Management.

(8) The total ground-floor area of all principal and accessory structures, including any cantilevered or similar overhanging extensions, which are located in the RPO District on the property will be limited to a maximum of 1,500 square feet. This limitation may not be altered by variance.

(9) All structures, except functionally water-dependent structures, will be set back from the

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shoreline to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, consideration must be given to the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

(10) The reviewing authority has determined that the proposed residential use complies with conditions in Subsection E(1) through (9) and all other applicable standards in this chapter, and all required permits and approvals have been issued.

§ 100-9. Appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. An administrative appeal may be taken to the Bucksport Board of Appeals in accordance with the requirements of the Bucksport Town Code, Chapter 23, Article VI. An appeal application must be filed at the Town office within 30 days of the date of the decision, action, or nonaction of the Planning Board or Code Enforcement Officer that is being appealed.

B. A variance appeal may be taken to the Bucksport Board of Appeals in accordance with the requirements of the Bucksport Town Code, Chapter 23, Article VI. When a variance is required to meet an application review requirement, an appeal application must be filed at the Town office within 30 days of the date that the reviewing authority determines that a variance is required. Failure to file an appeal application within the required time period is cause for denial of the application subject to review.

C. In any shoreland district, a variance may only be granted from a dimensional requirement, including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements.

D. A variance may not be granted for a use that is otherwise prohibited by this chapter, nor may a variance be granted that would modify or nullify any limitation or restriction identified in § 100-18, Tables of Land Uses.

E. Structures not in compliance.

(1) Structures that do not comply with one or more dimensional standards may be permitted by the Code Enforcement Officer without a variance from the Board of Appeals, subject to the following conditions:

(a) The permit must be issued to the property owner for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling; and

(b) The structures making a dwelling accessible are limited to ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the access to or egress from the dwelling for the person with the disability.

(2) A copy of the permit application, and all supporting information supplied by the applicant, must be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Code Enforcement Officer. Any comments received from the Commissioner prior to the action by the Code Enforcement Officer shall be made part of the record and shall be taken into consideration by the Code Enforcement Officer.

(3) The Code Enforcement Officer shall state the reasons and basis for the decision, including a statement of the facts found and conclusions reached. The Code Enforcement Officer shall cause

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written notice of the decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven days of the decision.

(4) The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

(5) For the purposes of § 100-9E, a "disability" has the same meaning as a physical or mental disability under 5 M.R.S.A. § 4553-A.

§ 100-10. Enforcement.

A. The Code Enforcement Officer shall enforce the provisions of this chapter and shall conduct on-site inspections to verify compliance with all applicable rules, regulations, ordinances, laws and conditions attached to permit approvals. Upon identification of a violation of any provision of this chapter, the Code Enforcement Officer shall notify, in writing, the person responsible for such violation. The notice must indicate the nature of the violation and the action necessary to correct it, including discontinuance of the 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 all such notices must be maintained as a permanent record in the code enforcement office.

B. 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, shall determine the appropriate actions and proceedings that may be necessary to enforce the provisions of this chapter in the name of the municipality.

C. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements may not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this chapter has caused a nuisance and must be penalized in accordance with Title 30-A M.R.S.A. § 4452.

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ARTICLE III
Districts and Zoning Map

§ 100-11. Establishment of districts. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The development and use of all land and structures within the Town of Bucksport are governed by the regulations of this chapter as they apply to specific areas identified as "districts." The fundamental intent of regulations affecting the use of land and structures within each district is to support the purposes of this chapter as set forth in § 100-1. The Town is divided into 13 general districts. There are also six shoreland zone overlay districts that add additional regulations to specific areas. A seventh overlay district identifies land areas subject to conditional use approval. The districts are described as follows:

A. Commercial 1 (C1). An area suitable for commercial uses, noncommercial uses and residential uses. The area is located generally westerly of Bayview Avenue and is accessed primarily by U.S. Route 1. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

B. Commercial 2 (C2). An area suitable for commercial uses, noncommercial uses and residential uses. The area is located generally easterly of Bayview Avenue and is accessed primarily by U.S. Route 1 and State Route 46. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

C. Commercial 3 (C3). An area suitable for trade and manufacturing land uses and other land uses that are suitable for locating within and adjacent to Buckstown Heritage Park. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

D. Commercial Fisheries and Maritime Activities Shoreland (CFMA). An area suitable for the development of functionally water-dependant commercial and recreational uses fronting on Penobscot River. The CFMA District is based on DEP districting guidelines for the establishment of a commercial fisheries/maritime activities district, which includes areas suitable for functionally water-dependent uses, taking into consideration such factors as:

   (1) Shelter from prevailing winds and waves;

   (2) Slope of the land within 250 feet of the shoreline;

   (3) Depth of the water within 150 feet of the shoreline;

   (4) Available support facilities, including utilities and transportation facilities; and

   (5) Compatibility with adjacent upland uses within 250 feet of the shoreline.

E. Downtown (DT). An area suitable for a dense development of a variety of businesses commonly found along a traditional main street and connecting side streets. Residential uses are interspersed throughout the area. Public uses, places of worship and historical properties are also found in the DT District. Every building in the district is served by public water and sewer.

F. Downtown Shoreland (DTS). An area suitable for a dense development of a variety of businesses fronting Main Street on its southerly side and some fronting on the northerly side of Main Street that are within 250 feet of the shoreline of Penobscot River. This district is also suitable for businesses operating from the shore side of buildings or properties on the southerly side of Main Street. Other

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common uses in the DTS District include public, historical, recreational, maritime and fishery uses, as well as limited residential uses. Every building in the district is served by public water and sewer. The DTS District is based on DEP districting guidelines for the establishment of a general development 1 district, which includes existing, intensively developed areas of two or more contiguous acres devoted to commercial or intensive recreational activities, or a mix of such activities. These activities include but are not limited to the following:

(1) Areas devoted to retail trade and service activities or other commercial activities.

(2) Areas devoted to intensive recreational development and activities.

(3) Areas otherwise discernible as having patterns of intensive commercial or recreational uses.

G. Industry Development (ID). An area suitable for large-scale industrial uses and smaller commercial uses appropriate for an industrial setting. The area borders both sides of River Road. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

H. Industry Development Shoreland Overlay (IDO). An area within 250 feet of the shoreline of a portion of Penobscot River. Land within this area is suitable for development with industrial uses similar to those subject to regulation in the ID District. The IDO District is based on DEP districting guidelines for the establishment of a general development 1 district, which includes existing, intensively developed areas of two or more contiguous acres devoted to commercial or industrial activities. These activities include, but are not limited to, the following:

(1) Areas devoted to wholesaling, warehousing, retail trade and service activities or other commercial activities.

(2) Areas otherwise discernible as having patterns of intensive commercial or industrial uses.

I. Limited Residential Shoreland Overlay (LRO). An area within 250 feet of the shoreline of a great pond; within 250 feet of the shoreline of a freshwater or coastal wetland; or within 250 feet of the shoreline of other water bodies, except streams. Land within this area is suitable for development with low-density residential and recreational uses; and limited, low-impact commercial and noncommercial uses. The LRO District is based on DEP districting guidelines for the establishment of a limited residential district, which include areas, other than those in a resource protection shoreland overlay district or a stream protection district, that are suitable for residential and recreational development. They include areas used less intensively than in a limited commercial district, a general development district, or a commercial fisheries/maritime activities district.

J. Limited Resource Protection Shoreland Overlay (LRPO). An area within 250 feet of the shoreline of a water body or a freshwater or coastal wetland, and which includes strict protection of vegetation within 100 feet of such water body or wetland. Land within this area is suitable for development with low-density residential and recreational uses, and limited low-impact commercial and noncommercial uses. Upon the initial adoption of state-mandated shoreland regulations, the residential uses in this district were originally placed in the Resource Protection Shoreland Overlay District. The LRPO District is based on DEP districting guidelines for the establishment of a limited residential district, which include areas, other than those in a resource protection shoreland overlay district or a stream protection district, that are suitable for residential and recreational development. They include areas used less intensively than in a limited commercial district, a general development district, or a commercial fisheries/maritime activities district.

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K. Residential Growth (RG). An area suitable for development of residential uses and other uses appropriate for a residential neighborhood environment. Portions of the district are now served by public water and sewer, which are intended to be expanded as future development requires.

L. Resource Protection Shoreland Overlay (RPO):

(1) An area within 250 feet of any shoreline in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except as otherwise identified in § 100-11L(3) and (4):

(a) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or, in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(b) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(c) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(d) Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

(2) The Town of Bucksport adds the following districting guideline for the establishment of a Resource Protection Overlay District: land areas surrounding Silver Lake, the Town's public water supply, except any developed area that was in existence before December 10, 2009.

(3) Shoreland areas in the Tannery Brook or Stream Protection Shoreland Overlay District or that meet the criteria in Article III for the Route 1 Shoreland, Downtown Shoreland, or Commercial Fisheries and Maritime Activities District need not be included within the resource protection overlay districts.

(4) Any currently developed shoreland area that was in existence before December 10, 2009, need not be included within the resource protection overlay districts.

M. Route 1 Shoreland (RT1S). An area suitable for residential uses, commercial uses and noncommercial uses that occupy structures with residential architecture. The area is located between U.S. Route 1 and the Penobscot River and includes areas located more than 250 feet from the shoreline of Penobscot River. Developed properties are served by public water and sewer. The RT1S District is based on DEP districting guidelines for the establishment of a limited commercial district, which includes areas of mixed commercial and residential uses that are not developed as intensively as similar uses in a general development 1 district. These areas include, but are not limited to, the following: areas of two or more contiguous acres in size, devoted to a mix of residential and low-intensity commercial uses.

N. Route 15 Residential-Commercial (RT15RC). An area suitable for residential uses, limited commercial and noncommercial uses, agricultural and forestry uses. The area includes land within 1,000 feet of the easterly side of River Road, and land between Penobscot River and River Road, as shown on the Official Zoning Map. Developed properties are served by private water supplies and

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private subsurface wastewater disposal systems.

O. Rural 1 (R1). An area suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial and noncommercial uses. The area is within a range of approximately four miles from the center of Town, except as otherwise identified. Developed properties are served by private water supplies and private subsurface wastewater disposal systems. Land area located in the R1 District is partitioned into sections on the Official Zoning Map[35] to aid in the identification of areas in the district where uses may be subject to restrictions that are not applicable throughout the district. These sections are described as follows:

(1) R1(DCR). The R1 Development Corridor Section includes land located within 1,000 feet of each side of every public road, except where any portion of a public road is located within RT15RC or within any district in the Compact Area. Some areas of R1(DCR) may exceed 1,000 feet, as shown on the Official Zoning Map. Primary constraints for development: developed lots, shoreland, distance from municipal services.

(2) R1(BC). The R1 Bucksport Center Section includes land southerly of R1(DCR) on Town Farm Road, westerly of R1(DCR) on Silver Lake Road, easterly of RT15RC and northerly of ID. Primary constraints for development: significant wildlife habitat, shoreland.

(3) R1(SL). The R1 Silver Lake Section includes land southerly of R1(DCR) on Cross Road, westerly of R1(DCR) on Millvale Road, easterly of R1(DCR) on Silver Lake Road, and northerly of VIL. Primary constraints for development: public water supply, shoreland.

(4) R1(SB). The R1 Stubbs Brook Section includes land southerly of R1(DCR) on Jacob Buck Pond Road and Turkey Path, westerly of R1(DCR) on Bucksmills Road, and easterly of R1(DCR) on Millvale Road. Primary constraints for development: significant wildlife habitat, shoreland.

(5) R1(WB). The R1 White's Brook Section includes land southerly of R2(BM), westerly of R1(DCR) on State Route 46, easterly of R1(DCR) on Bucksmills Road and northerly of R1(DCR) on Russell Hill Road. Primary constraints for development: shoreland.

(6) R1(HP). The R1 Heritage Park Section includes land southerly of R1(DCR) on Russell Hill Road, westerly of R1 (DCR) on State Route 46, easterly of R1(DCR) on Central Street and northerly of C2, C3 and RG. Primary constraints for development: none identified.

(7) R1(DC). The R1 Duck Cove Section includes land southerly of R1(DCR) on Duck Cove Road, westerly of the Town boundary and easterly of R1(DCR) on State Route 46. Primary constraints for development: significant wildlife habitat.

P. Rural 2 (R2). An area suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial and noncommercial uses that will not adversely impact the Town's ability to provide an adequate level of municipal services. The area is outside a range of approximately four miles from the center of Town. Developed properties are served by private water supplies and private septic systems. Land area located in the R2 District is partitioned into sections on the Official Zoning Map to aid in the identification of areas in the district where uses may be subject to restrictions that are not applicable throughout the district. These sections are described as follows:

(1) R2(CH). The R2 Cobb Hill Section includes land westerly of R1(DCR) on Millvale Road,

35. Editor's Note: The Official Zoning Map, Addendum 1, is included as an attachment to this chapter.

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easterly of RT15RC and northerly of R1(DCR) on Town Farm Road. Primary constraints for development: steep slopes, significant wildlife habitat, shoreland, distance from municipal services.

(2) R2(NB). The R2 North Bucksport Section includes land southerly of the Town boundary, westerly of R2(WP), easterly of RT15RC and northerly of R1(DCR) on Millvale Road. Primary constraints for development: distance from municipal services.

(3) R2(WP). The R2 Williams Pond Section includes land southerly of the Town boundary, westerly of R2(JB), easterly of R2(NB) and northerly of R1(DCR) on Millvale Road and Williams Pond Road. Primary constraints for development: significant wildlife habitat, shoreland, distance from municipal services.

(4) R2(JB). The R2 Jacob Buck Section includes land southerly of the Town boundary, westerly of R2(TP), easterly of R2(WP) and northerly of R1(DCR) on Millvale Road, Williams Pond Road and Jacob Buck Pond Road. Primary constraints for development: shoreland, steep slopes, distance from municipal services.

(5) R2(OM). The R2 Orcutt Mountain Section includes land southerly R2(TP) and R1(DCR) on Jacob Buck Pond Road and northerly of R1(DCR) on Turkey Path and Bucksmills Road. Primary constraints for development: steep slopes, shoreland.

(6) R2(BM). The R2 Bucksmills Section includes land westerly of R1(DCR) on Church Road and State Route 46, easterly of R1(DCR) on Bucksmills Road and northerly of R1(WB). Primary constraints for development: shoreland, farmlands, mineral extractions.

(7) R2(TP). The R2 Thurston Pond Section includes land southerly and westerly of R1(DCR) on Bucksmills Road, easterly of the Town boundary and northerly of R2(JB) and R2(OM). Primary constraints for development: significant wildlife habitat, shoreland, steep slopes, distance from municipal services.

(8) R2(BL). The R2 Brewer Lake Section includes land southerly of the Town boundary, westerly of R2(LP) and easterly of R1(DCR) on Bucksmills Road. Primary constraints for development: shoreland, steep slopes, distance from municipal services.

(9) R2(LP). The R2 Long Pond Section includes land southerly of the Town boundary, westerly of R1(DCR) on State Route 46 and easterly of R2(BL) and R1(DCR) on Bucksmills Road and Church Road. Primary constraints for development: significant wildlife habitat, shoreland, steep slopes, distance from municipal services.

(10) R2(MS). The R2 Moosehorn Stream Section includes land westerly of the Town boundary, easterly of R1(DCR) on State Route 46, northerly of R1(DCR) on Mast Hill Road and Bald Mountain Road and southerly of R2(CR) and R2(MP). Primary constraints for development: shoreland, steep slopes, distance from municipal services.

(11) R2(CR). The R2 County Road Section includes land southerly of the Town boundary, westerly of R2(MP) and northerly of R2(MS). Primary constraints for development: steep slopes, distance from municipal services.

(12) R2(MP). The R2 Moulton Pond Section includes land southerly and westerly of the Town boundary, easterly of R2(CR) and northerly of R2(MS). Primary constraints for development: shoreland, steep slopes, distance from municipal services.

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Q. Stream Protection Shoreland Overlay (SPO). An area within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond, river, or freshwater or coastal wetland. Land within this area is primarily undeveloped, but is suitable for development with low-density residential and recreational uses; and limited, low-impact commercial and noncommercial uses, subject to compliance with more restrictive regulations than those that are applicable in other shoreland districts. The SPO District is based on DEP districting guidelines for the establishment of a stream protection district, which include areas within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond or river, or within 250 feet of the shoreline of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet of the shoreline of such water bodies or wetlands, that land area is regulated under the terms of the shoreland district associated with that water body or wetland.

R. Tannery Brook Shoreland Overlay (TBO). An area within 75 feet of the shoreline of Tannery Brook, exclusive of those areas within 250 feet of the shoreline of a great pond, river, or freshwater or coastal wetland. Land within this area is suitable for development with low-density residential and recreational uses; and limited, low-impact commercial and noncommercial uses. The TBO District is based on DEP districting guidelines for the establishment of a stream protection district, which include areas within 75 feet of the shoreline of a stream, exclusive of those areas within 250 feet of the shoreline of a great pond or river, or within 250 feet of the shoreline of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet of the shoreline of such water bodies or wetlands, that land area is regulated under the terms of the shoreland district associated with that water body or wetland.

S. Village (VIL). An area suitable for residential uses, public uses, places of worship, and some small businesses that are appropriate for a residential neighborhood environment. The area is served primarily by Town water and sewer.

T. Contract Zone Overlay (CZO). An area within any of the basic districts described in § 100-11A through S that may be conditionally zoned in accordance with 30-A M.R.S.A. § 4352 and as approved by the Planning Board and Town Council in accordance with § 100-16. Such conditionally zoned areas shall be designated as "Contract Zone Overlay Districts" on the Official Zoning Map. The intent of regulations affecting the use of land and buildings within this overlay district is to mitigate potential adverse effects upon adjacent properties and the Town by providing a mechanism whereby specific conditions may be added to the granting of a change in zoning. A zone change to CZO may only be granted if the application of the zoning to the property in question meets the same standards of consistency with the Town's Comprehensive Plan as any other zone change enacted under the provisions of this chapter.

§ 100-12. Zoning Map.

All districts described in § 100-11 are shown on the Town's Official Zoning Map, entitled "Official Zoning Map of Bucksport, Maine," which is on file in the office of the Town Clerk. The Official Map must be printed at a scale that clearly delineates district boundaries. The map may include more than one sheet to include larger scale inset maps for small districts not clearly delineated at the primary scale of the map. The Town Clerk shall sign the Official Zoning Map at the time of adoption or amendment by the Town Council, certifying the date of such adoption or amendment. The Official Zoning Map of Bucksport, Maine, as amended, is made part of and incorporated into this chapter. A reduced-size copy of the Official Zoning Map is located in Addendum 1 to this chapter.[36]

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36. Editor's Note: The Official Zoning Map, Addendum 1, is included as an attachment to this chapter.

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§ 100-13. Interpretation of district boundary lines.

A. The locations of district boundary lines illustrated on the Official Zoning Map are interpreted as follows:

(1) Boundary lines shown following streets, highways, railroads or rights-of-way are construed to follow their center lines.

(2) Boundary lines shown following lot lines or Town boundary lines are construed to follow such lines.

(3) Boundary lines that are not referenced to any identifiable feature must be determined by measurement based on the scale of the map.

(4) In the event of uncertainty with interpreting the location of a district boundary line, the Board of Appeals shall make the final determination.

B. Any change to the location of a district boundary line on the Official Zoning Map must be approved by the Town Council. Any change to a shoreland district boundary must be also approved in accordance with § 100-5.

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ARTICLE IV
Land Uses

§ 100-14. Land use categories.

A. All land uses regulated by this chapter are classified within 15 general categories as described in this section.

B. Land uses classified in each category are designated in Article IV as allowed, allowed with limitation or prohibited in each district.

C. The Code Enforcement Officer shall be responsible for identifying the appropriate land use classification for any existing or proposed land use. The classification must be based on a comparison with classified land uses in this section that have similar functions and features. A land use involving multiple functions and features may be identified by more than one land use classification.

D. Any land use with functions and features that cannot be classified in any land use category described in this section is considered a prohibited use until such time the Town Council has approved an appropriate new land use classification for the use and determined the districts where such use may locate with or without restrictions.

E. The 15 general land use categories and the land uses classified within each category are described as follows:

(1) Accessory. Land uses in this category include those that are incidental and subordinate to principal uses, but which may also exist as the sole use of a property or in combination with other uses classified in this category. Accessory uses, when aggregated, may not subordinate the principal use of the lot. Land uses in this category include:

Antennas

Barns

Bunkhouses

Decks

Fabric-covered shelters

Fences

Garages

Gazebos

Home vehicle services

Huts

Office and storage trailers

Outbuildings

Outdoor recreation

Outdoor wood boilers

Patios

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Pens/corrals

Pet shelters

Routine property maintenance/repairs

Sheds

Signs

Solar energy systems

Utility service connections

Windmills

Yard sales

(2) Assembly. Land uses in this category include those that involve people gathering for a common purpose in one or more buildings intended for such gatherings. Land uses in this category include:

Auction houses

Entertainment establishments

Funeral homes

Libraries

Meeting facilities

Museums

Places of worship

Recreational facilities (indoor)

Restaurants

Taverns

(3) Education. Land uses in this category include those that involve teaching, training, instructing or researching, related recreational and cultural functions and related administrative functions. Land uses in this category include:

Research facilities

Schools

School administrative offices

Small facilities for educational, scientific or nature interpretation use

(4) Health care. Land uses in this category include those that involve traditional or nontraditional mental health or physical health care services in a professional setting such as an office, clinic, hospital or other health care facility, either on an outpatient or inpatient basis. Land uses in this category include:

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Alternative treatment offices

Ancillary medical services

Clinician offices

Counselor offices

Home-based health care services

Hospitals

Outpatient clinics

Skilled nursing facilities

Veterinarian practices

(5) Housing. Land uses in this category include those that involve places of residence, day care or assisted housing. Land uses in this category include:

Adult family care homes

Day-care centers

Day-care homes

Dormitories

Dwelling units

Independent housing with services

Mobile homes

Mobile home parks

Multifamily dwellings

One-family dwellings

One-and-one-half-family dwellings

Preschools/nursery schools

Residential care facilities

Two-family dwellings

(6) Industry. Land uses in this category include those that involve large-scale manufacturing, assembling, refining, processing or fabricating operations; fuel and chemical storage facilities; power-generating facilities; freight terminals; communication facilities or other operations, all of which share the common feature of delivering goods or services primarily to customers outside the local area, via rail, truck, marine, or air transport methods, via wireless transmission or via above- or belowground transmission lines or pipelines. Industry uses also present a high risk of detrimental effects on the environment or abutting properties caused by noise, vibration, light, electromagnetic fields, smoke, dust, odor, contamination of air, water or soil, or visual appearance. Land uses in this category include:

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Bulk fuel/chemical storage facilities

Communication facilities

Factories

Freight terminals

Intrastate/interstate pipelines

Intrastate/interstate transmission lines

Mills

Power generating facilities

Product distribution facilities

Rail transportation facilities

Refineries

(7) Lodging. Land uses in this category include those that involve sleeping accommodations offered to the public on a transitory basis. Land uses in this category include: **[Amended 4-25-2024]**

Home-based lodgings

Hotels

Motels

Short-term rentals

(8) Mercantile. Land uses in this category include those that involve the display and storage of merchandise for sale, either on a retail, wholesale or lease basis. Land uses in this category include:

Home-based merchants

Large product dealers

Stores

(9) Municipal. Land uses in this category include those that involve public use spaces, burial grounds, maintenance and storage facilities and support functions for services offered to the public by a municipality. Uses that may be conducted by a commercial or noncommercial entity are marked with an asterisk. Land uses in this category include:

Animal impoundments*

Cemeteries*

Parking facilities*

Public bathrooms*

Public information centers*

Public recreation*

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Public safety facilities*

Public transportation facilities*

Public Works facilities

Solid waste disposal facilities

Utility transport systems*

Wastewater treatment facilities*

Waterworks facilities*

(10) Production. Land uses in this category include those that involve manufacturing or processing operations, other than those classified as industry land uses in § 100-14E(6). Land uses in this category include:

Aquaculture

Automobile graveyards

Automobile recycling facilities

Commercial fisheries

Home-based productions

Junkyards

Manufacturing facilities

Metallic mineral mining

Mineral extractions

Salvage yards

(11) Professional. Land uses in this category include those that involve business activity conducted primarily in an office environment. Land uses in this category include:

Business offices

Financial institutions

Home-based professions

Telemarketing centers

(12) Rural. Land uses in this category include those that involve the growing and harvesting of crops for human food or animal feed; the raising or butchering of animals for food or for ingredients used to produce a product; the breeding, care and housing of animals or the harvesting of timber. Land uses in this category include:

Abattoirs

Agriculture (commercial)

Agriculture (homestead)

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Animal husbandry

Kennels

Timber harvests

(13) Seasonal. Land uses in this category include places of business or organized public activities and events that take place primarily out of doors on a one-time or seasonal basis. Land uses in this category include:

Campgrounds

Fairgrounds

Marinas

Outdoor festivals

Outdoor markets

Outdoor vendors

Recreational facilities (outdoor)

Seasonal roadside sales

(14) Site work. Land uses in this category include activities conducted at or below grade that involve water or land access, wastewater disposal, soil or mineral disturbance, the planting or removal of vegetation or other landscaping activities. Land uses in this category include:

Archeological excavations

Boat-launching facilities

Driveways

Emergency operations

Forest management activities

Landscaping/horticulture

Mineral explorations

Parking lots

Roads and sidewalks

Stairs/ramps for water access

Subsurface wastewater disposal systems

Water wells

Zero setback shoreline structures

(15) Trade. Land uses in this category include those that involve a learned or licensed skill or a specialized service other than uses classified as education, health care, or professional land uses. Land uses in this category include:

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Home-based trades

Cannabis testing facility

Off-site services

On-site services

Personal care services

Vehicle services Class 1

Vehicle services Class 2

§ 100-15. Land uses allowed or prohibited.

The Tables of Land Uses in § 100-18 identify all land uses as either allowed, allowed with limitation or prohibited in each district, except as provided for in § 100-16. The Tables of Land Uses also identify the review classification for the establishment of allowed land uses. Land uses identified as Level 1 or Level 2 land uses are subject to compliance with the review requirements in Article VI and the applicable land use standards in Articles VII, VIII and IX. Land uses identified as allowed without approval are subject to compliance with the applicable land use standards in Articles VII, VIII and IX, but are not subject to review.

§ 100-16. Land uses in Contract Zone Overlay District (CZO).

Land uses are regulated in a Contract Zone Overlay District (CZO) as follows:

A. Any land use may be allowed in an area identified as a CZO District, provided that:

(1) The rezoning is consistent with the purposes of the Town's Comprehensive Plan, as adopted;

(2) The land use is consistent with existing and permitted uses in any applicable underlying district;

(3) The land use has received Planning Board approval as a conditional use;

(4) Appropriate conditions and restrictions relating to the physical development and use of the property have been made part of the approval;

(5) The Town Council has approved the rezoning for the land use; and

(6) Both the property owner or their authorized representative and the Town have entered into a written agreement that provides for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this section.

B. The Planning Board shall conduct a public hearing before any proposed land use may be approved for placement in a CZO District. Notification of the hearing must meet the requirements of § 100-7D(3).

C. The Planning Board shall conduct a review of any application for the placement of a land use in a CZO District in accordance with the review requirements of § 100-28.

D. In approving the establishment of a CZO District, the Planning Board may place any conditions of approval for the proposed land use that are deemed to be appropriate or necessary to meet the requirements of § 100-16A including, but not limited to:

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(1) Limitations on the height, floor area and lot coverage of any structure built on the property;

(2) Limitations on the intensity and extent of the uses permitted in the district on the subject property;

(3) Increased setbacks for any structure built on the property; and

(4) The installation, operation and maintenance of physical improvements for the convenience of the general public, including but not limited to off-street parking lots, traffic control devices, fencing, plantings and landscaping.

E. The approval of a CZO District by the Planning Board must be confirmed by the Town Council. The Town Council shall conduct a public hearing on the proposed land use. Notification of the hearing must meet the requirements of § 100-7D(3).

F. In confirming the Planning Board's approval of a CZO District, the Town Council may place any additional conditions of approval for the proposed land use that are deemed to be appropriate or necessary to meet the requirements of § 100-16A.

G. The establishment of a CZO District may not exempt the use or development of any property from other applicable minimum standards or requirements in this chapter or as otherwise required by law.

§ 100-17. Explanation of Tables of Land Uses.

A. The table of land uses in § 100-18 contains the following information:

(1) All land uses identified in § 100-14 and in which district each use is allowed, allowed with limitation or prohibited.

(2) The review classification for the establishment of each land use.

(3) References to specific use standards in Article VIII and where in that article the standards are located.

(4) The establishment of any land use that may be identified with more than one land use classification is subject to the highest level of review that is applicable.

(5) The review classification for any change to a developed property or structure is determined in accordance with the requirements in Article V.

B. Abbreviations and symbols used in § 100-18 are identified as follows:

O	The use is allowed without review or approval or a land use permit, except where otherwise noted.
L1	The land use is allowed, subject to Level 1 review and approval by the Code Enforcement Officer.
L2	The land use is allowed, subject to Level 2 review and approval by the Planning Board.
↓	A land use subcategory identified below may have a different review classification.
X	The land use is prohibited.

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§ 100-___	A section number identifying the location of land use standards in Article VIII that are applicable to the specific land use.
D.No.	A letter/number combination that refers to the corresponding numbered district note in § 100-18, District Notes Table. District notes include a general description of the district, and may also include requirements that are applicable to all land uses in a district.
A.No.	A letter/number combination that refers to the corresponding land use note located at the end of each table (other letters are included). Land use notes include restrictions pertaining to the location or prohibition of specific uses in a district.

(1) District name abbreviations used in § 100-18:

DT	Downtown
DTS	Downtown Shoreland
C1	Commercial 1
C2	Commercial 2
C3	Commercial 3
CFMA	Commercial Fisheries and Maritime Activities Shoreland
ID	Industry Development
IDO	Industry Development Shoreland Overlay
LRO	Limited Residential Shoreland Overlay
LRPO	Limited Resource Protection Shoreland Overlay
RG	Residential Growth
RPO	Resource Protection Shoreland Overlay
RT1S	Route 1 Shoreland
RT15RC	Route 15 Residential/Commercial
R1	Rural 1
R2	Rural 2
SPO	Stream Protection Shoreland Overlay
TBO	Tannery Brook Shoreland Overlay
VIL	Village

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§ 100-18. Tables of Land Uses. [Amended 4-25-2024; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Accessory Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
1.1 Antennas	O ↓	O A.1 ↓	O ↓	O ↓	O ↓	O A.1 ↓	O ↓	O A.1 ↓	O A.1 ↓	O A.1 ↓	O ↓	O A.1 ↓	O A.1 ↓	O ↓	O ↓	O ↓	O A.2 ↓	O A.2 ↓	O ↓
1.1.1 Comm./noncomm. antennas	L2 A.3	L2 A.3	L2 A.3	L2 A.3	L2 A.3	L2 A.3	L2 A.3	L2 A.3	X	X	L2 A.3	X	L2 A.3	L2 A.3	L2 A.3	L2 A.3	X	X	L2 A.3
1.2 Barns	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.3 Bunkhouses	L1	L1	L1	L1	X	X	L1	L1	L1	L1	L1	X	L1	L1	L1	L1	L1 A.11	L1 A.11	L1
1.4 Decks, porches, stairs, ramps	L1 A.10	L1	L1 A.10	L1 A.10	L1 A.10	L1	L1 A.10	L1	L1	L1	L1 A.10	L1	L1 A.10	L1 A.10	L1 A.10	L1 A.10	L1	L1	L1 A.10
1.5 Fabric-covered shelters: § 100-38E	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 A.11	L1	O	O	O	L2 A.11	L1 A.11	O
1.6 Fences: § 100-38F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
1.7 Garages	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.8 Gazebos	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.9 Home vehicle services: § 100-38I	O	O	O	O	X	X	X	X	O	O	O	O	O	O	O	O	O	O	O
1.10 Huts	L1	L1	L1	L1	X	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.11 Office and storage trailers: § 100-38K	O	L1	O	O	O	L1	O	L1	L1	L1	O	X	L1	O	O	O	X	X	O

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Accessory Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
1.12 Outbuildings	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.13 Outdoor recreation: § 100-38M	O ↓	O ↓	O ↓	O ↓	X ↓	O ↓	X ↓	X ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓	O ↓
1.13.1 Individual private campsites	O	L1	O	O	X	X	X	X	L1	L1	O	L1	L1	O	O	O	L1	L1	O
1.13.2 Permanent swimming pools/hot tubs/saunas	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.13.3 RV parking sites/hookups	O A.9	L1	O A.9	O A.9	X	X	X	X	L1	L1	O A.9	L2 A.11	L1	O A.9	O A.9	O A.9	L2 A.11	L1 A.11	O A.9
1.13.4 Playfields/courts	O	L1	O	O	X	X	X	X	L1	L1	O	L2 A.11	L1	O	O	O	L2 A.11	L1 A.11	O
1.14 Outdoor wood boilers: § 100-38N	X	X	L1	L1	L1	L1	L1	L1	L1 A.4	L1 A.4	L1	L2 A.4	X	L1	L1	L1	L1 A.4	X	X
1.15 Patios	O	L1	O	O	O	L1	O	O	L1	L1	O	L2 A.11	L1	O	O	O	L2 A.11	L1 A.11	O
1.16 Pens/corrals	O	O	O	O	X	X	X	X	O	O	O	O	O	O	O	O	O	O	O
1.17 Pet shelters	O A.8	O A.8	O A.8	O A.8	X	X	X	X	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8	O A.8
1.18 Routine property maintenance and repairs: § 100-38R	O	O A.6	O	O	O	O A.6	O	O A.6	O A.6	O A.6	O	O A.6	O A.6	O	O	O	O A.6	O A.6	O
1.19 Sheds: § 100-38S	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L2 A.11	L1	L1	L1	L1	L2 A.11	L1 A.11	L1
1.20 Signs: § 100-38T	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1

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Accessory Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
1.21 Solar energy systems: § 100-38U	O A.5	L1 A.5	O A.5	O A.5	O A.5	L1 A.5	O A.5	O A.5	L1 A.5	L1 A.5	O	L2 A.5 A.12	L1 A.5	O A.5	O A.5	O A.5	L2 A.5 A.12	L2 A.5	O A.5
1.22 Utility service connections: § 100-38V	O	O A.7	O	O	O	O A.7	O	O A.7	O A.7	O A.7	O	O A.7	O A.7	O	O	O	O A.7	O A.7	O
1.23 Windmills: § 100-38W	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	L1 A.5	X	L1 A.5	L1 A.5	L1 A.5	L1 A.5	X	L2 A.5	L1 A.5
1.24 Yard sales: § 100-38X	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

ACCESSORY LAND USE NOTES

A.1 No satellite dish or antenna of any size may be built on, over or abutting a zero shoreline setback structure.

A.2 Only antennas for residential accessory use are allowed. The antenna must be attached to an existing principal or accessory structure, except a zero shoreline setback structure.

A.3 Commercial or noncommercial antennas mounted on a roof or wall of a building are not subject to review.

A.4 Outdoor wood boilers are prohibited in this district if they are prohibited in the underlying district.

A.5 The land use is limited to the minimum number necessary to meet the energy requirements of the on-site consumer.

A.6 A culvert replacement is subject to Level 1 review if the replacement culvert is more than 25% longer than the culvert being replaced or is longer than 75 feet.

A.7 The placement of utility poles to provide a utility service connection that is more than 1,000 feet in length, or the installation of outside concrete pads for fuel tanks, generators, HVAC equipment and other similar uses is subject to Level 1 review.

A.8 Pet shelters over 100 square feet in area are subject to Level 1 review.

A.9 Enclosures for recreational vehicles are subject to Level 1 review, except for fabric-covered shelters.

A.10 The installation of stairs and ramps that are not for public use is not subject to review or approval.

A.11 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in § 100-8E. In the SPO District, new structures for the use require a setback variance from the Board of Appeals.

A.12 The use must be incidental and secondary to an existing allowed use. In the RPO District, new structures for the use are not allowed except as provided for in § 100-8E. In the SPO District, new structures for the use require a setback variance from the Board of Appeals, except as provided for in § 100-38U.

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Assembly Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT1RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
2.1 2.1 Auction houses	L2	L2	L2	L2	X	X	L2	L2	X	X	X	X	X	L2	L2 B.2	X	X	X	X
2.2 Entertainment establishments: § 100-39B	L2 B.1	L2 B.1	L2 B.1	L2 B.1	X	X	X	X	X	X	X	X	X	L2 B.1	L2 B.2 B.3	X	X	X	X
2.3 Funeral homes	L2 B.4	X	L2	L2	X	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X
2.4 Libraries	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2 B.2	X	X	X	L2
2.5 Meeting facilities	L2	L2	L2	L2	X	X	L2	L2	X	X	X	X	X	L2	L2 B.2	X	X	X	X
2.6 Museums	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	L2	L2 B.2	X	X	X	L2
2.7 Places of worship	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2 B.2	X	X	X	L2
2.8 Recreational facilities (indoor)	L2	L2	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2 B.2	X	X	X	X
2.9 Restaurants: § 100-39I	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	X	X	X	X	X	X
2.10 Taverns	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	X	X	X	X	X	X

ASSEMBLY LAND USES NOTES

B.1 Entertainment establishments that include adult entertainment are prohibited.

B.2 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

B.3 Adult entertainment establishments are not allowed in R1(DCR).

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ASSEMBLY LAND USES NOTES

B.4 The land use may not be located on any lot with frontage on Main Street.

Education Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT1RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
3.1 Research facilities	L2	L2	L2	L2	L2	X	L2	L2	X	X	L2	X	X	L2	L2	L2	X	X	L2
3.2 Schools	L2	L2	L2	L2	L2 C.1	X	L2 C.1	L2 C.1	X	X	L2	X	X	L2	L2 C.3	X	X	X	L2
3.3 School administrative offices	L2	L2	L2	L2	L2	X	L2 C.2	L2 C.2	X	X	L2	X	L2	L2	L2 C.3	X	X	X	L2
3.4 Small educational, scientific, or nature interpretation facility	L1	L1	L1	L1	X	X	L2	L2	L1	L1	L1	L2	L1	L1	L1	L1	L2 C.4	L1	L1

EDUCATION LAND USE NOTES

C.1 The land use is limited to schools that offer training and education to meet licensing or certification prerequisites, schools that offer specialized training, and schools that offer post-secondary education.

C.2 The land use is limited to administrative offices for schools allowed in the district.

C.3 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

C.4 New structures for the use require a setback variance from the Board of Appeals.

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Health Care Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
4.1 Alternative treatment offices	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 D.3	X	X	X	L2 D.1
4.2 Ancillary medical services	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 D.3	X	X	X	L2 D.1
4.3 Clinician offices	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 D.3	X	X	X	L2 D.1
4.4 Counselor offices	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 D.3	X	X	X	L2 D.1
4.5 Home-based health care services: § 100-41E	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L1	L1	L1 D.2
4.6 Hospitals	X	X	L2	L2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4.7 Outpatient clinics	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	L2 D.3	X	X	X	L2 D.1
4.8 Skilled nursing facilities	L2	L2	L2	L2	X	X	X	X	X	X	X	X	X	L2	L2 D.3	X	X	X	L2
4.9 Veterinarian practices: § 100-41I	X	X	L2	L2	X	X	X	X	X	X	X	X	X	L2	L2	L2	X	X	X

HEALTH CARE LAND USE NOTES

D.1 Any new building or addition for this land use must be located on Broadway or Franklin Street.

D.2 The land use is limited to location in the principal dwelling.

D.3 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

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Housing Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
5.1 Accessory dwelling units: § 100-42A	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	L2 E.11	L1	L1	L1	L1	L2 E.12	L2	L1
5.2 Adult family care homes: § 100-42B	L2	L2	L2	L2	X	X	X	X	L2	L2	L2	X	L2	L2	L2	X	X	L2	L2
5.3 Affordable housing developments: § 100-42C	O E.4 E.14	O E.5 E.14	O E.14	O E.14	X	X	X	X	X	X	O E.7 E.14	X	O E.14	O E.14	X	X	X	X	O E.6 E.14
5.4 Day-care centers: § 100-42D	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2 E.8	X	X	X	L2
5.5 Day-care homes: § 100-42E	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1
5.6 Dormitories	L2	L2	L2	L2	X	X	L2	L2	X	X	L2	X	L2	L2	L2	X	X	X	L2
5.7 Dwelling units: § 100-42G	L1 E.9 E.10	L1 E.9 E.10	L1 E.9	L1 E.9	X	X	X	X	X	X	L1 E.9	X	L1 E.9	L1 E.9	L1 E.9	L1 E.9	X	X	L1 E.9
5.8 Independent housing with services	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2 E.8	X	X	X	L2 E.1
5.9 Mobile homes: § 100-42I	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	L2 E.11	L1	L1	L1	L1	L2 E.12	L2	L1
5.10 Mobile home parks: § 100-42J	X	X	X	X	X	X	X	X	X	X	X	X	X	O E.2	O E.3	X	X	X	X
5.11 Multifamily dwellings: § 100-42K	O E.4 E.14	O E.5 E.14	O E.14	O E.14	X	X	X	X	X	X	O E.7 E.14	X	O E.14	O E.14	X	X	X	X	O E.6 E.14
5.12 1-family dwellings: § 100-42L	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	L2 E.11	L1	L1	L1	L1	L2 E.12	L2	L1

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Housing Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
5.13 1 1/2-family dwellings	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1
5.14 Preschools/nursery schools	L2	L2	L2	L2	X	X	X	X	X	X	L2	X	L2	L2	L2	X	X	X	L2
5.15 Residential care facilities	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	L2	X E.8	X	X	X	L2
5.16 Tiny houses: § 100-42P	L1 E.4 E.13	L1 E.5 E.13	L1 E.13	X	X	X	X	X	L1 E.13	L1 E.13	L1 E.13	L2 E.11	L1 E.13	L1 E.13	L1 E.13	L1 E.13	L2 E.12 E.13	L2 E.13	L1 E.13
5.17 2-family dwellings: § 100-42Q	L1 E.4	L1 E.5	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L2 E.12	L2	L1

HOUSING LAND USE NOTES

E.1 The land use is only allowed in buildings existing on the effective date of this chapter.

E.2 Mobile home parks must be located within five miles of the intersection of River Road and Main Street. Approval is required by the Planning Board in accordance with the requirements of Chapter 194, Subdivision of Land.

E.3 Mobile home parks may only be located in R1(HP) or R1(DCR) adjacent to R1(HP) that is on the southerly side of Central Street or Bucksmills Road, the southerly side of Russell Hill Road, or the northerly side of State Route 46. Approval is required by the Planning Board in accordance with the requirements of Chapter 194, Subdivision of Land.

E.4 The land use is not allowed on lots fronting the northerly side of Main Street between Mechanic Street and Central Street.

E.5 The land use is not allowed on the southerly side of Main Street between 34 Main Street and the district boundary line at 168 Main Street.

E.6 The land use is not allowed on any lot accessed by Evergreen Drive, Scott Lane, Forest Hill or Woodland Heights, or on any lot in the St. Regis Paper Company Subdivision or the Buck Housing Development.

E.7 The land use is limited to a maximum density of one dwelling unit per 4,000 square feet of lot area, with a maximum lot coverage by structures and other impervious surfaces of not more than 50%.

E.8 The land use is not allowed in R1(SL) unless it is provided with public sewer service.

E.9 Subdivision review is required if three or more dwelling units are added to a building, including expansions, in a five-year period.

E.10 Dwelling units are limited to a secondary use in commercial or noncommercial buildings.

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HOUSING LAND USE NOTES

E.11 The land use is only allowed in accordance with the requirements of § 100-8E.

E.12 New structures require a variance from the Board of Appeals.

E.13 Tiny houses that are built on the frame of a motor vehicle or trailer are only allowed for seasonal occupancy.

E.14 Multifamily dwellings are subject to compliance with Chapter 194, Subdivision of Land.

Industry Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
6.1 Bulk fuel or chemical storage facilities	X	X	X	X	X	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X
6.2 Communication facilities: § 100-43B	X	X	X ↓	L2	L2	X	L2	L2	X	X	X	X	X	L2	L2	L2	X	X	X
6.2.1 Wireless communication facilities	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	X	L2	L2	L2	X	X	X
6.3 Factories	X	X	X	X	X	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X
6.4 Freight terminals	X	X	X	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X
6.5 Intrastate/interstate pipelines	X	X	X	L2	L2	L2	L2	L2	L2 F.1	L2 F.1	X	L2 F.1	X	L2	L2	L2	X	X	X
6.6 Intrastate/interstate transmission lines: § 100-43F	X	X	X	L2	L2	L2	L2	L2	L2 F.1	L2 F.1	X	L2 F.1	X	L2	L2	L2	L2 F.1	L2 F.1	X
6.7 Mills	X	X	X	X	X	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X
6.8 Power generating facilities: § 100-43H	X	X	X	X	X ↓	L2	L2	L2	X	X	X	X	X	X ↓	X ↓	X ↓	X	X	X
6.8.1 Wind turbine facilities	X	X	X	X	L2	X	L2	L2	X	X	X	X	X	L2	L2 F.3	L2	X	X	X

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Industry Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
6.9 Product distribution facilities	X	X	X	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X
6.10 Rail transportation facilities	X	X	X	X	X	L2	L2	L2	X	X	X	L2 F.2	X	L2	X	X	X	X	X
6.11 Refineries	X	X	X	X	X	L2	L2	L2	X	X	X	X	X	X	X	X	X	X	X

INDUSTRY LAND USE NOTES

F.1 The applicant must demonstrate that there is no reasonable alternative to locate the use outside the district. The land use is limited to transmission lines and pipelines only.

F.2 The land use is limited to transport infrastructure.

F.3 The land use is not allowed in R1(DCR).

Lodging Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
7.1 Home-based lodgings: § 100-44A	L1	L1	L1	L1	X	X	X	X	L1	L1	L1	X	L1	L1	L1	L1	L1 G.2	L1	L1 G.1
7.2 Hotels	L2	L2	L2	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X
7.3 Motels	L2	L2	L2	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X
7.4 Short-term rentals	L2	L2	L2	L2	X	X	X	X	L2	L2	L2	X	L2	L2	L2	L2	L2	L2	L2

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LODGING LAND USE NOTES

G.1 The land use is limited to location in the principal dwelling.

G.2 New structures require a setback variance from the Board of Appeals.

Mercantile Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
8.1 Home-based merchants: § 100-45A	L1 H.6	L1 H.6	L1 H.6	L1	X	X	X	X	X	X	L1 H.6	X	L1 H.6	L1	L1	L1	L1 H.5 H.6	L1	L1 H.1 H.6
8.2 Large-product dealers	X	X	L2	L2	L2 H.3	X	L2	L2	X	X	X	X	X	L2	X	X	X	X	X
8.3 Stores: § 100-45C	L2 H.2 ↓	L2 H.2 ↓	L2	L2	L2 H.3 ↓	X	X	X	X	X	X	X	L2 H.2 ↓	L2 ↓	L2 H.2 H.4 ↓	X	X	X	X
8.3.1 Lumberyards	X	X	X	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X
8.3.2 Cannabis store	X	X	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X	X
8.3.3 Medical cannabis caregiver retail store	X	X	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X	X
8.3.4 Medical cannabis registered dispensary	X	X	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X	X

MERCANTILE LAND USE NOTES

H.1 The land use is limited to location in the principal dwelling.

H.2 The land use is limited to Class C mercantile (3,000 square feet). Adult products may not be offered for sale or lease.

H.3 The land use is limited to a secondary use that is directly related to the principal use of the property.

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MERCANTILE LAND USE NOTES

H.4 The land use is only allowed in R1(DCR).

H.5 New structures require a setback variance from the Board of Appeals.

H.6 The land use may not include sales or rentals of large products typical of a large product dealer.

Municipal Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
9.1 Animal impoundments: § 100-46A	X	X	X	X	X	X	X	X	X	X	X	X	X	L2	L2	L2	X	X	X
9.2 Cemeteries	X	X	L2	L2	X	X	X	X	X	X	X	X	X	L2	L2	L2	X	X	L2
9.3 Parking facilities	L2	L2	L2	L2	L2	L2	L2	L2	X	X	L2	X	L2	L2	L2	X	X	X	L2
9.4 Public bathrooms: § 100-46D	L2 I.1	L2 I.1	L2 I.1	L2 I.1	X	X	L2	L2	X	X	X	L2 I.1	L2 I.1	L2	L2	L2	X	X	L2 I.1
9.5 Public information centers	L2	L2	L2	L2	X	L2	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	L2
9.6 Public recreation	L2	L2	L2	L2	X	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2
9.7 Public safety facilities	L2	L2	L2	L2	X	L2	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	L2
9.8 Public transportation facilities	L2 I.2	L2 I.2	L2	L2	L2	L2	L2	L2	X	X	L2 I.2	X	L2	L2	L2	X	X	X	L2 I.2
9.9 Public Works facilities	X	X	L2 I.1	L2 I.1	X	L2 I.1	L2 I.1	L2 I.1	X	X	X	X	L2 I.1	L2 I.1	L2 I.1	L2 I.1	X	X	X
9.10 Solid waste disposal facilities	X	X	L2 I.1	L2 I.1	X	L2 I.1	L2 I.1	L2 I.1	X	X	X	X	X	L2 I.1	L2 I.1	L2 I.1	X	X	X

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Municipal Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
9.11 Utility transport systems: § 100-46K	L2 ↓	L2 I.4 ↓	L2 ↓	L2 ↓	L2 ↓	L2 I.4 ↓	L2 ↓	L2 I.4 ↓	L2 I.4 ↓	L2 I.4 ↓	L2 I.3 I.4	L2 I.3 1.4 ↓	L2 I.4 ↓	L2 ↓	L2 ↓	L2 ↓	L2 I.3 1.4 ↓	L2 I.3 1.4 ↓	L2 ↓
9.11.1 Roadside utility transport systems	O	O I.8	O	O	O	O I.8	O	O	O I.8	O I.8	O	L1 I.3	O I.8	O	O	O	L1 I.3	L1 I.3	O
9.11.2 Nonroadside utility poles (≤ 10)	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 I.3	L1	O	O	O	L2 I.3	L2 I.3	O
9.12 Wastewater treatment facilities § 100-46L	L2 I.5 ↓	L2 I.5 ↓	L2 I.5 ↓	L2 I.5 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	X	X	L2 I.5 ↓	X ↓	L2 I.1 ↓	L2 ↓	L2 ↓	L2 ↓	L2 I.5 ↓	L2 I.5 ↓	L2 ↓
9.12.1 Septage storage/dewater facilities	X	X	X	X	L2	X	X	X	X	X	X	X	X	X	L2 I.6	L2 I.7	X	X	X
9.13 Waterworks facilities	L2 I.5	L2 I.5	L2 I.5	L2 I.5	L2	L2	L2	L2	X	X	L2 I.5	X	L2	L2	L2	L2	L2 I.5	L2 I.5	L2

MUNICIPAL LAND USE NOTES

I.1 The land use may only be conducted by the Town.

I.2 The land use is limited to passenger loading and disembarking of transportation vehicles.

I.3 The land use is limited to installations to provide services to a permitted use within the district or where no practical alternative exists.

I.4 Utility transport systems must be limited to existing public ways and existing service corridors whenever practical.

I.5 The land use is limited to transport infrastructure.

I.6 The land use is not allowed in R1(DCR) or R1(SL).

I.7 The land use is not allowed in R2(JB) or R2(LP).

I.8 A written notice of intent to construct must be filed with the CEO.

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Production Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
10.1 Aquaculture	X	L2	X	X	X	L2	L2	L2	L2	L2	X	L2	L2	X	X	X	X	X	X
10.2 Automobile graveyards: § 100-47B	X	X	X	X	X	X	X	X	X	X	X	X	X	X	L2 J.1	L2 J.2	X	X	X
10.3 Automobile recycling facilities: § 100-47C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	L2 J.1	L2 J.2	X	X	X
10.4 Commercial fisheries	X	L2	X	X	X	L2	L2	L2	L2	L2	X	X	L2	X	X	X	X	X	X
10.5 Home-based productions: § 100-47E	L1 J.6	L1 J.6	L1	L1	X	X	X	X	L1 J.6	L1 J.6	L1	X	L1	L1	L1	L1 J.6	L1 J.6	L1 J.6	
10.6 Junkyards: § 100-47F	X	X	X	X	X	X	X	X	X	X	X	X	X	X	L2 J.1	L2 J.2	X	X	X
10.7 Manufacturing facilities	X	X	L2 ↓	L2 J.3 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	X	X	X	X	X	L2 ↓	X ↓	X ↓	X	X	X
10.7.1 Cannabis cultivation facilities: § 100-47G	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	X	L2	L2	X	X	X	X
10.7.2 Cannabis products manufacturing facility: § 100-47G	X	X	X	X	L2	X	L2	L2	X	X	X	X	X	X	X	X	X	X	X
10.7.3 Medical cannabis products manufacturing facility: § 100-47G	X	X	X	X	L2	X	L2	L2	X	X	X	X	X	X	X	X	X	X	X
10.7.4 Medical cannabis cultivation facility	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	X	L2	L2	X	X	X	X
10.7.5 Small sawmill facilities	X	X	X	L2 J.8	L2 J.8	X	L2 J.8	L2 J.8	X	X	X	X	X	L2 J.8	L2 J.8	L2 J.8	X	X	X

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Production Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
10.8 Metallic mineral mining: § 100-47H	X	X	X	X	X	X	L2	L2	X	X	X	X	X	X	L2	L2	X	X	X
10.9 Mineral extractions: § 100-47I	X	X	X	X	X	X	L2	L2	X	X	X	X	X	X	L2 J.4 J.7	L2 J.5 J.7	X	X	X
10.10 Salvage yards	X	X	X	X	X	X	L2	L2	X	X	X	X	X	X	L2 J.1	L2 J.2	X	X	X

PRODUCTION LAND USE NOTES

J.1 The land use is not allowed in R1(DCR), R1(SL) or R1(DC).

J.2 The land use is not allowed in R2(JB) or R2(LP).

J.3 The land use is only allowed on lots that front on or have access fronting on State Route 46.

J.4 Rock excavations subject to DEP approval are only allowed in R1(BC) and must be directly accessed from River Road.

J.5 Rock excavations subject to DEP approval must be directly accessed from River Road or State Route 46.

J.6 The land use must be located in the dwelling and limited to the production of small crafts, food items, knitted or sewn items, or other similar products produced without any detrimental effect from noise.

J.7 Excavations of borrow, clay, topsoil, or silt that are less than three acres are subject to L1 review, provided blasting is not required.

J.8 Small sawmill facilities are subject to compliance with § 100-35E, Noise.

Professional Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
11.1 Business offices	L2	L2	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2 K.2	X	X	X	L2 K.1
11.2 Financial institutions: § 100-48B	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X

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Professional Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
11.3. Home-based professions: § 100-48C	L1 K.3	L1 K.3	L1 K.3	L1 K.3	X	X	X	X	L1 K.3	L1 K.3	L1 K.3	X	L1 K.3	L1 K.3	L1 K.3	L1 K.3	L1 K.3	L1 K.3	L1 K.1 K.3
11.4 Telemarketing centers	L2	L2	L2	L2	L2	X	X	X	X	X	X	X	L2	L2	X	X	X	X	X

PROFESSIONAL LAND USE NOTES

K.1 The land use is limited to location in the principal dwelling.

K.2 The land use is limited to location in R1(DCR).

K.3 A home-based professions business may be conducted without a land use permit when customers do not come to the business location and products are not shipped from the business location.

Rural Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
12.1 Abattoirs	X	X	X	X	X	X	L2	L2	X	X	X	X	X	L2	L2 L.3	L2	X	X	X
12.2 Agriculture: § 100-49B	X ↓	X ↓	X ↓	X ↓	X	X	X	X	L2 ↓	L2 ↓	X ↓	X ↓	X ↓	L2 ↓	L2 ↓	L2 ↓	X ↓	X ↓	X ↓
12.2.1 Homestead agriculture	O L.1	O L.1	O L.1	O L.1	X	X	X	X	O	O	O L.1	O L.1	O L.1	O	O	O	O L.1	O L.1	O L.1
12.2.2 Animal husbandry	X	X	X	X	X	X	X	X	L2	L2	X	X	X	L2	L2	L2	X	X	X
12.3 Kennels: § 100-49C	X	X	X	X	X	X	X	X	X	X	X	X	X	L2	L2 L.3	L2	X	X	X
12.4 Timber harvests	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2	O L.2

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RURAL LAND USE NOTES

L.1 The land use is limited to flower, vegetable, fruit or herb gardens and the production of products from those gardens.

L.2 All timber harvests are regulated by the Maine Forest Service.

L.3 The land use is not allowed in R1(DCR).

Seasonal Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
13.1 Campgrounds: § 100-50A	X	X	X	L2	X	X	X	X	L2	L2	X	X	L2	L2	L2	L2	X	X	X
13.2 Fairgrounds	X	X	X	L2	X	X	X	X	X	X	X	X	X	L2	L2	X	X	X	X
13.3 Marinas	X	L2	X	X	X	L2	X	X	X	X	X	X	X	L2	X	X	X	X	X
13.4 Outdoor festivals: § 100-50D	O M.6	O M.6	O M.6	O M.6	X	O M.6	X	X	O M.6	O M.6	X	X	O M.6	O M.6	O M.6	O M.6	X	X	O M.6
13.5 Outdoor markets	L2 M.1	L2 M.1	L2 M.1	L2 M.1	X	X	X	X	X	X	X	X	L2 M.1	L2 M.1	L2 M.1	L2 M.1	X	X	L2 M.1
13.6 Outdoor vendors: § 100-50F	O M.6	O M.6	O M.6	O M.6	X	X	X	X	X	X	X	X	O M.6	O M.6	X	X	X	X	O M.6
13.7 Recreational facilities (outdoor)	X	L2 M.2	X	L2	X	L2	X	X	L2 M.3	L2 M.3	L2 M.3	L2 M.4		X	L2	L2	L2 M.4	X	L2 M.5
13.8 Seasonal roadside sales	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

SEASONAL LAND USE NOTES

M.1 Permanently installed principal structures are subject to compliance with minimum land area and frontage requirements in Article IX.

M.2 The land use is limited to water-related recreation.

M.3 The land use is limited to noncommercial facilities with minimal structural development.

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SEASONAL LAND USE NOTES

M.4 The land use is limited to recreational trails and similar low-impact recreational uses.

M.5 The land use is limited to noncommercial properties.

M.6 The land use is subject to licensing in accordance with the requirements of Chapter 107.

Site Work Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
14.1 Archeological excavations: § 100-51A	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4	L2 N.4
14.2 Boat-launching facilities: § 100-51B	X	L2	X	X	X	L2	L2	L2	L2	L2	X	L2	L2	X	X	X	X	X	X
14.3 Driveways: § 100-51C	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 N.1 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓	L2 ↓
14.3.1 Residential driveways	O	L1	O	O	O	O	O	O	L1	L1	O	L2 N.1	L1	O	O	O	L2	L1	O
14.4 Emergency operations	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
14.5 Forest management activities	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
14.6 Landscaping horticulture: § 100-51F	O	O N.8 ↓	O	O	O	O N.8 ↓	O	O N.8 ↓	O N.8 ↓	O N.8 ↓	O	O N.8 ↓	O N.8 ↓	O	O	O	O N.8 ↓	O N.8 ↓	O
14.6.1 Retaining walls	O	L1	O	O	O	L1	O	L1	L1	L1	O	L2 N.7	L1	O	O	O	L2	L1	O
14.7 Mineral explorations: § 100-51G	X	X	X	X	X	X	O	O N.3	X	X	X	X	X	X	O	O	X	X	X
14.8 Parking lots: § 100-51H	L2	L2	L2	L2	L2	L2	L2	L2	L2 N.7	L2 N.7	L2	X	L2	L2	L2 N.7	L2 N.7	X	L2 N.7	L2

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Site Work Land Uses																		
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
14.9 Roads and sidewalks: § 100-51I	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2	L2 N.2	L2	L2	L2	L2	L2	L2	L2
14.10 Stairs/ramps for water access: § 100-51J	O	L1 N.9	O	O	O	L1 N.9	O	L1 N.9	L1 N.9	L1 N.9	O	L1 N.9	L1 N.9	O	O	O	L1 N.9	L1 N.9	O
14.11 Subsurface wastewater disposal systems: § 100-51K	X	X	O N.6	O N.6	O N.6	O N.6	O N.6	O N.6	O N.6	O N.6	O N.6	O N.6	X	O N.6	O N.6	O N.6	X	X	O N.6
14.12 Water wells: § 100-51L	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
14.13 Zero setback shoreline structures: § 100-51M	O	L2 ↓	O	O	O	L2 ↓	O	L2 ↓	L2 ↓	L2 ↓	O	L2 ↓	L2 ↓	O	O	O	L2 ↓	L2 ↓	O
14.13.1 Temporary piers, docks, wharves	O	L1	O	O	O	L1	O	L1	L1	L1	O	L1	L1	O	O	O	L1	L1	O
14.13.2 Temporary bridges	O	L1 N.5	O	O	O	L1 N.5	O	L1 N.5	L1 N.5	L1 N.5	O	L1 N.5	L1 N.5	O	O	O	L1 N.5	L1 N.5	O

SITE WORK LAND USE NOTES

N.1 New driveways are prohibited, except the reviewing authority may grant a permit to construct a driveway in accordance with § 100-51C(6).

N.2 New roads are prohibited, except the reviewing authority may grant a permit to construct a road to provide access to permitted uses within the district in accordance with § 100-51I(4).

N.3 Mineral explorations exceeding 100 square feet of surface area are subject to Level 1 review.

N.4 Archaeological excavations conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved list is not subject to review.

N.5 If there is no earthwork required for the installation, the use is not subject to review.

N.6 The land use is subject to review and permitting by the Local Plumbing Inspector in accordance with the Maine Subsurface Waste Water Disposal Rules, as adopted.

N.7 The land use is only allowed as an incidental and secondary use for a principal use on the property.

N.8 The land use is subject to review as determined by the Code Enforcement Officer if it involves more than 10 cubic yards of filling or if earthmoving is conducted.

N.9 The land use is allowed only in areas of steep slopes or unstable soils and in compliance with the restrictions identified in § 100-51J.

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Trade Land Uses																			
Districts	**DT**	**DTS**	**C1**	**C2**	**C3**	**CFMA**	**ID**	**IDO**	**LRO**	**LRPO**	**RG**	**RPO**	**RT1S**	**RT15RC**	**R1**	**R2**	**SPO**	**TBO**	**VIL**
District Notes	**D.1**	**D.2**	**D.3**	**D.4**	**D.5**	**D.6**	**D.7**	**D.8**	**D.9**	**D.10**	**D.11**	**D.12**	**D.13**	**D.14**	**D.15**	**D.16**	**D.17**	**D.18**	**D.19**
15.1 Home-based trades: § 100-52A	L1 O.3	L1 O.3	L1 O.3	L1	X	X	X	X	L1 O.3	L1 O.3	L1 O.3	X	L1 O.3	L1	L1	L1	L1 O.3	L1 O.3	L1 O.1 O.3
15.2 Cannabis testing facilities: § 100-52B	X	X	X	X	L2	X	L2	L2	X	X	X	X	X	X	X	X	X	X	X
15.3 Off-site services: § 100-52C	L2	L2	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	L2
15.4 On-site services: § 100-52D	L2 ↓	L2 ↓	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.4.1 Bottle recycling facilities	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.4.2 Motorcycle service garages	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.4.3 Small engine service garages	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.4.4 Storage/self-storage	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.4.5 Welding services	X	X	L2	L2	L2	X	L2	L2	X	X	X	X	L2	L2	L2	L2	X	X	X
15.5 Personal care services	L2	L2	L2	L2	X	X	X	X	X	X	X	X	L2	L2	L2	L2	X	X	L2
15.6 Vehicle services Class 1: § 100-52F	X	X	L2	L2	X	X	X	X	X	X	X	X	X	L2	X	X	X	X	X
15.7 Vehicle services Class 2: § 100-52G	X	X	L2	L2 O.2	X	X	L2	X	X	X	X	X	X	L2	X	X	X	X	X

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TRADE LAND USE NOTES

O.1 The land use is limited to location in the principal dwelling.

O.2 The land use is limited to lots that front on or have access fronting on State Route 46.

O.3 The land use may not include small engine repairs or automobile repairs.

DISTRICT NOTES

D-1 The DT District is suitable for a variety of businesses, residential uses, public uses and places of worship.

D-2 The DTS District is suitable for a variety of businesses, public, historical, recreational, maritime and fishery uses, as well as limited residential uses.

D-3 The C1 District is suitable for businesses and residential uses.

D-4 The C2 District is suitable for businesses and limited residential uses.

D-5 The C3 District is suitable for trade, manufacturing and other business uses commonly found in a commercial business park. Land uses in the business park are subject to compliance with Town-established covenants.

D-6 The CFMA District is suitable for the development of commercial and recreational uses fronting on Penobscot River. Land uses in this district must be functionally water-dependent uses or accessory uses related to functionally water-dependent uses.

D-7 The ID District is suitable for large-scale industrial uses and smaller commercial uses that are appropriate for an industrial setting.

D-8 The IDO District is suitable for industrial uses as allowed in the ID District.

D-9 The LRO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses.

D-10 The LRPO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses. Residential uses in this area existed prior to the adoption of state-mandated shoreland regulations and were originally placed in the Resource Protection Shoreland Overlay District.

D-11 The RG District is suitable for development of residential uses and other uses appropriate for a residential neighborhood environment.

D-12 The RPO District is suitable for the protection of water bodies, wetlands and wildlife, and scenic, historic and natural resources in the area, and the limited development of residential and recreational uses. Residential uses are allowed, subject to compliance with § 100-8E.

D-13 The RT1S District is suitable for residential uses, limited commercial uses and noncommercial uses.

D-14 The RT15RC District is suitable for residential uses, limited commercial uses, and agricultural and forestry uses.

D-15 The R1 District is suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial uses. The area is within a range of approximately four miles from the center of Town, except for areas located in R1(DCR).

D-16 The R2 District is suitable for agricultural, forestry, recreational and public uses, as well as residential uses and limited commercial uses that will not adversely impact the Town's ability to provide an adequate level of municipal services. The area is outside a range of approximately four miles from the center of Town. Any commercial land use or subdivision located in this district must front on or be provided with an entrance on a public road in Bucksport or on a private road that is directly accessed by a public road in Bucksport.

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DISTRICT NOTES

D-17 The SPO District is suitable for low-density residential uses, some low-impact commercial and noncommercial uses, and recreational uses. No structure may be permitted in this district unless a setback variance has been obtained from the Board of Appeals, as applicable.

D-18 The TBO District is suitable for residential uses, some low-impact commercial and noncommercial uses, and recreational uses. No structure may be permitted in the portion of this district requiring a 75-foot setback, unless a setback variance has been obtained from the Board of Appeals, as applicable.

D-19 The VIL District is suitable for residential uses, public uses, places of worship, and some small businesses that are appropriate for a residential neighborhood environment.

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ARTICLE V
Land Use Changes

§ 100-19. Review classification.

A. Changes to any land use are classified in this article as either exempt from review, or subject to Level 1 or Level 2 review. The review exemption and two review classifications are deemed appropriate and necessary to support the purposes of this chapter. Any change that may be prohibited for a specific land use is identified in the footnotes contained in § 100-18, Tables of Land Uses.

B. Changes that are exempt from review pose a negligible risk of detrimental effects. Such changes are subject to compliance with the applicable standards in Articles VII, VIII and IX, but no permits or approvals are required by this chapter before these changes may be conducted.

C. Changes subject to Level 1 review pose a minor risk of detrimental effects. An application review conducted by the Code Enforcement Officer is sufficient to ensure that any detrimental effects from these land uses will be effectively mitigated. The review procedures are described in § 100-25.

D. Changes subject to Level 2 review pose a greater risk of detrimental effects than uses subject to Level 1 review. An application review conducted by the Planning Board is necessary to ensure that any detrimental effects from these land uses will be effectively mitigated. The review procedures are described in § 100-28.

E. The Code Enforcement Officer shall identify the review classification for changes to existing land uses, except as otherwise provided for in this article. The appropriate review classification is based on the features and functions of the changes and the extent to which they must be examined to ensure that any detrimental effects are effectively mitigated.

F. Detrimental effects that may be considered in the identification of a review classification include, but are not limited to, the following:

(1) Traffic hazards.

(2) Pedestrian hazards.

(3) Parking shortages.

(4) Burdens on municipal services.

(5) Damages to natural resources.

(6) Disturbances to wildlife habitat.

(7) Flooding or soil erosion.

(8) Obstructions of scenic views.

(9) Obstructions of solar gain.

(10) Inadequate buffers or screening.

(11) Noise disturbances.

(12) Vibration disturbances.

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(13) Electromagnetic field disturbances.

(14) Lighting disturbances.

(15) Smoke or dust disturbances.

(16) Odor disturbances.

(17) Contamination of air, water or soil.

(18) Development pattern conflicts.

(19) Adverse impacts to archeological or historical sites.

(20) Adverse impacts to coastal environments.

(21) Damages to or loss of agricultural or forest lands.

G. Any change to an existing property that involves any combination of activities described in §§ 100-20 through 100-24 is subject to the highest level of review that is applicable.

§ 100-20. Expansion of structures or land uses.

A. Structures.

(1) Any expansion of a structure is subject to review as determined in accordance with the requirements of § 100-19E.

(2) Any expansion of a structure for the purpose of adding three or more dwelling units is subject to Level 2 review.

(3) Any expansion of a structure in the RPO District is subject to Level 2 review.

(4) Any expansion of a nonconforming structure is subject to compliance with the applicable provisions in § 100-71.

B. Land uses.

(1) Any expansion of a land use is subject to review as determined in accordance with the requirements of § 100-19E.

(2) Any expansion of a land use that adds three or more dwelling units in a five-year period is subject to Level 2 review.

(3) Any expansion of a land use in the RPO District is subject to Level 2 review.

(4) Any expansion of a nonconforming land use is subject to compliance with the applicable provisions in § 100-72.

§ 100-21. Rehabilitation or renovation of structures.

A. Any minor or major rehabilitation of a structure is subject to review as determined in accordance with the requirements of § 100-19E.

B. Any rehabilitation of a structure in the RPO District is subject to Level 2 review.

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C. Any rehabilitation of a road, driveway or parking lot is not subject to review.

D. Any rehabilitation of a nonconforming structure is subject to compliance with the applicable provisions in § 100-71.

E. Any renovation of a structure is subject to Level 1 review.

§ 100-22. Relocation of structures or land uses.

A. Any relocation of a structure is subject to review as determined in accordance with the requirements of § 100-19E.

B. Any relocation of a structure in the RPO District is subject to Level 2 review.

C. Any relocation of a residential storage shed or similar structure is not subject to review unless the structure is relocated in any shoreland district.

D. Any relocation of a land use is subject to review as determined in accordance with the requirements of § 100-19E.

E. Any relocation of a nonconforming structure is subject to review as determined in accordance with the requirements of § 100-19E.

F. Any relocation of a nonconforming use is subject to Level 2 review.

§ 100-23. Reestablishment of land uses.

A. The reestablishment of any conforming land use is subject to the following review requirements:

(1) Any commercial or noncommercial occupancy discontinued for less than one year may be reestablished without review.

(2) Any commercial or noncommercial occupancy discontinued for one year but less than two years is subject to Level 1 review.

(3) Any commercial or noncommercial occupancy discontinued for two years or more is subject to the review requirements for the establishment of the land use, as identified in § 100-18.

(4) Any one-family, one-and-one-half-family or two-family occupancy may be reestablished without consideration of any time limits and without review, except the reestablishment is subject to Level 1 review if the residential features of the building have been removed. Residential features include a kitchen, full bathroom and at least one bedroom in each dwelling unit.

(5) Any multifamily occupancy discontinued for two years or less may be reestablished without review, provided the residential features of the building have not been removed.

(6) Any multifamily occupancy discontinued for more than two years or for any length of time when the residential features of the building have been removed is subject to Level 1 review.

B. The reestablishment of any nonconforming use is subject to compliance with the applicable provisions in § 100-72.

§ 100-24. Change of use of structure or property.

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A. Any change of use or occupancy of a structure or property is subject to review as determined in accordance with the requirements of § 100-19E.

B. A change of a nonconforming use to another nonconforming use is subject to Level 2 review. Proposed changes in any shoreland district are subject to compliance with the requirements of § 100-72C(1).

C. A change of use is not subject to review if a new land use replaces a land use with the same land use classification, unless the Code Enforcement Officer has determined that any changes to the form or function of the land use require a review in order to support the purposes of this chapter.

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ARTICLE VI
Application Procedures

§ 100-25. Application review.

All land uses subject to review must be reviewed in accordance with the procedures described in § 100-26 or 100-28, as applicable.

A. Level 1 review applications must contain, at a minimum, the submissions listed in § 100-27, except as may be waived by the Code Enforcement Officer.

B. Level 2 review applications must contain, at a minimum, the submissions listed in § 100-29, except as may be waived by the Planning Board.

C. In all instances during an application review, the burden of proof of compliance with applicable requirements of this chapter is the responsibility of the applicant.

§ 100-26. Level 1 review procedures.

A. The procedures for Level 1 review and the order in which they are conducted are identified as follows:

(1) Preapplication meeting.

(2) Preliminary review.

(3) Standards review.

(4) Findings and decision.

B. Preapplication meeting.

(1) Purpose. To exchange information between the CEO and a preapplicant concerning a proposed project and the application review process.

(2) Timing. The CEO may conduct a preapplication meeting upon initial contact by a preapplicant or a meeting may be scheduled. A preapplication meeting is optional.

(3) Procedure. The CEO shall determine the appropriate procedures for a preapplication meeting to meet the needs of each preapplicant.

C. Preliminary review.

(1) Purpose. To identify compliance with minimum application content requirements.

(2) Timing. The review must commence within one week of receipt of an application by the CEO.

(3) Procedure. A preliminary review must proceed as follows:

(a) The CEO shall review the application and give written notice to the applicant of any identified omissions of required content. The CEO may waive omissions in accordance with the requirements of § 100-8.

D. Standards review.

(1) Purpose. To evaluate an application for compliance with applicable land use standards.

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(2) Timing. The standards review must commence upon determination that all required information has been submitted or upon determination that the review may be adequately conducted prior to the submission of omitted information.

(3) Procedure. A standards review must proceed as follows:

(a) The CEO shall review the application for compliance with applicable Articles VII, VIII and IX land use standards.

(b) The CEO may conduct inspections of the proposed project location if necessary to verify or clarify application information.

(c) The CEO may request additional information to verify or clarify compliance with a land use standard, if necessary. In the event additional information requested by the CEO is not submitted within 30 days of the date of request or within any other mutually agreeable time period, the review must be based on the information as submitted.

(d) The standards review is concluded upon a determination by the CEO that all applicable Articles VII, VIII and IX land use standards have been reviewed.

E. Findings and decision.

(1) Purpose. To evaluate an application for compliance with applicable Article X performance criteria and to approve or deny the application.

(2) Timing. The findings must commence upon conclusion of the standards review.

(3) Procedure. A findings and decision must proceed as follows:

(a) The CEO shall make a positive finding of the performance criteria in Article X upon determining that the requirements of corresponding Articles VII, VIII and IX land use standards have been met. A finding must be made for each criterion that is applicable to the application.

(b) An application for which a positive finding has been made for all applicable Article X performance criteria is deemed approved. An application for which a positive finding has not been made for any applicable Article X performance criteria is deemed denied. In making findings, the CEO may include any reasonable condition of approval that is relevant to compliance with the requirements of this chapter. The CEO shall provide detailed written findings to the applicant if an application is denied or the approval of the application is the subject of an appeal.

F. A Level 1 application review must be completed as soon as practicable, but in no case more than 35 days after receipt of the application unless additional information has been requested, in which case the review completion time may be extended by the number of days allowed for the information to be submitted.

G. Any application for which a review cannot be completed for lack of minimum application content or fees must be dismissed without prejudice.

H. No application may be approved if it involves a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute administered by the municipality.

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I. All application forms utilized for Level 1 review may be updated or reformatted by the CEO as necessary.

§ 100-27. Level 1 application content.

A. A Level 1 review application must include, at a minimum, a standard application form which includes space for a hand-drawn site plan. A separate site plan may be included, if necessary. The site plan must comply with the format and information requirements described in this section, as applicable.

B. If the applicant is not the property owner, then written authorization from the property owner to develop or occupy the property with the proposed land use must be submitted with the application. The application must be signed and dated by the applicant.

C. Site plans must comply with the following basic format:

(1) The plan must be prepared with black ink on white paper.

(2) A scaled plan is not required, but if drawn to scale, one inch may equal not more than 100 feet.

(3) Paper size may be no larger than 24 inches by 36 inches.

D. Site plans must include the following basic dimensional information:

(1) Dimensions of proposed structures (length, width and height if applicable).

(2) Setback dimensions of buildings and other structures.

E. Site plans must show the following natural features of the property:

(1) Water bodies, including ponds, rivers, streams, tributary streams and wetlands, if any.

(2) The location of any other natural features or unique site elements.

F. Site plans must include identification of the following development features of the property:

(1) Location of proposed and existing structures.

(2) Location of public sewer and water services.

(3) Location of septic systems.

(4) Location of wells.

(5) Location of driveways.

(6) Location of easements and rights-of-way.

G. If the proposed land use requires a subsurface wastewater disposal system, a system design prepared by a qualified professional must be submitted with the application.

§ 100-28. Level 2 review procedures.

A. The procedures for Level 2 review and the order in which they are conducted are identified as follows:

(1) Preapplication meeting.

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(2) Preliminary review.

(3) Department review.

(4) Public notification.

(5) Application presentation.

(6) Public comment period.

(7) Standards review.

(8) Findings and decision.

B. Preapplication meeting.

(1) Purpose. To exchange information between the CEO and a preapplicant concerning a proposed project and the application review process.

(2) Timing. The CEO may conduct a preapplication meeting upon initial contact by a preapplicant or a meeting may be scheduled. A preapplication meeting with the Planning Board may also be scheduled upon request. A preapplication meeting is optional.

(3) Procedure. The CEO and Planning Board shall establish the appropriate procedures for their respective preapplication meetings to meet the needs of each preapplicant.

C. Preliminary review.

(1) Purpose. To identify compliance with minimum application content requirements.

(2) Timing. The review must commence within one week of receipt of an application by the CEO.

(3) Procedure. Preliminary reviews must proceed as follows: The CEO shall review the application and provide written notification to the applicant of any identified omissions. The applicant may request a waiver of identified omissions. The request must be in writing and submitted to the CEO, who shall submit the request to the Planning Board during the application presentation.

D. Department review.

(1) Purpose. To identify any impacts a proposed land use may have on municipal services.

(2) Timing. The review must commence upon submission of an application by the CEO to the Town Manager.

(3) Procedure. A department review must proceed as follows:

(a) The CEO shall submit copies of the application to the Town Manager for distribution to department directors whose department services may be impacted by the proposed development. Written comments must also be requested from the Town's public water supplier, if the proposed development requires public water service.

(b) The Town Manager shall forward all written comments from the department directors to the CEO, who shall submit them to the Planning Board during the application presentation.

E. Public notification.

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(1) Purpose. To give written notice of a proposed land use to owners of property within close proximity to the development site.

(2) Timing. The notice to property owners must be sent at least one week before the date when the application will be presented to the Planning Board.

(3) Procedure. Public notification must proceed as follows: The CEO shall send a notice describing the proposed land use, its location and the applicant's name via U.S. first class mail to all owners of property within 100 feet of the boundaries of the property to be developed. The notice must also include the date, time and location of the meeting at which the application will be submitted to the Planning Board. A copy of the notice must be provided to the applicant.

F. Application presentation.

(1) Purpose. To provide the Planning Board and public in attendance with a general description of a proposed land use development.

(2) Timing. The application presentation must take place at the first available Planning Board meeting after conclusion of the preliminary review and department review.

(3) Procedure. An application presentation must proceed as follows:

(a) The CEO shall conduct an oral presentation to describe the proposed project. The presentation may include visual aids such as photographs and drawings. The CEO shall also provide the Board with any waiver requests submitted by the applicant.

(b) Upon conclusion of the CEO's presentation, the applicant may conduct a presentation.

(c) The Board may consider any waiver request upon conclusion of all presentations. A decision to grant a waiver may be postponed until applicable land use standards have been reviewed at the appropriate time. All waiver request decisions must be made in accordance with the requirements in § 100-8.

G. Public comment period.

(1) Purpose. To provide the public an opportunity to comment on or ask questions about a proposed land use.

(2) Timing. A public comment period must be allowed during the first review of an application.

(3) Procedure. A public comment period must proceed as follows:

(a) Upon conclusion of the application presentation, the Chairman shall open a public comment period and allow comments and questions from the public. A public comment period is not intended to be a venue for discussion between parties, but the Chairman may allow the applicant to respond to comments or questions at the time they are submitted, if appropriate. The Chairman shall regulate the proceeding to ensure an efficient use of time.

(b) Comments and questions submitted during the public comment period shall be addressed by the Board at the appropriate point during its review of the application, as determined by the Chairman.

(c) The Chairman shall set a reasonable time to conclude the public comment period so as to allow the conduct of other business of the Board. If the time allotted for a public comment

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period is insufficient to allow for all public input, the Chairman may allow additional time or continue the proceeding at the next available meeting. A standards review for an application may not commence until the public comment period for that application has concluded.

H. Standards review.

(1) Purpose. To determine if a proposed land development complies with applicable land use standards.

(2) Timing. The standards review must commence upon conclusion of the public comment period or at the first available Planning Board meeting thereafter. Commencement of the review is considered the initiation of a substantive review process for the purposes of bringing the application under the protection of 1 M.R.S.A. § 302.

(3) Procedure. A standards review must proceed as follows:

(a) The Planning Board shall review the application for compliance with applicable land use standards. The Board may request the applicant to provide additional information if it is needed to clarify or verify compliance. Any cost incurred to provide the information is the responsibility of the applicant. In the event the requested information is not submitted within 30 days of the date of the request or upon any other mutually agreeable time period, the review must be based on the information as submitted.

(b) The Planning Board shall issue a determination regarding any request for a waiver of required information that has not been previously addressed. The determination must be made in accordance with the requirements in § 100-8. If a waiver request is denied, the Board shall determine if the standards review may continue prior to the submission of required information.

(c) The Planning Board may require a site visit if necessary to assist in its standards review. Notice of the site visit must be provided to the public in accordance with 1 M.R.S.A. § 406. Payment for site visit costs must be made in accordance with the requirements of § 100-30B.

(d) At any time during the standards review, the Planning Board may conduct a public hearing if necessary to ensure that sufficient opportunity is provided for public comments. An affirmative vote from at least four Board members is required before a public hearing may be scheduled.

(e) The standards review is deemed concluded upon a determination that all applicable Articles VII, VIII and IX land use standards have been reviewed. The Board's standards review must be documented in writing.

I. Findings and decision.

(1) Purpose. To evaluate an application for compliance with applicable Article X performance criteria and to approve or deny the application.

(2) Timing. The findings must commence upon conclusion of the standards review or at the first available Planning Board meeting thereafter.

(3) Procedure. A findings and decision must proceed as follows:

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(a) The Planning Board shall make a positive finding of performance criteria upon determining that the requirements of corresponding Articles VII, VIII and IX land use standards have been met. A written finding must be made for each criterion identified in Article X. Any performance criterion or portion thereof that does not apply must be noted as "not applicable" in the findings, with a written explanation of that determination.

(b) An application for which a positive finding has been made for all applicable Article X performance criteria is deemed approved by the Planning Board. An application for which a positive finding has not been made for any applicable Article X performance criteria is deemed denied by the Planning Board. In making findings, the Planning Board may include any reasonable condition of approval that is relevant to compliance with the requirements of this chapter. The written findings and decision must be given to the applicant if the application is denied or if the approval of the application is the subject of an appeal.

J. The Planning Board may require the services of any qualified consultant deemed necessary to assist in the evaluation of application submissions. Qualified consultants may include any State of Maine registered or licensed professional or any other person acceptable to the Board. Payment of fees for these services must be made in accordance with the requirements of § 100-30.

K. The Planning Board may require stenography, audio or video recording of any application review. Payment of fees for these services must be made in accordance with the requirements of § 100-30.

L. A Level 2 application review must be completed as soon as practicable, but in no case more than 35 days after the completion of the standards review.

M. Any application for which a review cannot be completed for lack of minimum application content or required fees must be dismissed without prejudice.

N. No application may be approved if it involves a structure that would be located on an unapproved subdivision lot or that would violate any other local ordinance, or regulation or statute administered by the municipality.

O. All application forms utilized for Level 2 review may be updated or redesigned by the Planning Board as necessary.

§ 100-29. Level 2 application content.

A. Level 2 review application must include, at a minimum, a standard application form and a site plan. The site plan must comply with the format and information requirements described in this section, as applicable.

B. The applicant must provide evidence of right, title or interest in the property to be developed. If the applicant is not the property owner, then written authorization from the property owner to develop or occupy the property with the proposed land use must be submitted with the application. The application must be signed and dated by the applicant.

C. Site plans must comply with the following basic format:

(1) Black ink on white paper at a scale of one inch equals not more than 100 feet. Ten copies must be provided.

(2) Paper size no larger than 24 inches by 36 inches, with a margin of at least one inch, and two

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inches on the left side for binding purposes.

D. Site plans must include the following basic identifying information:

(1) The project name, the name of the municipality, name and address of the record owner of the property being developed and the name and address of the project developer.

(2) Districts affecting the lot to be developed and contiguous lots.

(3) Name, address, license number, seal and signature of the surveyor providing surveying data.

(4) Name, address, license number, seal and signature of the engineer providing engineering data, if any.

(5) Tax Map and lot identification of the property.

(6) A location map based on a USGS topographic map.

(7) A North point arrow and a graphic scale.

E. Site plans must include the following basic dimensional information:

(1) Size, in acres, of the property.

(2) Bearings and lengths of the boundary lines of the property to be developed, as identified by a standard boundary survey.

(3) Width of street frontage and shoreline frontage.

(4) Footprint and height dimensions of buildings and other structures.

(5) Setback dimensions of buildings and other structures.

(6) Percent of lot coverage by structures and nonvegetated surfaces in any shoreland district.

F. Site plans must include identification of the following natural features of the property to be developed, as may be applicable:

(1) Topography, shown as contour lines at intervals not to exceed 20 feet.

(2) Cleared or natural openings in the vegetation, including timber harvests.

(3) Water bodies, including ponds, rivers, streams, tributary streams and wetlands.

(4) The location of essential habitat for rare, threatened and endangered plants and animals.

(5) Approximate locations of ledge outcroppings.

(6) Surface water drainage flow patterns.

(7) The location of significant sand and gravel aquifers.

(8) The location of any other natural features or unique site elements.

G. Site plans must include the following site development information, as may be applicable:

(1) The location of proposed and existing structures.

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(2) The location and size of sewer and water utilities, including manholes and hydrants.

(3) The location of power, telephone and cable utilities, including the location of utility poles for aboveground service.

(4) The location of proposed utility service connections.

(5) The location, width, typical cross section, grades and profiles of all proposed streets and sidewalks.

(6) The location of streetlamps.

(7) The location of subsurface wastewater disposal system soil test pits.

(8) The location and dimensions of culverts, ditches, catch basins and curbing.

(9) The location and right-of-way width of any street providing direct access to the property to be developed.

(10) The location, dimensions and purpose of any existing or proposed easement.

(11) The location of parking areas.

(12) The location of any pedestrianways, open spaces, parks and other areas to be reserved for or dedicated to public use and/or ownership.

(13) A planting plan and schedule keyed to the site plan, indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.

H. If the proposed land use requires a subsurface wastewater disposal system, a system design prepared by a qualified professional must be submitted with the application.

I. The reviewing authority may require additional documentation to supplement the basic application content requirements in this section. See Article VII for further information.

§ 100-30. Fees.

A. Any application for a land use permit must include a review fee, which is identified in the Town's Schedule of Fees, as adopted by the Bucksport Town Council.

B. The review fee is intended to cover the Town's administrative costs of an application review, including, but not limited to, photocopies, published notices, mailings, consultants, special meetings and legal assistance.

C. Any portion of a review fee remaining after completion of a review shall be applied to additional Town permit fees required for the approved project.

§ 100-31. Issuance of permit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The Code Enforcement Officer shall issue a land use permit for an approved application no later than 10 days after the date of approval, provided that any other prerequisite permits or approvals have been obtained. The permit authorizes the commencement of any land use approved by the reviewing authority, except as otherwise provided for in § 100-31E. A land use permit may also authorize the

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construction or installation of any structure that is part of the permitted land use, in lieu of a separate building permit that would otherwise be required in accordance with Chapter 29, Building Construction, provided that the applicable permit fees required by Chapter 29 have been submitted and that a sufficient description of the structure has been submitted.

B. A land use permit is in effect for two years from the date of issue, except as provided for in § 100-31B(1), (2), (3) and (4).

(1) The Code Enforcement Officer may increase the effective period of a permit to three years, upon written request by the permittee. The request must be submitted to the Town office no less than one week prior to the permit expiration date. An administrative fee equal to the minimum permit fee as stated in the Town's Schedule of Fees must be included with the request. Before the effective period of the permit may be increased, the permittee must demonstrate that a substantial start of the permitted land use has been achieved.

(2) The Planning Board may increase the effective period of a land use permit to a period not to exceed five years when considering approval of an application subject to Level 2 review. The effective period may only be increased if the Board finds that improvements which are required for the land use cannot be substantially completed within two years due to:

(a) The time lines of other required regulatory approvals needed before construction can begin;

(b) The scale or complexity of the project; or

(c) The planned phased development approved by the Board.

(3) The Planning Board may amend a land use permit approved by the Board to increase the effective period of the permit in accordance with § 100-31B(2), provided that the increased effective period starts from the original date of approval. A written request from the permittee must be submitted to the Town office no less than one week prior to the permit expiration date. An administrative fee equal to the minimum permit fee as stated in the Town's Schedule of Fees must be included with the request.

(4) A written request submitted in accordance with the requirements of § 100-31B(1) or (3) will result in a temporary extension of the permit expiration date, if necessary, until such time a decision is made on the request.

(5) A permitted land use that is granted a permit expiration date extension in accordance with § 100-31B(1) or (3) may not be subject to any condition of approval requiring the land use to comply with any new or revised land use standard that became effective after the date the land use was originally approved.

(6) The authority to conduct a land use will remain in effect after the permit expiration date, provided that substantial completion has been achieved prior to that date and provided that the land use is conducted in accordance with all applicable laws, rules and regulations.

C. A land use permit becomes invalid on its expiration date if a substantial start was not achieved prior to the original permit expiration date, or substantial completion was not achieved before the permit expiration date set in accordance with the provisions of § 100-3B.

(1) No work may be conducted after a land use permit becomes invalid until a new permit is issued by the reviewing authority. The extent of review must be determined by the reviewing authority

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and must be based on the extent to which the permitted land use had been completed prior to the permit expiration. The land use may be subject to compliance with any revised or added land use standards that are applicable.

D. A permit issued for any land use in a shoreland district must be kept on-site while the work authorized by the permit is performed.

E. The issuance of a land use permit does not authorize the applicant to commence any activity or use that requires other permits or approvals from local, state or federal agencies, offices or departments before such permits or approvals have been obtained.

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ARTICLE VII
General Land Use Standards

§ 100-32. Compliance required.

A. All land uses identified in § 100-14 are subject to compliance with the standards set forth in this article, as applicable.

B. Before any land use application may be approved, the reviewing authority must determine that the application submissions document compliance with applicable standards. In addition to the application submissions required in accordance with § 100-27 or 100-29, the reviewing authority may require secondary documentation in accordance with the provisions for each applicable standard.

§ 100-33. Environment standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Soils. Objective: To ensure that soils are suitable for development or use.

(1) No structure may be constructed, installed, expanded or maintained nor may any use be established, maintained or expanded on or in soils that are unstable, subject to severe erosion or otherwise deemed unsuitable for the structure or use.

(2) No land use may be conducted in any manner that causes severe soil erosion or mass soil movement either before or after construction.

(3) The reviewing authority may require secondary documentation to verify the suitability of soils for a proposed land development if the scale of the development or its location warrants a closer examination to address concerns of the potential for severe erosion, mass soil movement or other limitations.

(4) The reviewing authority shall require secondary documentation for any proposed subsurface wastewater disposal system or any commercial or noncommercial land use that is subject to Level 2 review and that is located in a shoreland district.

(5) Secondary documentation required by the reviewing authority may include, but is not limited to, a soils report prepared by a qualified professional.

B. Stormwater. Objective: To ensure that stormwater runoff from the development or use of land is minimized to the greatest practical extent and adequately managed to reduce the risk of detrimental effects.

(1) No land use may increase or alter stormwater flows without first implementing appropriate stormwater management controls to prevent environmental damage, flooding and property damage or the overburdening of existing stormwater management systems or features. No grading or other construction activity may alter existing natural drainage to the extent that drainage will adversely affect adjacent property or that drainageways flowing from adjacent parcels of land to the development site will be impeded.

(2) Stormwater must be detained on the site using existing natural runoff control features of the site to the greatest extent possible. Natural runoff control features include, but are not limited to, earth berms, swales, terraces and wooded areas.

(3) The design of stormwater storage facilities must address safety, appearance, recreational use

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and the cost and effectiveness of maintenance operations, in addition to the primary storage function.

(4) All stormwater facilities must be properly maintained. Stormwater management plans must define maintenance requirements and identify parties responsible for the required maintenance.

(5) Natural overland flows, open drainage channels and swales are the preferred components of a residential private stormwater drainage system. The use of enclosed components (such as underground piping) for these systems should be minimized where the existing natural systems are able to accommodate stormwater runoff. Energy dissipaters (to reduce high flow velocities) or other forms of outfall protection must be employed where enclosed drains discharge onto unstable soils.

(6) Natural and man-made drainageways and drainage outlets must be stabilized with vegetation or riprap to prevent erosion from water flowing through them.

(7) Easements must be provided to the municipality where appropriate to ensure proper maintenance of drainageways. Easement widths must be sufficient to allow access for maintenance and repairs to the drainageway or any structures therein, and in no case may the width be less than 30 feet wide.

(8) Secondary documentation must be submitted to the reviewing authority for any land use subject to state permitting in accordance with 38 M.R.S.A. § 420-D (the Stormwater Management Law), 38 M.R.S.A. § 481 (the Site Location of Development Law) or any commercial or noncommercial land use subject to Level 2 review that is within the watershed of a great pond at risk from development, as identified by the Maine Department of Environmental Protection.

(9) The reviewing authority may require secondary documentation for any land use proposing to utilize public stormwater control facilities in the event there is concern about the adequacy of those facilities to handle additional stormwater flows.

(10) Secondary documentation required by the reviewing authority may include, but is not limited to, a stormwater management plan prepared by a qualified professional in accordance with the applicable requirements of the Maine Stormwater Management Design Manual, most recent edition, adopted by the Maine Department of Environmental Protection.

C. Soil erosion and sedimentation. Objective: To ensure that exposed soils are adequately protected from unreasonable erosion and sedimentation.

(1) All activities involving filling, grading, excavation, or other similar soil disturbance activities must be conducted so as to prevent soil erosion and to prevent soil sediments from entering water bodies, tributary streams, wetlands or adjacent properties.

(2) All erosion and sedimentation control measures must be in conformance with or equivalent to the best management practices identified in the Maine Erosion and Sedimentation Control Best Management Practices, Maine DEP, March 2003, or as amended (BMP Manual). Any excavation contractor that disturbs or displaces more than one cubic yard of soil within any shoreland district is subject to compliance with 38 M.R.S.A. § 439-B.

(a) Vegetation may be removed in excess of the clearing standards in § 100-33G of this chapter in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the reviewing authority. Construction equipment must access the shoreline by barge when feasible as determined by the reviewing authority.

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(b) When the removal of trees and other vegetation is necessary to allow for construction equipment access to a stabilization site via land, the accessway must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment access way must be restored. Revegetation must comply with the applicable requirements in Addendum 3, Section 3, of this chapter.[37]

(3) In order to create the least potential for erosion, land uses must be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required must be avoided wherever possible and natural contours must be followed as closely as possible.

(4) Erosion and sedimentation control measures must be in operation during all stages of any soil disturbance activity. The amount of exposed soil at every phase of the activity must be minimized to reduce the potential for erosion.

(5) Any exposed ground area must be temporarily or permanently stabilized within one week of the time it was last actively worked by use of riprap, sod, seed and mulch or other effective measures in accordance with the BMP Manual. Permanent stabilization must occur within nine months of the initial date of exposure.

(6) The reviewing authority may require secondary documentation for any land use that involves soil disturbance in a shoreland district or any land use subject to Level 2 review that involves soil disturbance in any district, if it is determined in either case that the risks of environmental harm warrant detailed professionally prepared erosion and sedimentation control measures.

(7) Soil disturbance of less than 10 cubic yards in the RPO, SPO or TBO District, when such activity is not part of a permitted project, may not be conducted until required erosion and sedimentation control documentation outlined in the BMP Manual has been submitted to and approved by the Code Enforcement Officer.

(8) Soil disturbance involving 10 cubic yards or more in any shoreland district, when such activity is not part of a permitted project, may not be conducted until required erosion and sedimentation control documentation outlined in the BMP Manual has been submitted to and approved by the Code Enforcement Officer.

(9) Secondary documentation required by the reviewing authority may include, but is not limited to, a detailed erosion and sedimentation control plan prepared by a qualified professional.

D. Surface and subsurface waters. Objective: To ensure that surface and subsurface waters are adequately protected from pollution.

(1) No person may discharge or allow the discharge of into surface or subsurface waters any liquid, gaseous or solid materials of such nature, quantity, toxicity or temperature that may contaminate, pollute or harm such waters or cause nuisances, such as floating or submerged debris, oil or scum, discoloring, objectionable odor or taste, or that may be harmful to human, animal, plant or aquatic life.

(2) No land use may cause the deposit on or into the ground or discharge into 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 any water body, tributary stream or wetland.

(3) Chemicals, including herbicides, pesticides or fertilizers, other than amounts normally

37. **Editor's Note: Addendum 3 is included as an attachment to this chapter.**

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associated with residential uses or homestead agriculture uses, may not be stored within any shoreland district adjacent to a great pond or adjacent to a river or stream that flows to a great pond.

(4) No commercial or noncommercial land use that stores or uses toxic chemicals or materials, or that produces a by-product or waste product that is hazardous to the waters of the state, may be located in any shoreland district adjacent to a great pond or a river or stream that flows to a great pond.

(5) Salt/sand piles, road salt storage and loading areas, snow dumps containing deicing chemicals, subsurface storage of petroleum and petroleum products or any other land uses that involve the manufacture, storage, use, transportation or disposal of toxic or hazardous materials are prohibited directly over or within 250 feet of the boundaries of any significant sand and gravel aquifer that is identified in the Bucksport Comprehensive Plan, as adopted. Household heating oil tank installations in full compliance with state regulations are exempt from this prohibition.

(6) All storage facilities for fuel, chemicals, chemical or industrial wastes or biodegradable raw materials must comply with the applicable rules and regulations of the Maine Department of Environmental Protection and the State Fire Marshal's Office.

(a) All new and replacement heating oil tanks within the wellhead protection zone of community drinking water wells must be double-walled or have secondary containment.

(7) Secondary documentation may be required for any development or land use involving excavation within five feet of the water table, or if the reviewing authority determines that a closer examination of identified risks of pollution to surface or subsurface waters is warranted.

(8) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A hydrogeology study or assessment prepared by a qualified professional.

(b) A design for the handling and storage of materials at risk of polluting surface or subsurface waters, prepared by a qualified professional.

(c) A professional review of any private or public water supply system.

(d) A water quality test.

E. Air environment. Objective: To ensure that the ambient air environment is adequately protected from the detrimental effects of pollutant air emissions from any land use.

(1) No land use may introduce pollutant emissions into the air except in compliance with state ambient air quality standards and state emissions standards.

(2) The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A. § 481 et seq. (the Site Location of Development Law) or any commercial or noncommercial land use that emits pollutants into the ambient air environment other than heating fuel combustion by-products.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) An air quality impact study and mitigation plan prepared by a qualified professional.

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(b) Evidence that an air emission license has been or will be obtained.

F. Wildlife habitat. Objective: To ensure that significant wildlife habitat is adequately protected from any detrimental effect of land development or use.

(1) No land use may cause any detrimental effect to significant wildlife habitat.

(2) If any portion of a proposed development lies within any of the significant wildlife habitat areas identified below, secondary documentation must be submitted to the reviewing authority. The documentation must assess the potential effect of the development on the habitat and adjacent areas that are important to the maintenance of the affected species, and it must describe appropriate mitigation measures to ensure that the proposed development will have no detrimental effect. Significant wildlife habitat areas include:

(a) Habitat for species appearing on the official state or federal lists of endangered or threatened species;

(b) High- and moderate-value waterfowl and wading bird habitats, including nesting and feeding areas;

(c) Shorebird nesting, feeding and staging areas and seabird nesting islands;

(d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority;

(e) High- or moderate-value fish spawning and nursery areas that have been identified by the Maine Department of Inland Fisheries and Wildlife;

(f) High- or moderate-value deer wintering areas or travel corridors; and

(g) Any other important habitat areas identified in the Bucksport Comprehensive Plan, as adopted.

(3) The following restrictions apply to any proposed land use that includes significant resources as identified in § 100-33F(2):

(a) Habitat for species appearing on the official state or federal lists of endangered or threatened species may not be developed.

(b) There may be no removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species, unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation, in writing.

(c) There may be no cutting of vegetation within the strip of land extending 75 feet inland from the shoreline of the following habitat areas:

[1] High- and moderate-value waterfowl and wading bird habitats, including nesting and feeding areas;

[2] Shorebird nesting, feeding and staging areas and seabird nesting islands;

[3] Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority;

[4] High- or moderate-value fish spawning and nursery areas that have been identified

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by the Maine Department of Inland Fisheries and Wildlife; or

[5] Any other important habitat areas identified in the Bucksport Comprehensive Plan, as adopted.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) An impact assessment report prepared by the Maine Department of Inland Fisheries and Wildlife or a qualified professional.

(b) A mitigation plan prepared by a qualified professional.

G. Clearing or removal of vegetation, excluding timber harvesting. Objective: To ensure that vegetation within any shoreland district is protected from excessive cutting or removal.

(1) Resource Protection Shoreland Overlay Districts.

(a) In the RPO District abutting Silver Lake or Mud Pond, there may be no cutting of vegetation within the buffer strip of land extending 100 feet inland from shoreline, except for the following purposes:

[1] To remove trees identified by the Code Enforcement Officer as safety hazards. Openings created by the removal of trees identified as safety hazards must be replanted with native tree species, unless existing new tree growth is present.

[2] To establish and maintain public-use, recreational footpaths on Town-owned property. Footpaths following the shoreline may be no closer than 50 feet to the shoreline and may be no wider than six feet as measured between tree trunks or shrub stems, as applicable. Pruning of trees and other vegetation may also be conducted to establish and maintain occasional side-trail footpaths leading to scenic views from the shoreline or other locations. Footpaths leading to the shore may not provide a cleared line of sight to the water through the buffer strip and may not be more than six feet in width.

(b) In any other RPO District, within the buffer strip of land extending 100 feet inland from the shoreline of any water body, or within the buffer strip of land extending 75 feet inland from the shoreline of a tributary stream or wetland, the cutting or removal of vegetation must be limited to that which is necessary for uses expressly authorized in that district. Openings created by the removal of trees identified as safety hazards must be replanted with native tree species, unless existing new tree growth is present.

(2) In the LRPO District, there may be no cutting of vegetation within the buffer strip of land extending 100 feet inland from the shoreline, except to remove trees that have been identified as safety hazards by the Code Enforcement Officer or to allow for the expansion of nonconforming structures. Openings created by the removal of safety hazards must be replanted with native tree species, unless existing new tree growth is present.

(3) Except in the buffer strips identified in § 100-33G(1) and (2), trees and other vegetation may be cut or removed in any shoreland district within the buffer strip of land extending 100 feet inland from the shoreline of a great pond or a river flowing to a great pond, or within the buffer strip of land extending 75 feet inland from the shoreline of any other water body, tributary stream or wetland, subject to the following limitations:

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(a) Cleared openings in the forest canopy, or cleared openings in other existing woody vegetation if a forested canopy is not present, may be created, but no opening may exceed 250 square feet, as measured from the outer limits of the tree or shrub crown. Cleared openings for the development of permitted uses are not subject to this limitation.

(b) If the removal of any storm-damaged, diseased, unsafe, or dead tree creates an opening larger than 250 square feet, the removed tree must be replanted with native tree species, unless existing new tree growth is present. Tree removal for the development of permitted uses is not subject to this limitation.

(c) One footpath per lot is allowed, provided that a cleared line of sight to the water through the buffer strip is not established. The footpath may be no more than six feet in width, as measured between tree trunks or shrub stems, as applicable.

(d) Existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, may not be cut, covered or removed. Vegetation removal to provide for a footpath or for the development of permitted uses is not subject to this limitation.

(e) Tree branches on the bottom 1/3 of any tree may be pruned.

(f) A well-distributed stand of trees and other vegetation must be maintained in accordance with § 100-33G(4) and (5), as applicable.

(g) No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten-year period. Tree removal in conjunction with the development of permitted uses is included in the 40% calculation.

(4) Buffer strips; point system.

(a) A well-distributed stand of trees and other vegetation must be maintained in the buffer strips that are subject to the clearing restrictions identified in § 100-33G(3). Compliance with this requirement is determined by calculating a score for existing tree growth in accordance with the method described in this section and identifying that the preservation of other vegetation meets the requirements of § 100-33G(5). A well-distributed stand of trees in the buffer strip adjacent to a great pond or a river or stream flowing to a great pond requires a minimum rating score of 24 for each measured area. In the buffer strip adjacent to other water bodies, tributary streams and wetlands, a minimum rating score of 16 is required for each measured area. Scores are determined by assigning point values to trees within a measured area 25 feet by 50 feet. Point values are determined by the diameter of each tree as measured at 4 1/2 feet above ground level. Points are assigned as follows:

[1] Tree diameters at least two inches but less than four inches are assigned one point.

[2] Tree diameters at least four inches but less than eight inches are assigned two points.

[3] Tree diameters at least eight inches but less than 12 inches are assigned four points.

[4] Tree diameters of 12 inches or larger are assigned eight points.

(b) Where conditions permit, no more than 50% of the points on any twenty-five-foot by fifty-foot area may be assigned to trees greater than 12 inches in diameter.

(c) When more than one measured area of tree growth is scored, the measured areas must be

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abutting and may not overlap. Measured areas must include those areas where clearing is proposed.

(d) No vegetation may be removed from any measured area unless the assigned points for the measured area equal more than those required and the removal of vegetation will not reduce the points to below those required for the measured area, except when otherwise allowed by this chapter.

(5) Existing vegetation under three feet in height and other ground cover must be retained in the buffer strips in accordance with § 100-33G(3)(d). At least five saplings less than two inches in diameter at 4 1/2 feet above ground level must be retained in each area that is scored in accordance with § 100-33G(3)(d). If five saplings do not exist, no woody stems less than two inches in diameter may be removed until five saplings have been recruited into the measured area.

(6) Outside the buffer strips identified in § 100-33G(1), (2) and (3), in any shoreland district, the cutting or removal of vegetation must be limited to that which is necessary for uses expressly authorized in that district. Selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level, is allowed on any lot in any ten-year period. Tree removal in conjunction with clearing for the development of permitted uses is included in the 40% calculation. For the purposes of these standards, volume may be considered equivalent to basal area.

(7) Cleared openings in any shoreland district may not exceed, in the aggregate, 25% of the lot area in a shoreland district or 10,000 square feet, whichever is greater, including land previously cleared. This provision does not apply to cleared openings in the DTS District, CFMA District or the IDO District. Cleared openings include, but are not limited to:

(a) Principal and accessory structure footprints;

(b) Driveways and parking lots;

(c) Lawns; and

(d) Sewage disposal areas.

(8) Legally existing, nonconforming cleared openings may be maintained but may not be enlarged, except as allowed by this chapter.

(9) Fields and other cleared openings that have reverted primarily to shrubs, trees, or other woody vegetation are regulated under the provisions of § 100-33G.

(10) Clearing or removal of vegetation subject to compliance with the requirements of § 100-33G and which is not subject to permitting, may not be conducted until required documentation has been submitted to and approved by the Code Enforcement Officer.

(11) Exemptions to the clearing and vegetation removal requirements contained in § 100-33G are located in Chapter 100, Addendum 3, Section 1.[38]

(12) Regulations for hazard trees, storm-damaged trees, and dead tree removal are located in Chapter 100, Addendum 3, Section 2.

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38. Editor's Note: Addendum 3 is included as an attachment to this chapter.

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(13) Revegetation requirements to address clearing violations are located in Chapter 100, Addendum 3, Section 3.

(14) In the LRO District adjacent to Hancock Pond, all land uses that involve soil disturbance or use of undeveloped land must take appropriate measures to protect threatened plant species, as identified in the Town's Comprehensive Plan. The reviewing authority for a proposed land use may require a botanical survey of the area to identify the presence of such plant species.

(15) The reviewing authority may require secondary documentation in the event of a proposal requiring the cutting or removal of vegetation throughout an area of 40,000 square feet or more in any shoreland district.

(16) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A cutting or clearing plan prepared by a qualified professional.

§ 100-34. Special area standards.

A. Areas of prehistorical and historical importance. Objective: To ensure that areas of prehistorical and historical importance are adequately protected from any detrimental effect of land development or use.

(1) Any application for a land use involving structural development or soil disturbance on any site listed or eligible to be listed on the National Register of Historic Places must be submitted by the applicant to the Maine Historic Preservation Commission (MHPC) for review and comments at least 20 days prior to action being taken by the reviewing authority. The reviewing authority must consider comments received from the MHPC prior to rendering a decision on the application.

(2) If any portion of a development is designated as a site of prehistorical or historical importance by the MHPC or the Bucksport Comprehensive Plan, as adopted, appropriate protective measures must be included in the development plan.

(3) The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to, a mitigation plan prepared by a qualified professional.

B. Areas of scenic value. Objective: To ensure that vistas of scenic value are adequately protected from any detrimental effect of land development or use.

(1) No land use may adversely diminish visual access to any scenic view at locations identified in the Bucksport Comprehensive Plan, as adopted.

(2) Any development of land within the viewshed of a scenic view, as seen from any public road, must provide for the preservation of trees and other vegetation in landscaping designs. A buffer or screen in accordance with the requirements of § 100-35B may be required to minimize the visual impact of the development on the scenic view.

(3) The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

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(4) Secondary documentation required by the reviewing authority may include, but is not limited to, a plan of protection prepared by a qualified professional.

C. Areas of shoreline access. Objective: To ensure that areas for public access to water bodies and wetlands, and areas developed with commercial fisheries and maritime activities are adequately protected from any detrimental effect of land development or use.

(1) No land use may adversely affect any public access to a water body, wetland or any commercial fishing or maritime activity. A buffer or screen in accordance with the requirements of § 100-35B may be required to minimize the impact of development to the public access or commercial fishing or maritime activity.

(2) The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, a plan of protection prepared by a qualified professional.

D. Areas of flood hazard. Objective: To ensure that areas of flood hazard are adequately protected from any detrimental effect of land development or use.

(1) All development activities in areas of flood hazard must comply with the requirements of the Bucksport Town Code, Chapter 64, Floodplain Management.

(2) The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, a plan of flood protection methods prepared by a qualified professional.

E. Areas of unique natural character. Objective: To ensure that areas with unique natural character, as identified in the Bucksport Comprehensive Plan, are adequately protected from any detrimental effect of land development or use.

(1) If any portion of a proposed development is located within or adjacent to an area designated as a unique natural area by the Bucksport Comprehensive Plan, as adopted, appropriate measures must be taken to protect the features that qualify the site for such designation from any detrimental effect of land development or use.

(2) The setback for any proposed principal structures to be located adjacent to any unstable or highly unstable coastal bluff, as identified by the Maine Geological Survey on its most recent coastal bluff maps, must be determined in accordance with the requirements of § 100-58.

(3) The reviewing authority may require secondary documentation for any required protective measures involving designed structures or other engineered methods of protection.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to, a plan of protection prepared by a qualified professional.

§ 100-35. Local area standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Development patterns. Objective: To ensure that the scale and site features of land development in any local area or neighborhood are consistent with existing or planned development patterns.

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(1) New structural development and site improvements within any residential neighborhood must be designed and landscaped to be consistent with the development features of the locale.

(2) Any commercial or noncommercial principal structure located on land with frontage on Main Street or Route 1 and which is visible from either public way must be designed to include the following architectural features:

(a) A pitched roof or the appearance of a pitched roof, with a minimum slope of five inches per foot.

(b) Exterior siding composed of natural wood, vinyl or composite materials, brick, or other materials with similar texture and appearance.

(3) The reviewing authority may require secondary documentation if concerns or questions are raised about proposed architectural or landscaping features and they cannot be adequately addressed with the basic application submissions.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to, architectural or landscaping plans prepared by a qualified professional.

B. Buffers and screening. Objective: To ensure that any use of land is appropriately separated and shielded from abutting land uses and public ways to minimize any detrimental effects.

(1) A physical barrier, in the form of a vegetated buffer or screening or a combination of both, must be provided to minimize any detrimental effect of a proposed land use beyond its property lines, to the greatest practical extent. The barrier must be long enough, wide enough, high enough and sufficiently dense or otherwise appropriately designed to serve its intended purpose. A physical barrier is not required when the reviewing authority determines that a proposed land use will not cause any detrimental effect beyond its property lines or that identified detrimental effects will be more effectively mitigated by other means.

(2) Buffers adjacent to a protected natural resource must comply with the requirements of § 100-33G or the Natural Resources Protection Act,[39] as applicable.

(3) Buffer strips must be comprised of vegetation species that the reviewing authority finds suitable and sufficient to accomplish the required mitigation. The buffer strip is intended to be effective year-round. Plant material should be comprised of a variety of native deciduous and evergreen species. All buffer strips must be maintained by the owner.

(4) Except for buffers subject to the requirements of § 100-35B(2) and (3), buffer strips may be replaced by screening if the screening provides at least an equivalent level of mitigation as a buffer strip for the relevant detrimental effects. Screening must comply with the following requirements:

(a) Screening may be comprised of man-made objects such as buildings, structures or fences. Any such object must be in good repair and maintained as required. Mobile homes, vehicles, box trailers and similar structures may not be used for screening purposes.

(b) Screening may be comprised of natural features in the topography of a site such as hills, gullies, or rock outcrops.

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39. Editor's Note: See 38 M.R.S.A. § 480-A et seq.

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(c) Fencing must be constructed with materials designed for such use. The installation must be designed to resist the effects of frost.

(d) Fences must be properly maintained by the owner. Structures and fences used for screening should be located at a sufficient distance from property lines to allow access for maintenance on all sides without intruding upon abutting properties.

(5) A combination of buffer strips and screening may be allowed if the reviewing authority determines that it will accomplish the required mitigation objectives.

(6) Required buffers and screening must be in place before commencement of the permitted use. The reviewing authority may allow a permitted use to commence prior to the installation of a required vegetative buffer if it has been determined that there is insufficient time in the growing season to ensure a successful establishment of the vegetation. In this event, the reviewing authority shall set a deadline for installation of the vegetation. Vegetation made part of a required buffer or screening must be fully effective within four years of the date of approval of the related land use.

(7) The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about buffers or landscaping details.

(8) Secondary documentation required by the reviewing authority may include, but is not limited to, architectural or landscaping plans prepared by a qualified professional.

C. Electromagnetic fields. Objective: To ensure that any detrimental effects from electromagnetic fields are adequately mitigated.

(1) No land use may generate electromagnetic fields that cause unreasonable interference with the transmission or reception of any electrical impulses located beyond the property boundary. In all cases, federal and state requirements must be met.

(2) The reviewing authority may require secondary documentation for any proposed land use if the use includes the generation of strong electromagnetic fields and there are concerns about detrimental effects caused by the fields.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, a plan of protection prepared by a qualified professional.

D. Lighting. Objective: To ensure that any detrimental effects from artificial lighting are adequately mitigated.

(1) Exterior luminaires providing lighting for security, safety, advertising or operational needs may not transmit lighting beyond the property line in any manner that causes invasive illumination of abutting properties or in any manner that is a hazardous distraction or nuisance to motorists on adjacent roadways.

(2) Exterior post-mounted luminaires must have shielding to provide a beam cutoff at no more than 75° above nadir.

(3) Exterior luminaires must be turned down or off when not in use. All exterior luminaires must be kept in good repair by the property owner.

(4) No exterior luminaires may emit rotating or flashing lights, except safety-signaling devices as required by law.

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(5) The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about the detrimental effects of artificial lighting.

(6) Secondary documentation required by the reviewing authority may include, but is not limited to, a lighting design prepared by a qualified professional.

E. Noise. Objective: To ensure that any detrimental effects from noise are adequately mitigated.

(1) With the exception of noise from natural phenomena, emergency vehicles, warning devices, time signals, construction or demolition activities, and agricultural or timber harvesting operations, the maximum permissible sound pressure level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any activity regulated by this chapter must comply with the Maine Department of Environmental Protection Regulations 06-096 CMR Ch. 375, § 10, as amended.

(2) The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A. § 481 et seq. (the Site Location of Development Law) or any land use that is expected to generate noise at a decibel level and duration that may cause a detrimental effect on abutting properties.

(3) The reviewing authority may limit the hours of operation of any use subject to Level 2 review in addition to other actions required to mitigate any detrimental effects of noise to abutting properties.

(4) All noise-mitigation measures must be installed and functioning upon occupancy of the site or operation under the approved permit.

(5) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A noise mitigation plan prepared by a qualified professional.

(b) Written documentation from a qualified professional, verifying that a site complies with noise mitigation requirements.

F. Odors. Objective: To ensure that any detrimental effects of nuisance odors are adequately mitigated.

(1) No land use may emit putrid, fetid or noxious odors beyond the property boundaries in such concentration and duration that causes a detrimental effect to the use and enjoyment of property or to the public health and safety.

(2) The reviewing authority may consider the direction of prevailing winds, and existing vegetation and topography in determining the risk of detrimental effect of odors on abutting properties and the public.

(3) Any agricultural land use that is storing or spreading manure in accordance with best management practices is considered to be in compliance with § 100-35F(1).

(4) Any wastewater treatment facility operating in accordance with all local, state and federal rules, laws and regulations is considered to be in compliance with § 100-35F(1).

(5) The reviewing authority may require secondary documentation for any land use subject to 38 M.R.S.A. § 481 et seq. (the Site Location of Development Law) or any land use that may be a source of putrid, fetid or noxious odors.

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(6) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) An analysis or study of the detrimental effects of specific nuisance odors prepared by a qualified professional.

(b) An odor-mitigation plan prepared by a qualified professional.

G. Solar gain. Objective: To ensure that the solar gain utilized by active or passive solar energy collection systems is adequately protected.

(1) No structure may be built or expanded in any manner that will impair the use of existing active or passive solar energy collection systems.

(2) The reviewing authority may require secondary documentation to provide for a detailed review or if there are concerns about the potential for blockage of solar gain for existing active or passive solar energy collection systems.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, building designs and solar orientation prepared by a qualified professional.

H. Smoke and dust. Objective: To ensure that any detrimental effects of smoke and dust are adequately mitigated.

(1) No land use may emit smoke or dust beyond the property boundaries in such concentration and duration that causes any detrimental effects, including, but not limited to:

(a) Excessive soiling or staining of property.

(b) Excessive surface accumulation of particulates.

(c) Hazardous reduced visibility for motorists.

(d) Breathing difficulties or other adverse health effects.

(2) The reviewing authority may require secondary documentation if there are concerns about the potential for detrimental effects from smoke or dust.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, a mitigation plan prepared by a qualified professional.

I. Vibration. Objective: To ensure that any detrimental effects of subterranean vibration from land use activities are adequately mitigated.

(1) No subterranean vibration from a land use may be generated at such an intensity or duration that causes damage to any structure located beyond the property boundaries.

(2) Secondary documentation required by the reviewing authority may include, but is not limited to, a mitigation plan prepared by a qualified professional.

§ 100-36. Public safety standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Drinking water. Objective: To ensure that the quantity and quality of public and private drinking water supplies are adequately protected.

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(1) No land use may reduce the quality of water sources for private or public drinking water to below minimum requirements for raw and untreated drinking water as specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A. Ch. 601. If existing water quality is found to be nonconforming to those regulations, no proposed development or use of land may increase the nonconformity.

(2) No land use may substantially lower the found water table or otherwise detrimentally affect the quantity of subsurface water available to water supply wells not under the control of the property owner.

(3) Connection to the public water supply system is required for any land use located within the existing service area of the municipal water service provider if the land use requires a pressurized water supply. The reviewing authority for a commercial or noncommercial land use located outside the service area may require connection to the public water supply if it has been determined that the water supply needs for the land use cannot be met with a private water supply.

(4) Costs for any required improvements to the public water supply system, including treatment and distribution facilities that are necessary to meet the expected demand for water in a proposed development, are the responsibility of the developer.

(5) A private water supply must be provided for any land use that requires a water supply and that is exempt from meeting the requirements of § 100-36A(3). If a central water supply system is proposed, the location and protection of the source and the design, construction and operation of the distribution system, appurtenances and treatment facilities must all conform to the standards of the State of Maine Rules Relating to Drinking Water, 10-144 CMR 231.

(6) Secondary documentation may be required by the reviewing authority for any proposed water supply if there is any concern about the quantity or quality of the water supply or the design of the water supply system or if the water supply will be located in an area where salt water intrusion, the lowering of the ground water level, or land subsidence has been or is reasonably expected to be a problem.

(7) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A hydrogeology assessment prepared by a qualified professional.

(b) A design for the handling and storage of materials at risk of polluting surface or subsurface waters, prepared by a qualified professional.

(c) A professional review of any private or public water supply system.

(d) A water quality test.

(e) Estimates of the quantity of water to be used by a proposed development.

B. Energy supply service. Objective: To ensure the safety and sufficiency of energy supply services.

(1) All fuel and electrical supply lines and facilities for a proposed land use must be installed and maintained in accordance with applicable state codes and regulations.

(2) The reviewing authority may require secondary documentation for any proposed land use requiring Level 2 review and which requires new energy utility infrastructure or which requires

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large fuel storage installations to meet energy consumption needs.

(3) Secondary documentation required by the reviewing authority may include, but is not limited to, detailed utility designs and plans prepared by a qualified professional.

C. Public safety services. Objective: To ensure that any detrimental effects to public safety services are adequately mitigated.

(1) All new construction must comply with applicable life safety and fire protection requirements.

(2) All structures given a street address in accordance with Town addressing requirements must be reasonably accessible to emergency response vehicles.

(3) The reviewing authority may require a supplemental water supply for firefighting purposes or an automatic fire suppression system for any commercial structure meeting the following description:

(a) The structure is located more than five miles from the Public Safety Department or is otherwise identified as requiring an emergency response time for firefighting equipment of more than 10 minutes; or

(b) The Fire Department has expressed concerns about the fire risks associated with the use or storage of highly flammable substances.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to, as required by the reviewing authority.

D. Public wastewater. Objective: To ensure that any detrimental effects to public wastewater facilities are adequately mitigated.

(1) No land use may discharge into the public sewer disposal system any type of liquid, gaseous or solid substance at risk of causing a detrimental effect to any portion of the sewer infrastructure or treatment system.

(2) No land use may discharge such quantities of wastewater into the public sewage system that will overburden existing infrastructure or treatment capacities or otherwise cause a detrimental effect on the operation of the facilities.

(3) Any land use within the service area of the public wastewater disposal facility, or a proposed or required expansion of the service area, must dispose of all sanitary wastewater through an approved connection to that facility. Such a connection must be approved, in writing, by the wastewater plant manager.

(4) The reviewing authority may require secondary documentation to address any concerns raised by the wastewater plant manager, or when there are significant proposed improvements to the existing wastewater infrastructure or treatment facilities.

(5) Secondary documentation required by the reviewing authority may include, but is not limited to, a detailed chemical analysis, a description of pretreatment methods or design details for proposed infrastructure improvements, prepared by a qualified professional.

E. Solid wastes. Objective: To ensure that any detrimental effects to the proper management of solid wastes are adequately mitigated.

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(1) All solid waste generated by any land use must be disposed of at a licensed disposal facility having adequate capacity to accept the wastes. The reviewing authority may not approve any land use proposing to dispose of solid waste at the Town's solid waste facility when it has been determined that the use will generate solid waste at a rate that will exceed the capacity of the facility or otherwise cause unreasonable burdens.

(2) Solid waste may be disposed of at any out-of-town, licensed disposal facility. The reviewing authority shall require evidence of a contractual agreement for disposal services for any land use proposing to use such a facility before the use may be approved.

(3) The reviewing authority may require secondary documentation if there are any concerns about methods to be employed in the handling and disposal of any solid wastes, or the use of Town roads by transport vehicles.

(4) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A detailed plan for any proposed on-site pretreatment or handling of solid wastes, or the handling and disposal of hazardous solid wastes, prepared by a qualified professional.

(b) Identified truck travel routes.

F. Traffic, streets and sidewalks. Objective: To ensure that any detrimental effects to the safety and sufficiency of streets and sidewalks are adequately mitigated.

(1) Proposed streets and sidewalks must comply with the requirements of the Maine Department of Transportation; Chapter 167, Roads and Streets, of the Bucksport Town Code and § 100-36F, as applicable.

(2) Proposed improvements to existing public streets must be approved, in writing, by the Bucksport Town Council, the municipal Director of Public Works or the Maine Department of Transportation, as applicable.

(3) Approval of any development plan on which a proposed street or public easement is shown may not constitute or be evidence of acceptance by the municipality of such street or easement.

(4) All streets must be constructed according to specifications overseen by the municipal Public Works Director or Town Engineer.

(5) The arrangement, character, extent, width, grade, and location of all streets must be considered in relation to existing or planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by such streets.

(6) The Planning Board may require a development plan to show reserved areas for widening or realigning any existing street that does not meet minimum dimensional requirements. The area must be identified on the plan as "Reserved for Road Realignment or Widening Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.

(7) The reviewing authority shall require secondary documentation for proposed new street construction or substantial improvements or alterations to existing streets.

(8) Any street within or providing direct access to a development must have the capacity to accommodate expected traffic flow increases from the development so as to avoid unreasonable congestion or safety hazards.

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(9) Where necessary to safeguard against hazards to traffic and pedestrians and to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, reverse-frontage streets, sidewalks, bicycle ways and traffic controls.

(10) A traffic study must be required by the reviewing authority for any proposed land use subject to Level 2 review when:

(a) The land use will generate more than 35 vehicle trips in any one-hour period; or

(b) When there are documented concerns from MDOT, the municipal Director of Public Works, the municipal Police Department or a qualified traffic engineering professional about traffic safety or capacity deficiencies in the vicinity of the proposed land use.

(11) A full traffic study area must include the first major intersection to either side of the project driveways. The study area must be expanded beyond the first major intersection(s) to either side of the project driveway to include those links and intersections for which, during any one-hour peak period, traffic attributable to the development equals or exceeds the following at any intersection in the vicinity of the development:

(a) Twenty-five vehicles in a left-turn-only lane;

(b) Thirty-five vehicles in a through lane, right-turn lane or a combined through and right-turn lane; or

(c) Thirty-five vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn, through and right-turn lane.

(12) Capacity analyses of signalized intersections located outside the study area may be required if these signals are or should be interconnected with an intersection located within the study area. The study area may need to be extended if the signal progression on a signal interconnect system is changed.

(13) A full traffic study must include the following information:

(a) A description of the site, including the locations of streets and driveways located on any property immediately adjacent to the site and across the street in the immediate vicinity of the project driveways.

(b) A description of the existing and proposed uses of the site.

(c) A regional map showing the site and roads in the vicinity of the development, and other proposed projects in the vicinity of the development.

(d) A description of any traffic increases that are likely to occur in the vicinity of the development during the study period. The developer must include, as applicable, projects that are under construction and not fully occupied, projects for which state or local approval is pending, or projects that have state or local approval but are not constructed or fully occupied.

(e) A calculation of the trip generation for the development and other likely traffic increases, including a summary table listing each type of land use, the size involved, the average trip generation used, and the resultant total trips generated.

(f) A description and diagram of the anticipated distribution of traffic entering and exiting the

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site.

(g) A description and diagram of the anticipated utilization of roads and intersections in the vicinity of the development.

(h) A diagram and appropriate documentation of the traffic volume on roads and intersections in the vicinity of the development for both the estimated annual average daily traffic and the a.m./p.m. peak-hour traffic, including turns during the peak hour. The study must show the following on the traffic diagrams:

[1] Existing traffic volume based on actual counts.

[2] Traffic attributable to other projects that are proposed or approved.

[3] Traffic attributable to the development, assuming full build-out and full occupancy.

[4] Projected traffic volume for the design hour at the time the development will begin operation, assuming full build-out and full occupancy.

[5] Left-turn lane/right-turn lane warrant analysis.

(i) A capacity analysis for the determination of the level of service for each road and intersection in the vicinity of the development. Capacity analyses must be performed for all intersections that are currently operated or will be operated as part of a signal interconnect system. The analysis must report whether or not the length of storage for through or turning lanes is adequate.

(j) An analysis of the need for new traffic signals in the vicinity of the development. The Manual of Uniform Traffic Control Devices must be used as the basis to analyze the need for construction or elimination of traffic signals, as appropriate.

(k) A determination of the available sight distance in all directions at each intersection in the vicinity of the development.

(l) An inventory of traffic accidents in the vicinity of the development during the most recent three-year period. A collision diagram must be provided for all links and intersections found to meet Maine Department of Transportation criteria for "High Accident Locations."

(m) A description of recommendations for improvements to deficient roads or intersections, and the results of implementation of the recommendations.

(14) Secondary documentation required by the reviewing authority may include, but is not limited to:

(a) A detailed plan for any proposed construction or improvements to streets or sidewalks, prepared by a qualified professional.

(b) A traffic impact study, prepared by a qualified professional.

G. Accessibility. Objective: To ensure the accessibility of public facilities.

(1) New site improvements and alterations to existing site improvements, including, but not limited to, parking lots, sidewalks, stairways, ramps and accessible routes to buildings and structures, must comply with applicable accessibility requirements identified in the Maine Uniform Building and Energy Code.

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(2) New public buildings and structures and alterations to existing public buildings and structures must comply with the applicable accessibility requirements identified in the Maine Uniform Building and Energy Code.

(3) The reviewing authority may require secondary documentation prepared by a qualified professional to verify compliance with applicable accessibility requirements. Plans must be submitted for any project subject to barrier-free certification by the State Fire Marshal's Office.

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ARTICLE VIII
Specific Land Use Standards

§ 100-37. Compliance required.

A. All land uses identified in § 100-14 are subject to compliance with standards that are specific to each individual land use, as identified in this article. Section 100-14 land uses that are not subject to compliance with specific use standards are listed by name only.

B. Before any land use may be approved, the reviewing authority must determine that the land use complies with applicable specific use standards.

§ 100-38. Accessory uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Antennas.

B. Barns.

C. Bunkhouses.

D. Decks, porches, stairs, ramps.

(1) Decks and porches are subject to a ten-foot minimum front, side and rear setback in any zoning district. In the DTS District, decks and porches are also subject to a twenty-five-foot minimum setback from the Waterfront Walkway.

(2) Decks and porches that comply with applicable minimum setbacks for principal structures may be converted to interior floor area for an approved occupancy. Decks and porches that do not comply with minimum setbacks for principal structures may not be converted to any other use without a variance.

(3) Stairs and ramps, with or without landings, that have a floor area of 500 square feet or less are not subject to setback requirements, except for any applicable minimum shoreline setback.

E. Fabric-covered shelters. Fabric-covered shelters must comply with required setbacks for structures in any shoreland district.

F. Fences. No fence may obstruct any scenic view as seen from a public road. This section applies to those scenic views identified in the Town's Comprehensive Plan, as adopted.

G. Garages.

H. Gazebos.

I. Home vehicle services.

(1) No vehicle undergoing repair in the Compact Area may remain in a state of disassembly for more than 30 days, unless it is screened from view from any public street and from any abutting property developed with a residential use.

(2) All waste oil and other automotive fluids must be disposed of or recycled in accordance with state regulations. No automotive fluids of any kind may be drained to the public sewer.

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J. Huts.

K. Office and storage trailer. Office trailers and storage trailers must be removed from the property within 30 days after their intended use is no longer required.

L. Outbuildings.

M. Outdoor recreation.

(1) Individual private campsites in any shoreland district must comply with the following conditions:

(a) One campsite is allowed for every 30,000 square feet of lot area or one campsite on a nonconforming lot with less than 30,000 square feet of lot area. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

(b) The campsite location, including the area intended for a recreational vehicle site or a tent platform, must be set back 100 feet from the shoreline of a great pond or river flowing to a great pond, 75 feet from the shoreline of other water bodies or tributary streams, or 75 feet from the upland edge of a wetland, as applicable.

(c) Only one recreational vehicle may be allowed on a campsite. The recreational vehicle may not be located on any type of permanent foundation, except for a gravel pad. No structure except a canopy may be attached to the recreational vehicle. A motor home, travel trailer, tent trailer, camp trailer or a motor vehicle with an attached slide-in camper is considered a structure and not a recreational vehicle if it is not supported by its tires and it is not registered with the Maine Bureau of Motor Vehicles. A self-supported slide-in camper is also considered a structure if it is not registered with the Maine Bureau of Motor Vehicles.

(d) No recreational vehicle, tent or similar shelter may be used as a permanent dwelling. Any recreational vehicle in use as a seasonal dwelling must be located on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.

(e) No recreational vehicle, tent or similar structure may be placed on-site for more than 120 days per year unless the structure meets all requirements for residential structures, including connection with a subsurface wastewater disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules or a public sewer system.

(f) The clearing of vegetation for the location of the recreational vehicle, tent or similar shelter in the RPO District is limited to 1,000 square feet.

(g) A written sewage disposal plan describing the proposed method and location of sewage disposal for each campsite must be submitted to and approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

(2) In any shoreland district, permanently installed swimming pools, saunas and whirlpools or hot tubs, as well as any tennis court or similar structure, must comply with the required water body, tributary stream or wetland setback for structures, as applicable.

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(3) Recreational vehicles may not be occupied as a permanent dwelling. Any recreational vehicle in use as a seasonal dwelling must be located on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.

N. Outdoor wood boilers.

(1) Outdoor wood boilers must comply with Maine DEP regulations, 06-096 CMR Ch. 150, Control of Emissions from Outdoor Wood Boilers.

(2) An enforcement action may be taken by the Town upon receipt of written documentation from a qualified observer that emissions from an outdoor wood boiler exceed applicable DEP emissions standards, or whenever an outdoor wood boiler is subjected to improper use or is used to burn prohibited fuels.

O. Patios.

P. Pens/corrals.

Q. Pet shelters.

R. Routine property maintenance and repairs.

(1) All property must be maintained in accordance with the requirements of the Bucksport Town Code, Chapter 29, Building Construction.

(2) When replacing a culvert in any shoreland district, adequate erosion control measures must be taken to prevent sedimentation of the water, and the crossing may not block fish passage in the watercourse.

S. Sheds. In any shoreland district, one shed may be allowed on a lot at a location that is less than the required water body, tributary stream or wetland setback without a variance, provided that all of the following conditions are met:

(1) The lot must be developed with only a residential structure.

(2) There is no location on the lot where the shed can comply with the required setback.

(3) The structure must be located as far from the applicable water body, tributary stream or wetland as practical and may not be located at a setback that is less than the principal structure.

(4) The structure may be no more than 80 square feet in area and eight feet in height to the roof peak.

(5) The structure may not be provided with utilities.

(6) The structure may only be used for the storage of yard tools and similar equipment, or wood.

(7) All other applicable standards, including lot coverage and vegetation clearing, must be met.

(8) The property owner must obtain a permit from the Code Enforcement Officer.

T. Signs.

(1) All signs must comply with the requirements of the Bucksport Town Code, Chapter 182, Signs.

(2) All signs in the RPO, SPO, TBO, LRO, LRPO and RT1S Districts must also comply with the

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following requirements, as applicable:

(a) Business advertising signs may not exceed six square feet in area and may not exceed two signs per premises. In the RT1S District, business advertising signs facing U.S. Route 1 may not exceed 40 square feet in area. Elsewhere in the district, business advertising signs may not exceed 16 square feet in area.

(b) No more than two name signs are allowed per lot, totaling no more than 12 square feet in the aggregate.

(c) Properties may display a single sign relating to the sale, rental or lease of the premises. The sign may not exceed four square feet in area, except in the RT1S District such signs facing U.S. Route 1 may not exceed 40 square feet in area.

(d) An unlimited number of "No Trespassing" and "No Hunting" signs is allowed. Each sign may be no more than two square feet in size.

(e) Signs relating to public safety are allowed without restriction.

(f) No sign may extend higher than 20 feet above the ground, as measured to the top of the sign.

(g) Signs may be illuminated only by shielded, nonflashing lights. See also § 100-35D.

(3) Business advertising signs relating to businesses not located on the premises are prohibited.

U. Solar energy systems. In any shoreland district, solar energy system installations may be installed in legally existing cleared areas in the required buffer. Any additional vegetation removal required for the installation must conform with the requirements of § 100-33G. Solar energy system installations allowed in the buffer must be limited by design to supply the energy needs of the existing use on the property and may include incidental conveyances of excess generated power to the commercial power grid. Projects designed for commercial generation of power must comply with the required setback for structures.

V. Utility service connections.

(1) Sewer service connections are subject to compliance with the requirements of the Bucksport Town Code, Chapter 175, Sewers.

(2) Water service connections are subject to compliance with the rules and regulations of the Town's water service provider.

(3) Electrical, gas and propane service connections are subject to compliance with applicable state code requirements.

(4) Telephone, cable, satellite and internet service connections are subject to compliance with the rules and regulations of the service provider.

(5) No utility service connections may be provided to any new structure located in any shoreland district unless written authorization attesting to the validity and currency of all local permits required under this chapter or any previous ordinance has been issued by the appropriate municipal officials or unless other written arrangements have been made between the municipal officials and the utility service provider.

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W. Windmills. In any shoreland district where windmills are allowed, the installation may be in a legally existing cleared area in the required buffer. Any additional vegetation removal required for the installation must conform with the requirements of § 100-33G. Windmill installations allowed in the buffer must be limited by design to supply the energy needs of the existing use on the property and may include incidental conveyances of excess generated power to the commercial power grid.

X. Yard sales.

(1) No yard sale may be conducted for more than four consecutive days.

(2) No person, firm, corporation, or other entity may conduct more than six yard sales from any location one calendar year.

(3) No merchandise may be placed upon a public rights-of-way, streets or roads. All merchandise must be displayed a sufficient distance from public roadways in order to avoid obstruction of view or traffic hazards.

(4) All unsold yard sale merchandise remaining on the site at the conclusion of the yard sale, to include items sold to purchasers, must be removed from the site within 24 hours.

(5) The property owner or person conducting the yard sale must assume responsibility for parking. Automobiles or pedestrians may not be allowed to impede traffic on any adjoining road/roads. If traffic on any road is impeded or a dangerous condition develops on any road, law enforcement officials or Town officials may immediately suspend or close the sale until all safety concerns are resolved.

§ 100-39. Assembly uses.

A. Auction houses.

B. Entertainment establishments. Entertainment establishments that include adult entertainment are subject to the following restrictions:

(1) The business must be located within five miles of the public safety building on Franklin Street.

(2) The business must be screened from view from and located at least 1,000 feet from any church, school, day care, public building, public recreational area, public right-of-way or residential property.

(3) The business must be approved by the State Fire Marshal's Office, if applicable.

(4) All required parking must be provided on the property.

C. Funeral homes.

D. Libraries.

E. Meeting facilities.

F. Museums.

G. Places of worship.

H. Recreational facilities (indoor).

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I. Restaurants.

(1) Quick-service restaurants must comply with the following on-site vehicle maneuvering requirements:

(a) Drive through and queuing lanes must be separated from the general circulation and parking areas on the property. The lanes must be distinctly marked by special striping, pavement markings or signs. Special striping, pavement markings or signs must be provided at the point where traffic from the drive-through lanes enters the general circulation areas.

(b) Drive-through facilities must be designed to provide a counterclockwise route around the main building or other route designed to minimize on-site vehicle circulation congestion or conflicts.

(c) There must be a minimum stacking area for three cars (60 feet) between the menu board and the pickup window and a minimum stacking for five cars (100 feet) behind the menu board. Stacking for five cars (100 feet) is required for facilities without a menu board.

(d) Drive-through facilities may not create a conflict with pedestrian access to the building from adjacent sites, parking lots or pedestrian access routes. Pavement markings, signage, speed bumps and internal walkways may be required to help ensure pedestrian safety.

(2) Quick-service restaurants must comply with the following noise mitigation requirements:

(a) Speaker boxes of any intercom system must be oriented away from residential development and other land uses at risk of detrimental effect from the sounds of the intercom system.

(b) A sound attenuation wall may be required along the property lines if the reviewing authority determines that such a wall is necessary to control noise generated by the facility.

(c) The hours of operation of the intercom system may be limited if the reviewing authority determines that such a limitation is necessary to achieve compatibility with surrounding land uses.

J. Taverns.

§ 100-40. Education uses.

A. Research facilities.

B. Schools.

C. School administrative offices.

D. Small facilities for educational, scientific or nature interpretation use.

§ 100-41. Health care uses.

A. Alternative treatment offices.

B. Ancillary medical services.

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C. Clinician offices.

D. Counselor offices.

E. Home-based health care services. Home-based health care services must comply with the following standards:

(1) The business may not subordinate the residential use of the property.

(2) No more than 30% of the total floor area of all buildings on the property may be occupied with a home-based business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.

(3) Signage and site improvements for the home-based business may not substantially change the residential appearance of the property.

(4) There may be no storage of materials related to the business outside any building.

(5) No more than two employees residing off the property may work at the business location at the same time.

(6) Parking in accordance with the requirements in § 100-51H must be provided.

F. Hospitals.

G. Outpatient clinics.

H. Skilled nursing facilities.

I. Veterinarian practices. Any veterinarian practice that includes a kennel must comply with the requirements of § 100-49C.

§ 100-42. Housing uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Accessory dwelling units (ADU).

(1) All ADUs shall be subject to the same dimensional and setback requirements as single-family dwelling units.

(2) A detached ADU shall be considered a second dwelling unit for the purposes of calculating the required minimum lot area per dwelling unit, except that any lot with only one single-family dwelling, regardless of lot size, shall be allowed one ADU as long as all other requirements are met.

(3) The maximum size of any ADU is 1,000 square feet of total floor area. To be authorized, an ADU must be accessory to a principal residence. The minimum size of any ADU is 190 square feet, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. § 9722, adopts a different minimum standard; if so, that standard applies.

(4) All ADUs shall be constructed on permanent foundations that meet applicable building codes.

(5) Attached ADUs can be located anywhere within an existing or proposed single-family residential building, provided that applicable dimensional requirements are met.

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(6) ADUs contained within the principal dwelling below finished grade must have a daylight entry.

(7) If the lot is served by public sewer, both the single-family home and the ADU must be connected to public sewer.

(8) If the lot is served by public water, both the single-family home and the ADU must be connected to public water.

(9) ADUs in areas not served by public sewer shall be treated as a separate dwelling unit for the purposes of septic design.

(10) All ADUs shall conform to Chapter 64, Floodplain Management; Chapter 194, Subdivision of Land; and the shoreland zoning requirements of Chapter 100, Land Use.

(11) This subsection may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this subsection, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

B. Adult family care homes. Adult family care homes must be inspected and approved for occupancy by the Code Enforcement Officer and Fire Department, in addition to any state-required inspections.

C. Affordable housing developments.

(1) Available density bonus and parking limitation.

(a) An eligible affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located.

(b) An eligible affordable housing development may not be required to provide more than two parking spaces for every three dwelling units contained in the affordable housing development.

(c) For purposes of calculating the density bonus applicable to eligible affordable housing developments, any fractional result shall be rounded down to the nearest whole number.

(d) For purposes of calculating the parking space limitation for eligible affordable housing developments, any fractional result shall be rounded up to the nearest whole number.

(2) Eligible affordable housing developments. An affordable housing development shall be eligible for the density bonus and parking limitation provided by this subsection if the development:

(a) Is located within a designated growth area or is served by public water and sewer systems;

(b) Is located on a property on which multifamily dwellings are permitted;

(c) Is located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. Ch. 423-A; and

(d) Complies with all applicable requirements of the Resource Protection and Shoreland Overlay Districts.

(3) Conditions of approval. No eligible affordable housing development may receive the density bonus and parking limitation provided by this subsection unless the following criteria have been

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met:

(a) The owner or applicant has provided written verification, in accordance with 30-A M.R.S.A. § 4364-A, Subsection 4, and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and

(b) The owner or applicant agrees, as a condition of final approval, to execute and record in the Hancock County Registry of Deeds a restrictive covenant, in the form of a deed or other recordable instrument, that:

[1] Is enforceable by the Town or a party acceptable to the Town;

[2] Remains in full force and effect for a period of at least 30 years; and

[3] Provides that affordable dwelling units offered for rent shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and that affordable dwelling units offered for sale shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy.

D. Day-care centers. Day-care centers must be inspected and approved for occupancy by the Code Enforcement Officer and Fire Department, in addition to any state-required inspections.

E. Day-care homes. Day-care homes must be inspected and approved for occupancy by the Code Enforcement Officer and Fire Department, in addition to any state-required inspections.

F. Dormitories.

G. Dwelling units.

(1) On the street-level story of any commercial or noncommercial building fronting Main Street, dwelling units may only occupy floor area to the rear of the building and may not occupy more than 50% of the total floor area of the story. The rear of the building on the street-level story may be accessed by a side entrance or directly from Main Street via an entrance door and a hallway that is protected in accordance with the applicable requirements of NFPA 101 Life Safety Code, as adopted.

(2) Extra dwelling unit allowance.

(a) If the lot is inside the growth boundary defined in the Town's most recently adopted Comprehensive Plan:

[1] If no dwelling exists on a lot, up to four units are allowed, either detached or attached.

[2] If one dwelling unit exists on the lot, up to two additional units are allowed, one being attached to or within the primary dwelling and one being detached.

[3] If two dwelling units exist on a lot, no additional units are allowed.

(b) If the lot is outside the growth boundary defined in the Town's most recently adopted Comprehensive Plan:

[1] If no dwelling exists on a lot, up to two units are allowed, either detached or attached.

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[2] If one dwelling unit exists on the lot, up to two additional units are allowed, one being attached to or within the existing dwelling and one being detached.

[3] If two dwelling units exist on a lot, no additional units are allowed.

(c) If dwelling units are demolished after the date this subsection is adopted and the demolition results in an empty lot, there can be no increase in the number of units above what existed on the lot prior to demolition.

(d) All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwelling units.

(e) All dwelling units shall conform to Chapter 64, Floodplain Management; Chapter 194, Subdivision of Land; and the shoreland zoning requirements of Chapter 100, Land Use.

(f) This subsection may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this subsection, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

H. Independent housing with services.

I. Mobile homes.

(1) Manufactured housing constructed after June 15, 1976, commonly called "newer mobile homes," must be certified as compliant with the United States Department of Housing and Urban Development standards.

(2) Manufactured housing constructed on or before June 15, 1976, commonly called "older mobile homes," must be certified as compliant with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.

(3) No mobile home may be structurally altered or expanded or have any additional structural load bearing upon it unless such alteration, expansion or load has been approved by the mobile home manufacturer, or unless the owner agrees, in writing, that:

(a) They understand that any structural change to a mobile home, unless it is approved by the manufacturer, voids the applicable federal certification for the mobile home and may result in deficiencies in the structural performance of the mobile home;

(b) They understand that a mobile home that is not compliant with the applicable federal certification before a proposed structural change may contain structural deficiencies that could be exacerbated by the structural change;

(c) They understand that a mobile home that has been structurally changed without approval from the manufacturer is subject to the limitations of § 100-42I(4); and

(d) They understand that the issuance of a permit for a structural change to a mobile home does not in any way cause the Town to become liable for any structural defects or property damage that may occur.

(4) No mobile home that fails to comply with applicable federal standards may be relocated to another property in the Town of Bucksport. Such a mobile home may be relocated from its

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current location on a lot to another location on the same lot, subject to compliance with the applicable requirements of the Bucksport Town Code, Chapter 29.

(5) No electrical service entrance equipment may be attached to the roof or exterior walls of any mobile home.

(6) Mobile homes are subject to compliance with the requirements of the Bucksport Town Code, Chapter 29.

J. Mobile home parks. Mobile home parks are subject to compliance with the requirements of the Bucksport Town Code, Chapter 194, Subdivision of Land.

K. Multifamily dwellings. The occupancy of any existing structure may be converted to multifamily in districts where the use is allowed, provided that applicable off-street parking requirements in § 100-51H are met.

L. One-family dwellings.

(1) One-family dwellings are allowed in the RPO District, subject to approval in accordance with the requirements of § 100-8E.

(2) Any one-family dwelling located in the RPO District is identified as an allowed use, provided it has been approved by special exception in accordance with the requirements of § 100-8E.

(3) The conversion of any seasonal one-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the Local Plumbing Inspector, in accordance with applicable state rules.

(4) No seasonal one-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

M. One-and-one-half-family dwellings.

(1) One-and-one-half-family dwellings in the public sewer service area may be served by one sewer entrance. On any property that is not served by public sewer, one-and-one-half-family dwellings must comply with the requirements of the State Subsurface Wastewater Disposal Rules.

(2) The conversion of any seasonal one-and-one-half-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the Local Plumbing Inspector, in accordance with applicable state rules.

(3) No seasonal one-and-one-half-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

(4) One-and-one-half-family dwellings may not be divided into separately owned dwelling units.

N. Preschools/nursery schools.

O. Residential care facilities.

P. Tiny houses.

(1) Tiny houses are subject to compliance with the applicable requirements of the Maine Uniform Building and Energy Code.

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(2) Tiny houses intended to be occupied as a primary residence must be supported by a foundation constructed in accordance with the applicable requirements of the International Residential Code, as adopted by the State of Maine.

(3) Tiny houses must be provided with the minimum plumbing fixtures required for a one-family dwelling, as identified in the Uniform Plumbing Code adopted by the State of Maine, except that a clothes-washer hookup is not required.

(4) Tiny houses must be provided with a connection to a subsurface wastewater disposal system approved by the Bucksport Plumbing Inspector, or a connection to the public sewer approved by the Bucksport Sewer Department.

Q. Two-family dwellings.

(1) The conversion of any seasonal two-family dwelling to year-round occupancy in a shoreland district is subject to the approval of the Local Plumbing Inspector, in accordance with applicable state rules.

(2) No seasonal two-family dwelling may be converted to year-round occupancy if the dwelling will be served by a holding tank.

§ 100-43. Industry uses.

A. Bulk fuel/chemical storage facilities.

B. Communication facilities. Wireless telecommunication facility towers that are not designed to collapse within a limited area must comply with the setback requirements for structures in the district in which they are located or a setback equal to the height of the tower plus 10 feet, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The setback for towers that are designed to collapse within a limited area may be no less than the minimum necessary to ensure that adjacent property will not be harmed by a collapsing tower. The reviewing authority shall establish the required setback for such a structure.

C. Factories.

D. Freight terminals.

E. Intrastate/interstate pipelines.

F. Intrastate/interstate transmission lines.

(1) Intrastate/interstate transmissions lines may include structures that are not limited to a maximum height.

(2) The utility structures and facilities must be located so as to minimize any detrimental effects on surrounding uses and resources, and visual impacts to scenic views, as identified in the Town's Comprehensive Plan, as adopted.

G. Mills.

H. Power generating facilities. Power generating facilities may include structures that are not limited to a maximum height, except for buildings.

I. Product distribution facilities.

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J. Rail transportation facilities.

K. Refineries.

§ 100-44. Lodging uses.

A. Home-based lodgings. Home-based lodgings must comply with the following standards:

(1) The business must be operated by one or more persons residing in the dwelling.

(2) The business is limited to sleeping space for no more than 16 people.

(3) No more than two employees residing off the property may work at the business location at the same time.

(4) Parking in accordance with the requirements in § 100-51H must be provided.

(5) The use must be state-licensed, as required.

B. Hotels.

C. Motels.

D. Short-term rentals. **[Amended 4-25-2024]**

(1) See Chapter 180 for regulations and requirements relating to short-term rentals.

§ 100-45. Mercantile uses.

A. Home-based merchants. Home-based merchants must comply with the following standards:

(1) The business may not subordinate the residential use of the property.

(2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.

(3) Signage and site improvements for the business may not substantially change the residential appearance of the property.

(4) There may be no storage of materials related to the business outside of any building.

(5) No more than two employees residing off the property may work at the business location at the same time.

(6) Parking in accordance with the requirements in § 100-51H must be provided.

(7) A medical cannabis caregiver retail store, medical cannabis registered dispensary or cannabis store is not allowed as a home-based merchant use or accessory use.

B. Large-product dealers.

C. Stores.

(1) Drive-through service offered by any store must comply with the requirements of § 100-39I(1),

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as applicable.

(2) Medical cannabis caregiver retail stores, medical cannabis registered dispensaries and cannabis stores must comply with the following standards:

(a) On-site consumption or smoking of cannabis may not be conducted.

(b) The land use may not be located within:

[1] Five hundred feet of the property line of a public or preexisting private school (K through 12).

[2] Five hundred feet of the property line of a property used primarily for religious worship and related religious activities; property used for preexisting, licensed day-care use, or recreational areas designated for use by children up to 18 years in age; and 500 feet of the property line of areas designated as municipal "safe zones."

[3] Required setbacks shall be measured as the most direct, level, shortest, straight-line distance between property lines of a property containing a building or structure used as the premises where the land use is conducted, to the nearest property line of the premises of a land use listed above.

(c) The land use must be registered and operated in accordance with state requirements.

(d) Medical cannabis and related paraphernalia may only be dispensed to patients and primary caregivers registered in accordance with state requirements.

(e) An electronic security system must be installed. The system must include video cameras and panic buttons. The system must notify the Police Department of any unauthorized breach of security. Security measures shall also include, at a minimum, the following:

[1] Security surveillance cameras installed and operating 24 hours a day, seven days a week, with thirty-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

[2] Door and window combination video and motion-detector intrusion system with audible alarm, maintained in good working condition; and

[3] A locking safe affixed to the premises that is suitable for storage of all cannabis, cannabis products, and cash stored overnight on the licensed premises; and

[4] 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

[5] Dead-bolt locks on all exterior doors and any other exterior access points, excepting windows, which shall have locks; and

[6] For adult use facilities, methods to ensure that no person under the age of 21 shall have access to cannabis and cannabis products.

(f) The emission of odorous or toxic matter in such quantities as to be readily detectable at any point along lot lines so as to produce a public nuisance or hazard is prohibited. Violations of this standard shall be considered public nuisances.

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[1] An odor control plan shall be submitted as part of the site plan review application, describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

[2] If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter for prosecution. In addition to penalties and costs recoverable under this chapter for violations, the Town may suspend or revoke other approvals, including, without limitation, any licenses and pursue any other remedies available to the Town.

(g) All cannabis operations must provide for the safe, sanitary, and secure disposal of any by-products or materials resulting from the operation and must submit an operations plan to the Planning Board with the site plan which details how such by-products or materials will be disposed of.

(h) There shall be posted in a conspicuous location inside each adult use, medical cannabis, and registered dispensary establishment, at least one legible sign containing the following information:

[1] Adult use. "Use of or on-site consumption of cannabis is illegal; open and public consumption of cannabis in the State of Maine is illegal; the use of cannabis or cannabis products may impair a person's ability to drive a car or operate machinery; no one under the age of 21 allowed, loitering prohibited."

[2] Medical use. "Use of or on-site consumption of cannabis is illegal; open and public consumption of cannabis in the State of Maine is illegal; the use of cannabis or cannabis products may impair a person's ability to drive a car or operate machinery; no one under the age of 21 allowed, except a minor with a medical cannabis card between the ages of 18 and 21, or a minor under 18 years of age accompanied by a legal guardian; loitering prohibited."

(i) Business hours are limited to 8:00 a.m. to 8:00 p.m. daily.

(j) Any business advertising sign for a dispensary is subject to compliance with Chapter 182, Signs. In addition, signage may use an image or images of the cannabis plant as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other cannabis products or paraphernalia associated with the use or distribution of cannabis.

[1] There shall be no signage in any window and/or door, except for the hours of operation.

[2] All signs used by, and all marketing and advertising conducted by or on behalf of, the cannabis establishment 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.

(k) No products dispensed from the facility may be within view from any public way.

(l) No products other than cannabis and related paraphernalia may be dispensed, sold or otherwise made available at the facility. No food products shall be sold, prepared, produced or assembled except in compliance with all operation and other requirements of

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state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing cannabis for human consumption shall be stored in a secure area.

(m) All licensed premises shall be in fixed, permanent locations. Licensees shall not be permitted to operate cannabis establishments in temporary locations such as kiosks, Town events or farm stands.

(n) The operation of any cannabis establishment or medical cannabis establishment without the required local cannabis license or in violation of the requirements of this chapter shall be a violation of this chapter.

[1] Fines shall be set forth for violation of any of the provisions of this subsection; violators shall be punished by a civil penalty of not less than $1,000 and not more than $10,000 for each violation, plus attorneys' fees and costs, to be recovered on complaint to the use of the Town.

[2] Each day a violation is committed or permitted to continue shall constitute a separate violation and shall be fined as such.

(o) Compliance with other laws. A cannabis establishment or medical cannabis establishment shall meet all operating and other requirements of state and local law and regulation. To the extent the state has adopted or adopts in the future any stricter law or regulation governing cannabis establishments, the stricter law or regulation shall control.

(p) Every cannabis establishment shall allow Code Enforcement Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and this chapter.

(q) The Town may suspend or revoke a license for any violation of this chapter or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a cannabis establishment and/or medical cannabis establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

§ 100-46. Municipal uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Animal impoundments. Animal impoundments are subject to compliance with the requirements of § 100-49C.

B. Cemeteries.

C. Parking facilities.

D. Public bathrooms. Public bathrooms must be maintained in a clean and sanitary condition.

E. Public information centers.

F. Public recreation.

G. Public safety facilities.

H. Public transportation facilities.

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I. Public Works facilities.

J. Solid waste disposal facilities.

K. Utility transport systems.

(1) Utility structures and facilities must be located so as to minimize any detrimental effects on surrounding uses and resources, including visual impacts.

(2) Damaged or destroyed utility transport systems may be replaced or reconstructed without a permit.

L. Wastewater treatment facilities. Septage storage and dewatering facilities must comply with the following requirements:

(1) The facility may not be located over a significant sand and gravel aquifer.

(2) A minimum of 15 inches must be maintained between the seasonal high-water table and the base of the facility. A minimum of 24 inches must be maintained between bedrock and the base of the facility.

(3) The facility must be located on soils deemed suitable for such use, as determined by a Maine licensed geologist or a Maine licensed soil scientist.

(4) The facility may not be located within any A or AE Flood Zone shown on the Town of Bucksport Flood Insurance Rate Maps, as adopted.

(5) The boundary of the septage handling and containment area of the facility must comply with DEP setback requirements. A variance or waiver granted by the DEP for any dimensional requirement or any other requirement equivalent to a standard listed in this subsection must be approved by the Planning Board before it may be implemented.

(6) The facility must be screened from view from any public street and residential property. A vegetated buffer may be required by the Planning Board in accordance with the requirements in § 100-35B.

(7) An access gate must be installed at the entrance to the facility. Legible signs must be posted at the gate. Signs must read as follows: "Notice – Septage Storage Area – Access Prohibited" or similar wording. Lettering on signs must be a minimum of two inches in height. The top of the signs must be between four feet and eight feet above the ground surface. All access points to the facility must be locked to prevent unauthorized entry when the facility is not in use.

(8) The facility may not include open-air sludge drying or land spreading of any type.

(9) The facility must be located within fully enclosed structures.

(10) Septage containment structures must be constructed of impermeable materials suitable for the intended use and adequate to prevent any leakage. The facility must be designed to contain any septage spills caused by a failure of any aboveground containment structure, contain any leachate generated from the facility, and contain any leakage from septage conveyances. The facility must provide for detection of any subsurface septage leaks which may occur.

(11) The facility must average fewer than 10 vehicle trips per hour to the facility in any eight-hour period, unless otherwise approved by the DEP and the reviewing authority. The site operator

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must control any fugitive dust from the facility which may impact other properties.

(12) Unloading or loading of septage at a storage facility may only occur between the hours of 6:00 a.m. and 7:00 p.m., local time.

(13) The facility may not be located on any road posted with a gross vehicle weight limit of 34,000 pounds, if the facility utilizes vehicles exceeding that gross vehicle weight to transport septage.

M. Waterworks facilities.

§ 100-47. Production uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Aquaculture.

B. Automobile graveyards. Automobile graveyards are subject to compliance with the applicable land use standards in this chapter and the requirements of the Bucksport Town Code, Chapter 14, Automobile Graveyards and Recycling Businesses and Junkyards.

C. Automobile recycling facilities. Automobile recycling facilities are subject to compliance with the applicable land use standards in this chapter and the requirements of the Bucksport Town Code, Chapter 14, Automobile Graveyards and Recycling Businesses and Junkyards.

D. Commercial fisheries.

E. Home-based productions. Home-based productions must comply with the following standards:

(1) The business may not subordinate the residential use of the property.

(2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied with the business.

(3) Signage and site improvements for the business may not substantially change the residential appearance of the property.

(4) There may be no storage of materials related to the business outside of any building.

(5) No more than two employees residing off the property may work at the business location at the same time.

(6) Parking in accordance with the requirements in § 100-51H must be provided.

F. Junkyards. Junkyards are subject to compliance with the applicable land use standards in this chapter and the requirements of the Bucksport Town Code, Chapter 14, Automobile Graveyards and Recycling Businesses and Junkyards.

G. Manufacturing facilities. Cannabis cultivation facilities, cannabis products manufacturing facilities, and medical cannabis products manufacturing facilities must comply with the following standards:

(1) The emission of odorous or toxic matter in such quantities as to be readily detectable at any point along lot lines so as to produce a public nuisance or hazard is prohibited. Violations of this standard shall be considered public nuisances.

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(a) An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

(b) If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter for prosecution. In addition to penalties and costs recoverable under this chapter for violations, the Town may suspend or revoke other approvals, including, without limitation, any licenses and pursue any other remedies available to the Town.

(2) No outside cultivation, processing, or storage of cannabis, cannabis products, or related supplies is permitted with the exception of home cultivation for personal adult use cannabis.

(3) No cannabis or paraphernalia shall be displayed or kept so as to be visible from outside the building(s).

(4) All cannabis operations must provide for the safe, sanitary, and secure disposal of any by-products or materials resulting from the operation, and must submit an operations plan to the Planning Board with the site plan which details how such by-products or materials will be disposed of.

(5) Due to fire, explosion, and other hazards inherent in cannabis cultivation and manufacturing facilities, including but not limited to heavy electrical loads, hot lighting fixtures, CO2 enrichment, extraction solvents (e.g., acetone, butane, propane, ethanol, heptane, isopropanol, CO2, etc.), high-pressure extraction methods, and flammable contents, the owner must agree to annual inspection by the Bucksport Fire Department, and furthermore must install a Knox Box® at each locked entry (e.g., gate, door) for emergency access. Installation of Knox Boxes® must be done in coordination with the Bucksport Fire Department.

(6) An electronic security system must be installed. The system must include video cameras and panic buttons. The system must notify the Police Department of any unauthorized breach of security. Security measures shall also include, at a minimum, the following:

(a) Security surveillance cameras installed and operating 24 hours a day, seven days a week, with thirty-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, maintained in good working condition; and

(c) A locking safe affixed to the premises that is suitable for storage of all cannabis, cannabis 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

(e) Dead-bolt locks on all exterior doors and any other exterior access points, excepting windows, which shall have locks; and

(f) For adult use facilities, methods to ensure that no person under the age of 21 shall have access to cannabis and cannabis products.

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(7) The operation of any cannabis establishment or medical cannabis establishment without the required local cannabis license or in violation of the requirements of this chapter shall be a violation of this chapter.

(a) Fines shall be set forth for violation of any of the provisions of this subsection; violators shall be punished by a civil penalty of not less than $1,000 and not more than $10,000 for each violation, plus attorneys' fees and costs, to be recovered on complaint to the use of the Town.

(b) Each day a violation is committed or permitted to continue shall constitute a separate violation and shall be fined as such.

(8) Compliance with other laws. A cannabis establishment or medical cannabis establishment shall meet all operating and other requirements of state and local law and regulation. To the extent the state has adopted or adopts in the future any stricter law or regulation governing cannabis establishments, the stricter law or regulation shall control.

(9) Every cannabis establishment shall allow Code Enforcement Officers to enter the premises at reasonable times for the purpose of checking compliance with all applicable state laws and this chapter.

(10) The Town may suspend or revoke a license for any violation of this chapter or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for a cannabis establishment and/or medical cannabis establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

H. Metallic mineral mining. Metallic mineral excavations that are subject to compliance with 38 M.R.S.A. Ch. 3, §§ 481 to 489-E and other applicable state or federal regulations or laws, must remain in compliance with all applicable provisions of that statute and other applicable regulations or laws at all times.

I. Mineral extractions.

(1) Excavations of borrow, clay, topsoil or silt that are subject to compliance with 38 M.R.S.A. Ch. 3, § 490-A et seq, must remain in compliance with all applicable provisions of that statute at all times. Excavations of borrow, clay, topsoil or silt that are subject to Town approval must comply with the performance standards in Addendum 2 to this chapter,[40] in lieu of the standards identified in Articles VII and IX.

(2) Rock excavations that are subject to compliance with 38 M.R.S.A. Ch. 3, § 490-W et seq, must remain in compliance with all applicable provisions of that statute at all times. Rock excavations that are subject to Town approval must comply with the performance standards in Addendum 2 to this chapter, in lieu of the standards identified in Articles VII and IX.

J. Salvage yards.

§ 100-48. Professional uses.

A. Business offices.

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40. Editor's Note: Addendum 2 is included as an attachment to this chapter.

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B. Financial institutions. Drive-through service offered by any financial institution must comply with the requirements of § 100-39I(1), as applicable.

C. Home-based professions. Home-based professions must comply with the following standards:

(1) The business may not subordinate the residential use of the property.

(2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied by the business.

(3) Signage and site improvements for the business may not substantially change the residential appearance of the property.

(4) There may be no storage of materials related to the business outside of any building.

(5) No more than two employees residing off the property may work at the business location at the same time.

(6) Parking in accordance with the requirements in § 100-58H must be provided.

D. Telemarketing centers.

§ 100-49. Rural uses.

A. Abattoirs.

B. Agriculture.

(1) There may be no tilling of soil, manure storage or stockpiling, or livestock grazing areas within 100 feet of the shoreline of a great pond or a river flowing to a great pond, within 75 feet of the shoreline of other water bodies or coastal wetlands, or within 25 feet of the shoreline of tributary streams or freshwater wetlands, except as provided for in this section.

(2) Tilled soils in existence on the effective date of this chapter and which are not in conformance with § 100-49B(1) may be maintained.

(3) A conservation plan prepared in accordance with the Hancock County Soil and Water Conservation Office must be filed with the Planning Board for any agricultural activity involving tillage of soil greater than 40,000 square feet in surface area within a shoreland district.

(4) All spreading of manure must conform with the requirements of the Maine Department of Agriculture's November 1, 2001, publication entitled "Manure Utilization Guidelines," as amended, and 7 M.R.S.A. §§ 4201 to 4209 (the Nutrient Management Law). All manure storage areas must be constructed or modified to prevent the discharge of effluent or contaminated stormwater.

(5) Livestock grazing that is not in conformance with § 100-49B(1) may continue, provided that such grazing is conducted in accordance with a conservation plan and is associated with ongoing agricultural activities.

(6) The storage of chemicals, including herbicides, pesticides and fertilizers, is limited to those

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quantities normally associated with agricultural uses.

C. Kennels.

(1) Structures or pens for housing or containing animals must be located no less than 100 feet from the nearest existing residence, other than the residence occupied by the property owner or the kennel operator.

(2) All kennels, pens and runs must be designed, constructed and located on the site in a manner that will minimize any detrimental effects from noise or odors on surrounding properties. Among the factors that must be considered are the relationship of the use to the topography, the vegetative buffer, the direction and intensity of the prevailing winds, the location of residences and public facilities on nearby properties and other similar factors.

(3) Kennels must be maintained in a clean, orderly and sanitary condition at all times. No garbage, offal, feces or other waste material may be allowed to accumulate on the premises. The premises must be maintained in a manner that will not attract or harbor insects, vermin or rodents. Outdoor dog runs must be completely fenced in and paved with cement, asphalt or similar material to provide for ease of maintenance.

(4) Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement must be kept tightly covered at all times. Such containers must be made of steel or plastic to facilitate cleaning and must be located in accordance with the setback requirements for structures in § 100-49C(1).

(5) Any incineration device for burning excrement-soaked wastepapers or animal remains must be located a minimum distance of 400 feet from nearest residence other than the owner's or kennel operator's residence. The device must have a chimney vent not less than 35 feet above the average ground elevation, and it must comply with all applicable state standards.

§ 100-50. Seasonal uses.

A. Campgrounds.

(1) Campgrounds must comply with state licensing requirements.

(2) Campgrounds located in a shoreland district must contain a minimum land area, based on the number of campsites. The minimum land area is determined by multiplying the number of campsites in the campground by 5,000 square feet. Land area occupied by roads and driveways in the campground, land supporting wetland vegetation and land below the shoreline of a water body may not be included when determining if the minimum land area requirement has been met.

(3) Recreational vehicles may only be occupied on a seasonal basis and no longer than seven months in any calendar year.

(4) In any shoreland district, the areas intended for the placement of recreational vehicles, tents or shelters, and utility and service buildings must comply with the required setback for structures.

B. Fairgrounds.

C. Marinas.

D. Outdoor festivals. Outdoor festivals are subject to licensing in accordance with the Bucksport Town

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Code, Chapter 107, Licenses and Permits.

E. Outdoor markets.

F. Outdoor vendors. Outdoor vendors are subject to licensing in accordance with the Bucksport Town Code, Chapter 107, Licenses and Permits.

G. Recreational facilities (outdoor).

H. Seasonal roadside sales.

§ 100-51. Site-work uses.

A. Archeological excavations. Appropriate erosion and sedimentation control measures must be in place until all disturbed soil has been permanently stabilized.

B. Boat-launch facilities. Private boat-launching facilities on nontidal waters may not be permitted unless it is clearly demonstrated to the reviewing authority that a public boat-launching facility does not exist and such a facility is not feasible. No more than one private boat-launch facility may be approved for any great pond. When considering approval of a private boat-launching facility, the reviewing authority may require that an easement be granted for access to the facility by all other owners of shorefront property on the water body.

C. Driveways.

(1) Driveways must comply with rules established by the Maine Department of Transportation, with the requirements of the Bucksport Town Code, Chapter 167, Roads and Streets, and with the requirements of this subsection, as applicable.

(2) Any land development abutting an arterial street may be required to have two or more remotely located entrances to comply with Maine Department of Transportation access management requirements.

(3) Driveways must be located and designed to provide the required sight distance measured in each direction. Sight distances must be measured from the driver's seat of a vehicle parked at the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder. The driver's eye must be 3 1/2 feet above the ground. The maximum distance that the top of a four-and-one-half-foot-tall object located on the center line of the street is visible is the measured sight distance. This measurement must be taken from both directions. The required sight distances for various posted speed limits are as follows:

Operating Speed (mph)	Safe Sight Distance Left (feet)	Safe Sight Distance Right (feet)
20	130	130
30	220	260
40	380	440
50	620	700

(4) In any shoreland district, driveways must be set back at least 100 feet from the shoreline of a great pond or a river that flows to a great pond and 75 feet from the shoreline of other water

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bodies, tributary streams, or wetlands, unless the reviewing authority has determined that no reasonable alternative exists. If no other reasonable alternative exists, the driveway setback requirement may be reduced to no less than 50 feet, provided that appropriate techniques will be used to prevent sedimentation to the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins or additional ditch relief culverts and turnouts placed so as to avoid sedimentation to the water body, tributary stream, or wetland. On slopes of greater than 20%, the driveway setback must be increased by 10 feet for each 5% increase in slope above 20%.

(5) Section 100-51C(4) does not apply to approaches to water crossings. Driveways providing access to permitted structures within a shoreland district setback area and to facilities located near a shoreline or tributary stream due to an operational necessity must comply fully with the setback requirements of § 100-51C(4), except for that portion of the driveway necessary for direct access to the structure or facility. Driveways may not be installed to access temporary docks for recreational uses.

(6) Driveways are prohibited in the RPO District, except the reviewing authority may grant a permit to construct a driveway to provide access to permitted uses within the district. A driveway may also be approved by the reviewing authority in the RPO District upon a finding that no reasonable alternative route or location is available outside the district. When a driveway is permitted in the RPO District, the driveway must be set back as far as practicable from the shoreline.

(7) In any shoreland district, driveway banks may be no steeper than a slope of two to one (horizontal to vertical) and must be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in § 100-33C. Driveway grades may be no greater than 10%, except for segments of less than 200 feet.

(8) Driveways and associated culverts and ditches must be designed, constructed and maintained to direct stormwater to unscarified buffer strips of a width that is at least 50 feet, plus two times the average slope. The buffer strips must be located between the outflow point of the ditch or culvert and the shoreline. Surface drainage which is directed to an unscarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channeled flow of the drainage through the buffer strip.

(9) Ditch relief (cross-drainage) culverts, drainage dips and water turnouts must direct drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the driveway or ditch. To accomplish this, the following requirements apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts must be spaced along the driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0% to 2%	250
3% to 5%	200 to 135
6% to 10%	100 to 80
11% to 15%	80 to 60

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Grade (percent)	Spacing (feet)
16% to 20%	60 to 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 must be placed at approximately a 30° angle downslope from a line perpendicular to the center line of the driveway.

(d) Ditch relief culverts must be sufficiently sized and properly installed in order to allow for effective function, and their inlet and outlet ends must be stabilized with appropriate materials.

(e) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with driveways must be maintained on a regular basis to ensure effective functioning.

(10) Except when otherwise restricted, a driveway may be located in a district that prohibits a land use accessed by the driveway.

D. Emergency operations.

E. Forest management activities.

F. Landscaping/horticulture.

(1) Retaining walls.

(2) In any shoreland district, retaining walls that are not necessary for erosion control must meet the structure setback requirement. Low retaining walls and associated fill are exempt from this requirement, provided all of the following conditions are met:

(a) The site must have been previously altered and not contain an effective vegetated buffer.

(b) Retaining walls must be at least 25 feet from the shoreline.

(c) The site where a retaining wall will be constructed must be a legally existing lawn or a site of erosion that cannot be stabilized with vegetative plantings.

(d) The total height of the retaining wall must be no more than 24 inches as measured from the downslope side. The sum of the wall heights in terraced installations may not exceed 24 inches.

(e) Retaining walls must be located outside of the 100-year floodplain, as designated on the Town's FEMA Flood Insurance Rate Maps.

(f) The area behind any retaining wall must be replanted with grass, shrubs, trees, or a combination thereof, and no further structural development may occur within the setback area, including patios and decks.

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(g) A vegetated buffer area must be established within 25 feet of the shoreline when a natural buffer area does not exist.

(3) The buffer area described in § 100-51F(2)(g) must meet the following characteristics:

(a) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch.

(b) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff.

(c) Only native species may be used to establish the buffer area.

(d) A minimum buffer width of 15 feet is required, as measured in a perpendicular position to the shoreline.

(e) A footpath complying with § 100-33G(3)(c) may traverse the buffer.

G. Mineral explorations.

(1) In any shoreland district where the use is allowed, mineral exploration must be conducted by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface, except as may otherwise be allowed by the reviewing authority.

(2) All test pits and holes must be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

H. Parking lots.

(1) Parking lots and off-street parking spaces must meet the minimum setback requirements for structures in the district where such uses are located, except as follows:

(a) In the CFMA District, the minimum setback is 25 feet from the shoreline.

(b) In any shoreland district other than the DTS District and the CFMA District, the minimum setback for parking lots serving boat-launching facilities is 50 feet from the shoreline, except as provided for in § 100-51H(1)(c) and (d). The reviewing authority must require a greater setback than 50 feet if a reasonable alternative for locating the parking lot farther from the shoreline is identified. The parking lot must comply with the required setback for other structures if it is determined to be reasonable.

(c) A parking lot for a proposed or existing public boat-launching facility may be located less than 50 feet from the shoreline, subject to compliance with the following requirements:

[1] There is no existing parking lot for the facility, or if there is an existing parking lot, the applicant must demonstrate that the existing parking lot is insufficient to meet the parking needs of the public and an expansion of that parking lot is not a reasonable alternative to constructing a separate parking lot.

[2] The applicant must demonstrate that there is no reasonable alternative that would allow the parking lot to be located at least 50 feet from the shoreline.

[3] The applicant must demonstrate that there is an actual need for the parking lot.

[4] There must be no existing parking lot for the facility that is located less than 50 feet

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from the shoreline of the water body or wetland.

[5] The parking lot must comply with the required minimum setback to the greatest practical extent, as determined by the reviewing authority. Such determination must be made in accordance with § 100-71G.

[6] The parking lot may be located no less than 25 feet from the shoreline.

[7] The parking lot size may be no greater than necessary to meet the expected demand.

[8] The total impervious area of the portion of the parking lot that is less than 50 feet from the shoreline may not exceed 10,000 square feet. The total impervious area of the portion of the parking lot that is located less than 100 feet from the shoreline, combined with the total impervious surface of any existing parking lot for the facility that is so located, may not exceed 20,000 square feet.

[9] Within the buffer strip between the parking lot and shoreline, a well-distributed stand of trees and other vegetation must be maintained in accordance with the requirements of § 100-33G. If a well-distributed stand of trees and other vegetation does not exist in the buffer strip, such stand of trees and other vegetation must be established and maintained as provided for in § 100-33G.

[10] The reviewing authority must conduct a public hearing for the parking lot.

(d) A parking lot expansion for an existing public boat-launching facility may be located less than 50 feet from the shoreline, subject to compliance with the following requirements:

[1] The applicant must demonstrate that the existing parking lot size is insufficient to meet the parking needs for the facility.

[2] The applicant must demonstrate that there is no reasonable alternative that would allow the parking lot expansion to be located at least 50 feet from the shoreline, or to provide the facility with a separate parking lot located at least 50 feet from the shoreline.

[3] The applicant must demonstrate that there is an actual need for the parking lot expansion.

[4] There must be no other existing parking lot for the facility that is located less than 50 feet from the shoreline of the water body or wetland.

[5] The parking lot expansion must comply with the required minimum setback to the greatest practical extent, as determined by the reviewing authority. Such determination must be made in accordance with § 100-71G.

[6] The parking lot expansion may be located no less than 25 feet from the shoreline.

[7] The expanded parking lot size may be no greater than necessary to meet the expected demand.

[8] The total impervious area of the portion of the parking lot (including expansions) that is located less than 50 feet from the shoreline may not exceed 10,000 square feet. The total impervious area of the parking lot (including expansions) that is located less than 100 feet from the shoreline, combined with the total impervious surface of

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any other existing parking lot for the facility that is so located, may not exceed 20,000 square feet.

[9] Within the buffer strip between the parking lot and shoreline, a well-distributed stand of trees and other vegetation must be maintained in accordance with the requirements of § 100-33G. If a well-distributed stand of trees and other vegetation does not exist in the buffer strip, such stand of trees and other vegetation must be established and maintained as provided for in § 100-33G.

[10] The reviewing authority must conduct a public hearing for the parking lot expansion.

(e) Notwithstanding the provisions of § 100-61D, a parking lot for a municipal boat-launching facility is not subject to any setback from the right-of-way of a Town road, except it may not be located less than 15 feet from the closest edge of the paved portion of the road.

(f) In any nonshoreland district, the minimum setback for parking lots and off-street parking spaces is 10 feet from any property line, except parking spaces for one-family, one-and-one-half-family and two-family dwellings are not subject to any minimum setback.

(g) In the DTS District, the minimum setback for parking lots and off-street parking spaces is 25 feet from the Waterfront Walkway and 10 feet from property lines, in addition to the minimum shoreline setback identified in § 100-61G.

(2) Stormwater runoff from parking lots may not flow directly into a water body, tributary stream or wetland, and must be retained on-site when feasible.

(3) Parking lots may be subject to the requirements of § 100-35B, Buffers and screening. Plants such as tall shrubs or low-branching trees that restrict visibility at a parking lot entrance must be avoided.

(4) Parking lots must comply with the following design requirements:

(a) Vehicle parking spaces must be at least nine feet wide and 18 feet long, whether the length of the parking space is perpendicular to, parallel to or angled to the curb.

(b) Vehicle and boat trailer parking spaces must be at least 10 feet wide and 40 feet long, whether the length of the parking space is perpendicular to, parallel to or angled to the curb.

(c) Vehicle parking spaces that may be required by state or federal accessibility laws or regulations are subject to compliance with the design standards of the applicable laws or regulations.

(d) The minimum width of an internal travel aisle must be at least 20 feet.

(e) Sufficient space must be provided for delivery vehicles, if applicable. The space must include an adequate area for maneuvering to allow turning and backing of delivery vehicles that will be expected to make deliveries to or from the location, including tractor trailers, if any.

(f) All parking spaces must be accessed from at least one entrance to the parking lot. No parking space may be accessed directly from a street.

(g) Motor vehicles must be able to proceed to and from a parking space without requiring the

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moving of any other parked motor vehicle, except when the vehicles are owned by or under the control of the same person or the property owner.

(h) Any parking lot that is directly accessed from Main Street or U.S. Route 1 must be finished with an asphalt or concrete surface.

(i) Any parking lot that will not be finished with an asphalt or concrete surface must be finished with a mineral surface. Temporary parking for a short-term or one-time seasonal land use such as an outdoor festival, fair or market may be located on a vegetated surface such as a field or lawn.

(5) The reviewing authority may require more than the minimum parking spaces required in § 100-51H(12) if it is determined that parking requirements for the applicable land use will not be adequately served by the minimum amount.

(6) The reviewing authority may approve the use of off-site parking spaces to meet parking requirements if:

(a) The required parking spaces cannot be provided on the same lot where the principal use is conducted or "park-and-ride locations are proposed as an alternative to on-site parking;

(b) Other parking space requirements at the off-site location are not reduced or encroached upon in any manner, considering that the parking spaces may serve different principal uses at different times of day; and

(c) The owner of the off-site parking spaces has provided written authorization in a form that is satisfactory to the reviewing authority for use of the parking spaces.

(7) Existing public parking spaces in the DT and DTS Districts shall fulfill the parking requirements for any existing or proposed commercial or noncommercial use of an existing building on Main Street that is not provided with an on-site parking lot. Any public parking lot allowing overnight parking shall fulfill the parking requirements for any dwelling unit that may be allowed in an existing building occupied with a commercial or noncommercial use.

(8) The reviewing authority may allow a phased construction of a parking lot if the total amount of parking spaces required is greater than the initial amount of parking spaces needed by a proposed land use at start-up. The land area for all required parking must be identified on the site plan. No other structural development of the land may be allowed.

(9) The total number of employee parking spaces required for a proposed land use is based on the greatest number of employees that may be at work at any given time, without regard to the mode of transportation that may be used by employees, except as provided for in § 100-51H(10).

(10) Notwithstanding the minimum parking requirements identified in § 100-51H(12), the reviewing authority may determine the total number of parking spaces required for a proposed land use based on actual parking needs, as demonstrated by the applicant, in the following circumstances:

(a) The land use will not provide public access or will provide controlled access;

(b) Employees perform their duties and communicate with their employer from a remote location, such as their home or vehicle;

(c) The land use utilizes policies or practices involving alternate means of transportation by employees, such as public transit or carpooling;

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(d) Employees typically do not own or drive a vehicle;

(e) The employer or employees reside at the place of business; or

(f) Other similar extenuating circumstances that support an empirical determination of required parking for the land use.

(11) Parking spaces required for vehicles used in the conduct of business of a proposed land use shall be determined by the reviewing authority based on actual need, as demonstrated by the applicant.

(12) Except as otherwise provided for in § 100-51H, land uses identified in this chapter must be provided with a minimum number of parking spaces, identified as follows:

(a) Accessory uses. No requirements.

(b) Assembly uses. One space for each employee. One space for every four seats and one space for every eight linear feet of bench space, based on the seating capacity. If the seating capacity cannot be determined, one space is required for every 300 feet of gross floor area.

(c) Education uses. One space for each employee. Ten spaces for an elementary or middle school; one space per four students for a high school; one space per student for an adult education or post-secondary school and one space per 10 students for a driver training school.

(d) Health care uses. One space for each employee. One space per patient room for a hospital, nursing home or limited care facility. One space per treatment room for other occupancies.

(e) Housing uses. One space per dwelling unit. Two spaces for a one-and-one-half-family dwelling.

(f) Industry uses. One space for each employee.

(g) Lodging uses. One space for each employee. One space for each rental bedroom.

(h) Mercantile uses. One space for each employee. One space for every 200 square feet of floor area utilized for sales, up to 5,000 square feet Additional parking spaces may be required by the reviewing authority in increments of one per 200 square feet of floor area, based on the amount of floor area in excess of 5,000 square feet that is not intended for product display or storage.

(i) Municipal uses. One space for each employee at their principal place of employment.

(j) Production uses. One space for each employee. One space for every 200 square feet of floor area utilized for retail sales.

(k) Professional uses. One space for each employee. One space for every 300 square feet of gross floor area.

(l) Rural uses:

[1] Abbatoirs. One space for each employee.

[2] Commercial agriculture. One space for each employee. Five spaces for any

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commercial agriculture use offering product for sale directly to the public.

[3] Homestead agriculture. No requirements.

[4] Kennels. One space for each employee. One space for every five pens.

[5] Timber harvesting. No requirements.

(m) Seasonal uses. One space for each employee. One space per camping site for campgrounds. Spaces equal in number to 1/3 of the maximum user/patron design capacity for other uses.

(n) Site-work uses. No requirements.

(o) Trade uses. One space for each employee. One space for every 200 square feet of gross floor area.

I. Roads and sidewalks.

(1) The construction of roads and sidewalks is subject to compliance with the requirements of the Maine Department of Transportation; Chapter 167, Roads and Streets, of the Bucksport Town Code; and § 100-51I, as applicable.

(2) In any shoreland district, roads must be set back at least 100 feet from the shoreline of a great pond or a river that flows to a great pond and 75 feet from the shoreline of other water bodies, tributary streams, or wetlands unless no reasonable alternative exists as determined by the reviewing authority. If no other reasonable alternative exists, the road setback requirement may be no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins or 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 20%, the road setback must be increased by 10 feet for each 5% increase in slope above 20%.

(3) Section 100-51I(2) does not apply to approaches to water crossings. Roads that provide access to permitted structures within a shoreland district setback area and to facilities located nearer to the shoreline or tributary stream due to an operational necessity must comply fully with the requirements of § 100-51I(2), except for that portion of the road necessary for direct access to the structure. Roads may not be constructed to access temporary docks for recreational uses.

(4) New roads are prohibited in an RPO District, except the reviewing authority may grant a permit to construct a road to provide access to permitted uses within the district. A road may also be approved by the reviewing authority in an RPO District, upon a finding that no reasonable alternative route or location is available outside the district. When a road is permitted in an RPO District, the road must be set back as far as practicable from the shoreline.

(5) In any shoreland district, road banks may be no steeper than a slope of two horizontal to one vertical and must be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in § 100-33C. Road grades may be no greater than 10% except for segments of less than 200 feet.

(6) In order to prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads in any shoreland district must be designed, constructed and maintained to

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direct stormwater to a nonscarified buffer strip of a width that is at least 50 feet, plus two times the average slope. The buffer strip must be located between the outflow point of the ditch or culvert and the shoreline. Surface drainage which is directed to a nonscarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channeled flow of the drainage through the buffer strip.

(7) In any shoreland district, ditch relief (cross-drainage) culverts, drainage dips and water turnouts must be installed in a manner effective in directing drainage onto nonscarified buffer strips before the flow gains sufficient volume or head to erode the road or ditch. To accomplish this, the following requirements apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts must be spaced along the road at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0% to 2%	250
3% to 5%	200 to 135
6% to 10%	100 to 80
11% to 15%	80 to 60
16% to 20%	60 to 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 must be placed at approximately a 30° angle downslope from a line perpendicular to the center line of the road.

(d) Ditch relief culverts must be sufficiently sized and properly installed to allow for effective operation. Their inlet and outlet ends must be stabilized with appropriate materials.

(e) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads must be maintained on a regular basis to assure effective operation.

(8) The use of any public road, private road or public easement by any vehicle is not subject to approval by this chapter, except as may otherwise be required in the review of a proposed land use.

J. Stairs/ramps for water access. Stairways or ramps to provide shoreline access in areas of steep slopes or unstable soils are subject to the following restrictions:

(1) The width may not exceed four feet.

(2) The structure may not extend below or over the shoreline, unless permitted by the Department of Environmental Protection.

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(3) The applicant must demonstrate that no reasonable access alternative exists on the property.

K. Subsurface wastewater disposal systems.

(1) All subsurface wastewater disposal systems must be installed and maintained in conformance with the State of Maine Subsurface Wastewater Disposal Rules, as adopted.

(2) In any shoreland district, clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions may not extend closer than 75 feet to the shoreline.

(3) Holding tanks are not allowed for first-time year-round or seasonal land uses. Holding tanks are not allowed as replacement systems, except for a seasonal use in any shoreland district.

(4) Sewage disposal for any development located outside the public sewer service area must be provided by a private subsurface wastewater disposal system or a private treatment facility.

(5) No land use or building permit may be issued for a project requiring a new or replacement subsurface wastewater disposal system unless:

(a) There is an adequate area of suitable soils to accommodate the proposed system, as demonstrated by an HHE-200 application prepared by a qualified professional; and

(b) A plumbing permit can be issued in accordance with the Maine Subsurface Wastewater Disposal Rules, as adopted.

(6) In addition to the required inspections identified in the State Subsurface Wastewater Disposal Rules, an inspection of the completed installation is required to determine compliance with all applicable rules and regulations. No subsurface wastewater disposal installation may be put into use until all inspections have been completed, except as may be allowed by the Local Plumbing Inspector.

L. Water wells. Individual wells must be sited and constructed to prevent the infiltration of surface water and other sources of potential contamination.

M. Zero setback shoreline structures. Zero setback shoreline structures must comply with the following requirements, as applicable:

(1) Soils at the shoreline must be suitable for the use. Access from shore must be developed on suitable soils and constructed so as to control erosion.

(2) The structure may not interfere with existing developed or natural beach areas.

(3) The structure must be located so as to minimize adverse effects on fisheries.

(4) The structure may be no larger than necessary to carry on the activity and it must be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in nontidal waters may not be wider than six feet for residential uses.

(5) No structure may be built on, over or abutting a zero setback shoreline structure unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) Permanent piers and docks on nontidal waters may not be permitted unless it is clearly demonstrated to the reviewing authority that a temporary pier or dock is not feasible and that a permit has been obtained from the Department of Environmental Protection.

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(7) No existing structure built on, over or abutting a zero setback shoreline structure may be converted to a residential dwelling in any district.

(8) Except in the DTS District and the CFMA District, no structure built on, over or abutting a zero setback shoreline structure may exceed 20 feet in height above the pier, wharf, dock or other structure.

(9) No permanent zero setback shoreline structure may be installed or constructed until required permits from the Maine Department of Environmental Protection have been issued.

(10) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot, except that when a single lot contains at least twice the minimum shore frontage as specified in Article IX, a second structure may be allowed and may remain as long as the lot is not further divided.

§ 100-52. Trade uses.

A. Home-based trades. The home-based business must comply with the following standards:

(1) The business may not subordinate the residential use of the property.

(2) No more than 30% of the total floor area of all buildings on the property may be occupied with the business. The area occupied by the business may be in one or more buildings on the property, except no more than 30% of the total floor area of the residential dwelling may be occupied with the business.

(3) Signage and site improvements for the business may not substantially change the residential appearance of the property.

(4) There may be no storage of materials related to the business outside of any building.

(5) No more than two employees residing off the property may be employed at the business location at the same time.

(6) Parking in accordance with § 100-51H must be provided.

B. Cannabis testing facilities. Cannabis testing facilities must comply with the following standards:

(1) The emission of odorous or toxic matter in such quantities as to be readily detectable at any point along lot lines so as to produce a public nuisance or hazard is prohibited. Violations of this standard shall be considered public nuisances.

(a) An odor control plan shall be submitted as part of the site plan review application, describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

(b) If the operator and/or landowner fail to bring the facility into compliance within 30 calendar days of the written notice of violation, the CEO will refer the matter for prosecution. In addition to penalties and costs recoverable under this chapter for violations, the Town may suspend or revoke other approvals, including, without limitation, any licenses, and pursue any other remedies available to the Town.

(2) No outside cultivation, processing, or storage of cannabis, cannabis products, or related supplies is permitted.

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(3) No cannabis or paraphernalia shall be displayed or kept so as to be visible from outside the building(s).

(4) All cannabis operations must provide for the safe, sanitary, and secure disposal of any by-products or materials resulting from the operation and must submit an operations plan to the Planning Board with the site plan which details how such by-products or materials will be disposed of.

(5) Due to fire, explosion, and other hazards inherent in cannabis testing facilities, the owner must agree to annual inspection by the Bucksport Fire Department, and furthermore must install a Knox Box® at each locked entry (e.g., gate, door) for emergency access. Installation of Knox Boxes® must be done in coordination with the Bucksport Fire Department.

(6) An electronic security system must be installed. The system must include video cameras and panic buttons. The system must notify the Police Department of any unauthorized breach of security. Security measures shall also include, at a minimum, the following:

(a) Security surveillance cameras installed and operating 24 hours a day, seven days a week, with thirty-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, maintained in good working condition; and

(c) A locking safe affixed to the premises that is suitable for storage of all cannabis, cannabis 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

(e) Dead-bolt locks on all exterior doors and any other exterior access points, excepting windows, which shall have locks; and

(f) Methods to ensure that no person under the age of 21 shall have access to cannabis and cannabis products.

(7) The operation of any cannabis testing facility without the required local cannabis license or in violation of the requirements of this subsection shall be a violation of this chapter.

(a) Fines shall be set forth for violation of any of the provisions of this subsection; violators shall be punished by a civil penalty of not less than $1,000 and not more than $10,000 for each violation, plus attorneys' fees and costs, to be recovered on complaint to the use of the Town.

(b) Each day a violation is committed or permitted to continue shall constitute a separate violation and shall be fined as such.

(8) Compliance with other laws. A cannabis testing facility shall meet all operating and other requirements of state and local law and regulation. To the extent the state has adopted or adopts in the future any stricter law or regulation governing cannabis testing facilities, the stricter law or regulation shall control.

(9) Every cannabis testing facility shall allow Code Enforcement Officers to enter the premises at

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reasonable times for the purpose of checking compliance with all applicable state laws and this chapter.

(10) The Town may suspend or revoke a license for any violation of this chapter or any other applicable building and life safety code requirements. The Town may suspend or revoke a license if the licensee has a state license for any cannabis establishment and/or medical cannabis establishment suspended or revoked by the state. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

C. Off-site services. Off-site service businesses with no base of operation in the Town may perform their services in the Town without review or approval, except as may otherwise be required by this chapter or any other applicable requirement of the Bucksport Town Code.

D. On-site services.

E. Personal care services.

F. Vehicle services, Class 1. No Class 1 vehicle service business may store any junk vehicle or scrapped vehicle parts on the property. The reviewing authority may require parking areas for customer vehicles to be screened from view from a public street or abutting residential properties.

G. Vehicle services, Class 2. No Class 2 vehicle service business may store any junk vehicle or scrapped vehicle parts on the property. The reviewing authority may require parking areas for customer vehicles to be screened from view from a public street or abutting residential properties.

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ARTICLE IX
Dimensional Standards

§ 100-53. General provisions.

All land uses identified in § 100-14 are subject to compliance with the dimensional standards set forth in this article, as applicable.

A. Before any land use may be approved, the reviewing authority must determine that the land use complies with applicable dimensional standards.

B. The minimum land area and street or shoreline frontage required for any land use is based on the requirements of the primary district in which the land use is located. The primary district is the district in which more than 50% of the principle structure is located.

C. If the land area requirement cannot be fully met with land in the primary district, land may be merged from other districts to meet the requirements. Merging of land may only be allowed if the following conditions are met:

(1) The merged land is contiguous to the land in the primary district and all of the land must be in the same ownership;

(2) The merged land is not included in land area required for another land use;

(3) The merged land is not identified as land that may not be included to meet land area requirements, in accordance with § 100-54B; and

(4) The land use is allowed in the districts governing the merged land.

D. If the street or shoreline frontage requirement for any land use cannot be fully met with land in the primary district, land may be merged from other districts to meet the requirement. Merging of land may only be allowed if the following conditions are met:

(1) The merged land is contiguous to the land in the primary district and all of the land must be in the same ownership;

(2) The frontage added from the merged land is contiguous with the frontage of the land in the primary district and not included in the street or shoreline frontage required for another land use;

(3) The land use is allowed in the districts governing the merged land.

E. In any shoreland district, if more than one principal commercial or noncommercial structure or use, or more than one residential dwelling unit, is constructed or established on a single lot, all applicable dimensional requirements must be met for each additional dwelling unit, principal structure or use or combination thereof.

F. Notwithstanding the provisions in § 100-53E, dwelling units in a commercial or noncommercial structure in the DTS District are not subject to compliance with dimensional standards, as identified in § 100-61.

(1) In any non-shoreland district, if more than one principal structure or use is constructed or established on a single lot, all applicable dimensional requirements for each additional principal structure or use must be met.

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G. Nonconformity with dimensional standards may be allowed as provided for in Article XI and § 100-9.

§ 100-54. Land area.

Every land use must be provided with a minimum amount of land area, except as otherwise noted in this section. Minimum land area requirements for each district are identified in § 100-61A.

A. Minimum land area.

(1) Minimum land area requirements are applicable to each principal structure of a land use, except as otherwise specified in § 100-61A. The following land uses identified in § 100-14 are not subject to minimum land area requirements, except as otherwise noted:

(a) Accessory land uses, except:

[1] Individual private campsites [see § 100-38M(1)].

(b) Agriculture, except:

[1] Commercial agriculture with principal structures.

(c) Aquaculture (in the CFMA District only).

(d) Cemeteries.

(e) Commercial fisheries (in the CFMA District only).

(f) Home-based businesses.

(g) Intrastate/interstate pipelines (pipelines and ancillary equipment only).

(h) Intrastate/interstate transmission lines (transmission lines and ancillary equipment only).

(i) Public bathrooms (except if identified as a principal structure in any shoreland district).

(j) Public information centers (except centers with staff or if identified as a principal structure).

(k) Rail transportation facilities (rail lines and ancillary equipment only).

(l) Seasonal land uses, except:

[1] Any use with permanent principal structures;

[2] Any use with temporary or permanent principal structures in any shoreland district; or

[3] Campgrounds in any shoreland district (see § 100-50A).

(m) Site-work land uses.

(n) Small facilities for educational, scientific or nature interpretation use, except any use with temporary or permanent principal structures in any shoreland district.

(o) Timber harvesting.

(p) Utility transport systems.

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(2) Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not individually subject to compliance with minimum land area requirements.

B. The following land may not be included to meet minimum land area requirements:

(1) Land located below a shoreline.

(2) Land within a legal right-of-way or easement.

(3) Land located beneath any public or private road.

(4) Landlocked land with no access via a legal right-of-way or easement.

(5) Land reserved for road realignment or widening purposes, as may be required in accordance with § 100-36F(6).

C. Lots that have been divided by a public or private road are considered noncontiguous, except any lot that has been divided by a road constructed after September 22, 1971, by the owner of that lot.

§ 100-55. Street frontage.

Land area required for any land use must be provided with a minimum amount of street frontage, except as otherwise noted in this section. Minimum street frontage requirements for each district are identified in § 100-61B.

A. Minimum street frontage requirements are applicable to each principal structure of a land use, except as otherwise specified in § 100-61B, Minimum street frontage, notes.

B. Minimum street frontage requirements are not applicable if the land area in the primary district for a land use is accessed only by deeded easement or the land area is located on the main portion of a rear lot, also known as a "flag lot."

C. Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not individually subject to compliance with minimum street frontage requirements.

§ 100-56. Shoreline frontage.

Land area required for any land use located within a shoreland district must be provided with a minimum amount of shoreline frontage, except as otherwise noted in this section. Minimum shoreline frontage dimensions for each district are identified in § 100-61C and apply to any portion of land within 100 feet of a shoreline (75 feet in the SPO and TBO Districts), whether or not the land physically connects with the shoreline. When only two boundary lines of a lot are located in this area, each line must be identified as a side lot line for the purposes of determining compliance with minimum shoreline frontage requirements.

A. Minimum shoreline frontage requirements are applicable to each principal structure of a land use, except as otherwise specified in § 100-61C, Minimum shoreline frontage, notes.

B. Land uses comprising a commercial or noncommercial multiple occupancy of a structure are not individually subject to compliance with minimum shore frontage requirements.

§ 100-57. Front, side and rear setbacks.

All principal structures of any size and all accessory structures with a floor area of more than 500 square feet are subject to compliance with minimum front, side and rear setbacks, as identified in § 100-61D, E

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and F, except as otherwise identified in this section. Setbacks are measured horizontally from the property boundaries, or from the boundaries of a right-of-way or easement for a road, whichever is closer to the structure.

A. The following structures have front, side and rear setback requirements that may differ from those identified in § 100-61D, E and F:

(1) Wireless telecommunication towers (§ 100-43B).

(2) Parking lots [§ 100-51H(1)].

(3) Decks, porches, stairs, ramps (§ 100-38D).

B. Driveways, roads and sidewalks are not subject to setback requirements from property boundaries.

§ 100-58. Shoreline setback. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

All principal and accessory structures located within any shoreland district are subject to compliance with minimum shoreline setback requirements, as identified in § 100-61G. Setbacks are measured horizontally from the shoreline of a water body, tributary stream or wetland, as applicable. When a structure is located adjacent to a coastal bluff, setbacks are measured horizontally from the top the coastal bluff if the bluff has been identified as unstable or highly unstable on the most recent coastal bluff maps published by the Maine Geological Survey. If the applicant and the reviewing authority are in disagreement as to the specific location of the coastal bluff, or where the top of the bluff is located, the applicant may at his or her expense employ a Maine licensed professional engineer, a Maine licensed soil scientist, a Maine state geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

A. The water body, tributary stream, or wetland setback provision does not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and other functionally water-dependent uses.

B. In the RPO District, structures, roads, parking spaces or other regulated objects specifically allowed in that district are subject to the following setbacks, except as provided for in § 100-8E:

(1) One hundred feet from the shoreline of great ponds or rivers that flow to great ponds.

(2) Seventy-five feet from the shoreline of other water bodies, tributary streams or wetlands.

C. The following land uses have shoreline setback requirements that may differ from those identified in § 100-61C:

(1) Individual private campsites [§ 100-38M(1)].

(2) Sheds [§ 100-38S(1)].

(3) Solar energy systems (§ 100-38U).

(4) Windmills (§ 100-38W).

(5) Septage storage and dewatering facilities [§ 100-46L(1)].

(6) Mineral extractions (§ 100-47I).

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(7) Driveways [§ 100-51C(4)].

(8) Retaining walls [§ 100-51F(1)].

(9) Parking lots [§ 100-51H(1)].

(10) Roads and sidewalks [§ 100-51I(2)].

(11) Stairs/ramps for water access (§ 100-51J).

(12) Subsurface wastewater disposal systems [§ 100-51K(2)].

(13) Zero setback shoreline structures (§ 100-51M).

§ 100-59. Lot coverage.

Nonvegetated surfaces, including, but not limited to, structures, driveways, parking areas, and other areas from which vegetation has been removed from a lot, are subject to maximum lot coverage requirements, as identified in § 100-61H. For the purposes of determining lot coverage, a leasehold interest, mortgage interest, or other estate less than fee simple does not create a separate lot.

§ 100-60. Structure height.

All principal and accessory structures are subject to compliance with maximum structure heights, as identified in § 100-61I. Any structure with no floor area, such as a transmission tower, chimney, windmill, antenna, cupola, dome, widow's walk or other similar feature, is not subject to maximum structure heights. The structure height must be measured between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances with no floor area. The maximum height of nonconforming structures in any shoreland district is subject to compliance with the requirements of § 100-71.

A. The following land uses have maximum structure height requirements that may differ from those identified in § 100-61I:

(1) Wireless telecommunication facility towers (§ 100-43B).

(2) Intrastate/interstate transmission lines [§ 100-43F(1)].

(3) Power generating facilities (§ 100-43H).

(4) Retaining walls § 100-51F(1)].

(5) Zero setback shoreline structures (§ 100-51M).

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§ 100-61. Table of Dimensional Standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

KEY: ◘ - Identifies the required dimensional standard for each district.

#.# - Refers to applicable table notes.

District Abbreviations:	
DT	Downtown
DTS	Downtown Shoreland
C1	Commercial 1
C2	Commercial 2
C3	Commercial 3
CFMA	Commercial Fisheries and Maritime Activities Shoreland
ID	Industry Development
IDO	Industry Development Shoreland Overlay
LRO	Limited Residential Shoreland Overlay
LRPO	Limited Resource Protection Shoreland Overlay
RG	Residential Growth
RPO	Resource Protection Shoreland Overlay
RT1S	Route 1 Shoreland
RT15RC	Route 15 Residential/Commercial
R1	Rural 1
R2	Rural 2
SPO	Stream Protection Shoreland Overlay
TBO	Tannery Brook Shoreland Overlay
VIL	Village

A. Minimum land area (See also § 100-54).

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Minimum Land Area	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
No minimum						◘ 1.13													
1,000 square feet	◘ 1.17	◘ 1.17																	
5,000 square feet	◘ 1.1	◘ 1.1																	◘ 1.3
10,000 square feet	◘ 1.2	◘ 1.2	◘ 1.3	◘ 1.3	◘ 1.3														
20,000 square feet			◘ 1.4	◘ 1.4	◘ 1.4						◘ 1.5								◘ 1.4
30,000 square feet										◘ 1.14		◘ 1.14	◘ 1.6						
40,000 square feet							◘ 1.5	◘ 1.5	◘ 1.9	◘ 1.15		◘ 1.15	◘ 1.7	◘ 1.5			◘ 1.9	◘ 1.9	
60,000 square feet									◘ 1.10	◘ 1.16		◘ 1.16	◘ 1.8				◘ 1.10	◘ 1.10	
1 acre															◘ 1.11				
2 acres															◘ 1.12	◘ 1.11			
4 acres																◘ 1.12			

MINIMUM LAND AREA NOTES

1.1 Per one-family dwelling or one-and-one-half-family dwelling; 7,500 square feet per two-family dwelling.

1.2 Per 3-unit multifamily dwelling; 2,500 square feet per each additional dwelling unit.

1.3 Per principal structure with public sewage disposal.

1.4 Per principal structure with private sewage disposal.

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MINIMUM LAND AREA NOTES

1.5	Per principal structure with public or private sewage disposal.
1.6	Per one-family dwelling or one-and-one-half-family dwelling; 45,000 square feet per two-family dwelling.
1.7	Per principal structure for commercial or noncommercial occupancy; 15,000 square feet per each dwelling unit in the structure.
1.8	Per 3-unit multifamily dwelling; 15,000 square feet per each additional dwelling unit.
1.9	Per dwelling unit.
1.10	Per principal structure for commercial or noncommercial occupancy.
1.11	Per one-family dwelling, one-and-one-half-family dwelling or two-family dwelling.
1.12	Per principal structure for commercial or noncommercial occupancy; 20,000 square feet per each dwelling unit in the structure.
1.13	The land area must be sufficient for the proposed use.
1.14	Per dwelling unit, adjacent to tidal areas.
1.15	A. Per dwelling unit, adjacent to nontidal areas.
	B. Per principal structure for commercial or noncommercial occupancy, adjacent to tidal areas.
1.16	Per principal structure for commercial or noncommercial occupancy, adjacent to nontidal areas.
1.17	Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

B. Minimum street frontage (See also § 100-55).

Minimum Street Frontage (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
No minimum	◘ 2.7	◘ 2.7				◘ 2.6		◘ 2.6	◘ 2.6	◘ 2.6		◘ 2.6					◘ 2.6	◘ 2.6	
50	◘ 2.1	◘ 2.1																	◘ 2.5
100	◘ 2.2	◘ 2.2	◘ 2.5	◘ 2.5	◘ 2.5		◘ 2.5				◘ 2.5	◘ 2.5	◘ 2.5	◘ 2.3	◘ 2.3				
200														◘ 2.4	◘ 2.4	◘ 2.3			

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Minimum Street Frontage (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
400																◘ 2.4			

MINIMUM STREET FRONTAGE NOTES

2.1 Per one-family dwelling or one-and-one-half-family dwelling; 75 feet per two-family dwelling.

2.2 Per 3-unit multifamily dwelling; 10 feet per each additional dwelling unit.

2.3 Per one-family dwelling, one-and-one-half-family dwelling or two-family dwelling.

2.4 Per principal structure for commercial or noncommercial occupancy.

2.5 Per principal structure.

2.6 The street frontage requirements of the underlying district are applicable if the land in a shoreland district contains frontage on a street, except that the street frontage may not be required to exceed the minimum required shore frontage.

2.7 Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

C. Minimum shoreline frontage (See also § 100-56).

Minimum Shoreline Frontage (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
No minimum	◘	◘ 3.12	◘	◘	◘	◘	◘				◘			◘	◘	◘			◘
75		◘ 3.1																	
125		◘ 3.2																	
150										◘ 3.9		◘ 3.9	◘ 3.3						
200								◘ 3.6	◘ 3.7	◘ 3.10		◘ 3.10	◘ 3.4			◘ 3.3	◘ 3.3		

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Minimum Shoreline Frontage (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
300 feet									◘ 3.8	◘ 3.11		◘ 3.11	◘ 3.5			◘ 3.4	◘ 3.4		

MINIMUM SHORELINE FRONTAGE NOTES

3.1 Per one-family dwelling or one-and-one-half family dwelling; 100 feet per two-family dwelling.

3.2 Per 3-unit multifamily dwelling; 25 feet per each additional dwelling unit.

3.3 Per one-family dwelling or one-and-one-half family dwelling.

3.4 A. Per commercial or noncommercial principal structure; 150 feet per each dwelling unit in the structure.

B. Per two-family dwelling.

3.5 Per 3-unit multifamily dwelling; 150 feet per each additional dwelling unit.

3.6 Per principal structure.

3.7 Per dwelling unit.

3.8 Per principal structure for commercial or noncommercial occupancy; 200 feet per each dwelling unit in the structure.

3.9 Per dwelling unit, adjacent to tidal areas.

3.10 A. Per dwelling unit, adjacent to nontidal areas.

B. Per principal structure for commercial or noncommercial occupancy, adjacent to tidal areas.

3.11 Per principal structure for commercial or noncommercial occupancy, adjacent to nontidal areas.

3.12 Per principal structure for commercial or noncommercial occupancy, including any dwelling units in the structure.

D. Minimum front setback (See also § 100-57).

Minimum Front Setback (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10	◘ 4.1	◘ 4.1	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘			◘	◘	◘
25															◘	◘			

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Minimum Front Setback (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
50							◘ 4.2	◘ 4.2											

MINIMUM FRONT SETBACK NOTES

4.1 Where a proposed structure on Main Street would be abutted on both sides by existing structures with front setbacks that are less than the required front yard setbacks, the setback of the proposed structure may be reduced to that of the structure with the greatest front setback without the need for a variance.

4.2 The applicable setback of the underlying district must be met, if greater than 10 feet.

E. Minimum side setback (See also § 100-57).

Minimum Side Setback (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10	◘ 5.1	◘ 5.1	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘			◘	◘	◘
25															◘	◘			
50							◘ 5.2	◘ 5.2											

MINIMUM SIDE SETBACK NOTES

5.1 Zero side line setback between structures is allowed, subject to compliance with applicable fire protection standards.

5.2 If the side lot line abuts a lot in the RT15RC, R1 or VIL District.

F. Minimum rear setback (See also § 100-57).

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Minimum Rear Setback (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RT1S	RT15RC	R1	R2	SPO	TBO	VIL
10	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘	◘			◘	◘	◘
25		◘ 6.2													◘	◘			
50							◘ 6.1	◘ 6.1											

MINIMUM REAR SETBACK NOTES

6.1 If the rear lot line abuts a lot in the RT15RC, R1 or VIL District.

6.2 Minimum setback from the Waterfront Walkway. See also § § 100-38D and 100-51H(1).

G. Minimum shoreline setback (See also § 100-58).

Minimum Shoreline Setback (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RTIS	RT15RC	R1	R2	SPO	TBO	VIL
No minimum	◘		◘	◘	◘	◘	◘				◘			◘	◘	◘			◘
25		◘						◘										◘	
75									◘ 7.1				◘				◘	◘ 7.4	
100									◘ 7.2	◘									
250												◘7.3							

MINIMUM SHORELINE SETBACK NOTES

7.1 From tributary streams, wetlands, and water bodies other than great ponds and rivers that flow into great ponds.

7.2 From a great pond or a river flowing to a great pond.

7.3 Except as may otherwise be allowed in accordance with the requirements of §§ 100-58B and 100-8E.

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MINIMUM SHORELINE SETBACK NOTES

7.4 The setback applies to all properties on the westerly side of Tannery Brook that are northerly of lots 9 and 10 on Tax Map 33; and all properties on the easterly side of Tannery Brook that are located on the westerly side of Central Street.

H. Maximum lot coverage (See also § 100-59).

Maximum Lot Coverage	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RTIS	RT15RC	R1	R2	SPO	TBO	VIL
No maximum	◘	◘ 8.1	◘	◘	◘		◘				◘			◘	◘	◘			◘
20%									◘	◘		◘	◘				◘	◘	
80%		◘				◘		◘											

MAXIMUM LOT COVERAGE NOTES

8.1 Applies only to lots developed for a commercial or noncommercial use.

I. Maximum structure height (See also § 100-60).

Maximum Structure Height (feet)	DT	DTS	C1	C2	C3	CFMA	ID	IDO	LRO	LRPO	RG	RPO	RTIS	RT15RC	R1	R2	SPO	TBO	VIL
35									◘	◘		◘	◘				◘	◘	
50	◘	◘	◘	◘		◘					◘			◘	◘	◘			◘
75					◘														
100							◘ 9.1	◘ 9.1											

MAXIMUM STRUCTURE HEIGHT NOTES

9.1 Or the height of the highest legally existing structure, whichever is greater.

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ARTICLE X
Performance Criteria

§ 100-62. Required findings.

Before any Level 1 or Level 2 review application may be approved, the reviewing authority must confirm there is clear and convincing documentation in the record to support a finding that the land use meets the applicable performance criteria listed in this section.

A. Sections 100-63, 100-64, 100-65, 100-66, 100-67 and 100-68 each contain a single criterion for which a written finding must be made by the reviewing authority. In making the finding, the reviewing authority shall consider the specific objectives or standards referenced in the section that are applicable to the proposed land use. The reviewing authority shall also note any conditions of approval that apply to the criterion. If a criterion does not reference any objective or standard that is applicable, the reviewing authority shall make a finding that the criterion is not applicable.

B. A land use application is deemed approved if the reviewing authority finds that all applicable performance criteria have been met.

C. A land use application is deemed denied if the reviewing authority finds that any performance criterion has not been met.

D. If a Level 1 review application is denied, the CEO shall provide the applicant a written explanation for the denial.

E. If a Level 2 review application is denied, the Planning Board shall provide the applicant a written explanation of the denial, including an explanation for its vote from each member opposed to the approval.

§ 100-63. Environment.

A. Criterion. The reviewing authority shall find that a proposed land use will have no impact on the environment that is contrary to the purposes of this chapter, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

   (1) Soils are suitable for the land use;

   (2) Stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects;

   (3) Soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation;

   (4) Surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use;

   (5) The ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use;

   (6) Significant wildlife habitat, and other important habitat as identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use; and

   (7) Vegetation within any applicable shoreland district is protected from excessive cutting or

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removal.

§ 100-64. Special areas.

A. Criterion. The reviewing authority shall find that a proposed land use will have no impact on special areas that is contrary to the purposes of this chapter, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

(1) Areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use;

(2) Vistas of scenic value are adequately protected from any relevant detrimental effect of the land use;

(3) Areas for public access to water bodies, wetlands and areas developed with commercial fisheries and maritime activities are adequately protected from any relevant detrimental effect of the land use;

(4) Areas of flood hazard are adequately protected from any relevant detrimental effect of the land use;

(5) And areas with unique natural character identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.

§ 100-65. Local areas.

A. Criterion. The reviewing authority shall find that a proposed land use will have no impact on local areas that is contrary to the purposes of this chapter, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

(1) The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood;

(2) The land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect;

(3) Any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated;

(4) Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated;

(5) Any relevant detrimental effects of noise from the land use are adequately mitigated;

(6) Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated;

(7) The solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected;

(8) Any relevant detrimental effects of smoke and dust from the land use are adequately mitigated; and

(9) Any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.

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§ 100-66. Public safety.

A. Criterion. The reviewing authority shall find that a proposed land use will have no impact on public safety that is contrary to the purposes of this chapter, if there is clear and convincing documentation in the record verifying that the following objectives have been met:

(1) The quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use;

(2) The safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use;

(3) Public safety services are adequately protected from any relevant detrimental effects of the land use;

(4) Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use;

(5) The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use; and

(6) The safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.

(7) The accessibility of public property and public buildings is adequately protected from any relevant detrimental effects of the land use.

§ 100-67. Specific uses.

A. Criterion. In addition to finding that the applicable criteria identified in §§ 100-63, 100-64, 100-65 and 100-66 have been met, before a land use may be approved, the reviewing authority must find that there is clear and convincing documentation in the record verifying that the land use has met all applicable specific use standards in Article VIII.

§ 100-68. Dimensions.

A. Criterion. In addition to finding that the applicable criteria identified in §§ 100-63, 100-64, 100-65, 100-66 and 100-67 have been met, before a land use may be approved, the reviewing authority must find that there is clear and convincing documentation in the record verifying that the land use has met all applicable dimensional standards in Article IX.

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ARTICLE XI
Nonconformance

§ 100-69. General provisions.

A. It is the intent of this chapter to require all lots, structures and land uses to comply with the applicable standards in Articles VII, VIII, and IX. However, any nonconforming condition involving a lot of record, structure or land use may continue, provided that the condition is not subject to any changes required by this article, and the lot of record, structure or land use existed on the effective date of an ordinance that established a regulation causing the nonconforming condition. For the purposes of this section, "the effective date" means:

(1) Thirty days after the adoption of the Shoreland Zoning Ordinance on July 30, 1992, or the date on which any subsequent amendment thereto became effective. These effective dates apply to lots, structures and land uses located in any shoreland district.

(2) November 7, 1995, which is the date the citizens of Bucksport approved the adoption of the Land Use and Site Plan Ordinance, or the date on which any subsequent amendment thereto became effective. These effective dates apply to lots, structures and land uses located outside any shoreland district.

(3) Thirty days after the adoption of this chapter, or the date on which any subsequent amendment thereto becomes effective. These effective dates apply to all lots, structures and land uses after it has been determined that the nonconforming condition is not subject to identification in accordance with the effective dates described in § 100-69A(1) or (2).

B. Any nonconforming lot may remain unchanged without regard to ownership, except as otherwise required in § 100-70.

C. Any nonconforming structure may remain unchanged without regard to ownership, except as otherwise required in § 100-71.

D. Any nonconforming use may remain unchanged without regard to ownership, except as otherwise required in § 100-72.

E. The normal upkeep and maintenance of any nonconforming lot, structure or use may be conducted without review or approval.

F. Except as otherwise provided for in this chapter, no change to any lot, structure or use may increase any nonconforming condition.

§ 100-70. Nonconforming lots.

A. Any lot of record that is undeveloped, vacant or contains no principal structures may be developed with a principal structure without regard to any nonconformity with minimum land area, lot width or frontage dimensional requirements, provided the following requirements are met:

(1) The lot was in existence on the relevant effective date identified in § 100-69A.

(2) Structures that require wastewater disposal are served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

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(3) Proposed structures are in compliance with all applicable setback, height and lot coverage dimensional requirements identified in Article IX, unless a variance is obtained from the Board of Appeals.

(4) The proposed use of the lot is an allowed use in the applicable district and has all required approvals and permits.

(5) In any shoreland district, if the lot is contiguous with one or more lots in the same ownership, the lots are combined to the extent necessary to comply with the dimensional requirements applicable to the proposed use, except as provided for in § 100-70B, and except as may otherwise be required in accordance with § 100-70C(2). If no dimensional requirements apply to the use of the lots or no use is proposed, and the lots are not subject to the requirements of § 100-70B or C(2), the lots must be combined to meet the least restrictive minimum dimensional requirements of the district in which they are located, as identified in § 100-61A and C.

B. In the IDO, LRO, LRPO, RPO, RT1S, SPO and TBO Shoreland Districts, contiguous lots in the same ownership, at least one of which is nonconforming, are not subject to the requirements of § 100-70A(5) if the following requirements are met:

(1) The lots were in the same ownership on July 30, 1992.

(2) The lots contain or are reconfigured to contain at least 100 feet of shoreline frontage and 20,000 square feet of lot area.

(3) The lots are served by public sewer or by a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, if usage of the lot requires wastewater disposal.

C. Any lot of record that is developed with a single principal structure or principal use and that does not comply with the minimum land area, lot width or frontage dimensional requirements for that structure or use may continue, subject to compliance with the following requirements:

(1) The lot and principal structure or use was in existence on the relevant effective date identified in § 100-69A.

(2) In any shoreland district, any such lot that is contiguous with an undeveloped lot in the same ownership must be combined with the undeveloped lot to the extent necessary to comply with the dimensional requirements applicable to the existing use.

(3) Any such lot and one or more contiguous lots in the same ownership that are each developed with a principal structure or use may be conveyed separately or together. Structures on these lots that require wastewater disposal must be served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. The lots must also be in compliance with the requirements of 12 M.R.S.A. §§ 4807-A through 4807-D (the State Minimum Lot Size Law), if applicable.

D. Any lot of record that is developed with two or more principal structures or principal uses and that does not comply with the minimum land area, lot width or frontage dimensional requirements for those structures or uses may be divided into individual lots for each principal structure or use, subject to compliance with the following requirements:

(1) The lot and principal structures or uses were in existence on the relevant effective date identified in § 100-69A.

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(2) The lots created must comply with applicable dimensional requirements in Article IX to the greatest practical extent, and they must comply with the State Minimum Lot Size Law, if applicable.

(3) Structures that require wastewater disposal must be served by a public sewer or a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

(4) The lot divisions must obtain subdivision approval, if required.

E. If a principal structure or use is destroyed or removed from a lot subject to the requirements in § 100-70D, the land previously occupied by the destroyed or removed structure or use must be merged with the newly created lots to satisfy § 100-70D(2). The destroyed or removed principal structure or use may not be replaced or reestablished.

§ 100-71. Nonconforming structures.

A. Addition or expansion.

(1) Any nonconforming principal or accessory structure may be added to or expanded subject to compliance with the applicable lot coverage limits in § 100-61H and the following restrictions, as applicable:

(a) Any structure or portion thereof located less than 100 feet from the shoreline of a great pond or a river flowing to a great pond may be expanded to the extent that the total combined floor area of all structures or portions thereof so located, including expansions, is no greater than 1,500 square feet. Of that amount, no more than 2/3 of the floor area may be located less than 75 feet from the same referenced shoreline.

(b) The total combined floor area of all structures or portions thereof, including expansions, located less than 75 feet from the shoreline of all other water bodies, tributary streams or the upland edge of any wetland may be no greater than 1,000 square feet.

(c) The maximum height of any structure or portion thereof located less than 100 feet from the shoreline of a great pond or a river flowing to a great pond may be no higher than 25 feet or the height of the existing structure, whichever is greater. The height of any structure or portion thereof located less than 75 feet from the same referenced shoreline may be no higher than 20 feet or the height of the existing structure, whichever is greater.

(d) The maximum height of any structure or portion thereof located less than 75 feet from the shoreline of all other water bodies, tributary streams or wetlands may be no higher than 20 feet or the height of the existing structure, whichever is greater.

(e) No expansion may result in a structure height greater than the maximum allowed in § 100-61I.

(f) No structure or portion thereof located less than 25 feet from the shoreline of any water body, tributary stream or upland edge of a wetland may be expanded.

(g) No accessory structure located closer to the shoreline of a water body, tributary stream or wetland than the principal structure may be expanded.

(2) An approved plan for the expansion of a nonconforming structure must be recorded by the

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property owner with the Hancock County Registry of Deeds within 90 days of the date of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the reviewing authority.

B. The construction, expansion or replacement of a foundation beneath any nonconforming structure is subject to Level 1 review. In any shoreland district, the structure and new or expanded foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the reviewing authority, based on the criteria specified in § 100-71G. For the purposes of determining compliance with § 100-71A, a constructed, expanded or replaced foundation that does not extend beyond the exterior dimensions of the structure and does not elevate the structure by more than three additional feet, as measured from the uphill side of the structure, is not considered an expansion of the structure.

C. Any nonconforming structure may be relocated within the boundaries of the parcel on which it is located, subject to approval of the reviewing authority identified in § 100-22. Before approval may be granted, the reviewing authority must determine that:

(1) The site of relocation conforms to all setback and other dimensional requirements to the greatest practical extent, based on the criteria specified in § 100-71G.

(2) If applicable, the structure is served by a public sewer service or a subsurface wastewater disposal system that complies with all applicable rules, regulations and laws.

(3) The site of relocation does not cause the structure to be more nonconforming or create any other nonconforming condition.

D. Any nonconforming structure requiring minor rehabilitation may be rehabilitated without being subject to compliance with dimensional standards. The rehabilitated structure may not increase or create any nonconforming condition. In any shoreland district, minor rehabilitation is subject to Level 1 review. An application must be submitted to the Code Enforcement Officer within one year of the date the damage, destruction or removal requiring minor rehabilitation occurred.

E. In any shoreland district, any nonconforming structure that requires major rehabilitation for any reason may be rehabilitated or replaced, subject to the following restrictions:

(1) If it is determined by the reviewing authority that the total amount of floor area of the original structure could comply with the required setback, no portion of the rehabilitated or replacement structure may be located at less than the required setback.

(2) Except as provided for in § 100-71E(1), the rehabilitated or replacement structure must conform with dimensional requirements to the greatest practical extent based on the criteria specified in § 100-71G.

(3) If the rehabilitated or replacement structure is allowed to be located at less than the required setback, it may not be any larger than the original structure, except as provided for in § 100-71A.

(4) An application for a permit must be submitted to the Town within 18 months of the date of the removal, damage or destruction requiring major rehabilitation.

F. In any nonshoreland district, any nonconforming structure that requires major rehabilitation for any reason may be rehabilitated or replaced, subject to the following restrictions:

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(1) The rehabilitated or replacement structure must conform with dimensional requirements to the greatest practical extent based on the criteria specified in § 100-71G.

(2) If the rehabilitated or replacement structure is allowed to be located at less than the required setback, no expansion of the structure may increase any nonconforming condition.

(3) An application for a permit must be submitted to the Town within 18 months of the date of the damage or destruction requiring major rehabilitation or the date the original structure was removed.

G. In determining whether a nonconforming structure's relocation meets the setback to the greatest practical extent, the reviewing authority must consider the following factors:

(1) The size of the lot.

(2) The slope of the land.

(3) The potential for soil erosion.

(4) The location of other structures on the property and on adjacent properties.

(5) The physical condition and type of foundation present, if any.

(6) The location of the septic system and other on-site soils suitable for septic systems.

(7) The type and amount of vegetation to be removed in a shoreland district to accomplish the relocation.

(8) The impact of any detrimental effects of development, as identified in § 100-19F.

H. In any shoreland district, when it is necessary to remove vegetation within any shoreline setback area in order to relocate, reconstruct or replace a nonconforming structure, replanting of native vegetation to compensate for the destroyed vegetation is required. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting must meet the following requirements:

(1) Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree may make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the shoreline than the trees that were removed.

(2) Other woody and herbaceous vegetation and ground cover that is removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the shoreline setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(3) When a structure is relocated on a parcel, the original location of the structure must be replanted with vegetation, where feasible. The vegetation may consist of grasses, shrubs, trees, or a combination thereof.

I. A change of use of any nonconforming structure is subject to review and approval of the reviewing authority, as determined in accordance with the requirements in § 100-24.

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§ 100-72. Nonconforming uses.

A. Nonconforming uses of land or structures may not be expanded, except:

(1) A nonconforming residential use may be expanded in an existing structure or addition to the structure, subject to Level 1 review and approval. An expansion of a nonconforming residential use in the RPO District is subject to Level 2 review and approval.

(2) A nonconforming commercial or noncommercial use may be expanded in any nonshoreland district, subject to review and approval, as identified in § 100-20.

(3) Any expansion that may be allowed, as identified in § 100-72A(1) or (2), may not create or increase any dimensional nonconformity.

B. Nonconforming uses of land or structures may not be reestablished after being discontinued or superseded by a conforming use, except:

(1) A nonconforming use that has been discontinued for less than one year and not superseded by a conforming use may be reestablished without review or approval.

(2) A nonconforming use that has been discontinued for at least one year but less than two years and not superseded by a conforming use may be reestablished subject to approval in accordance with § 100-18.

(3) A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed and the occupancy complies with the applicable requirements of Chapter 29, Building Construction.

C. An existing nonconforming use may be replaced with another nonconforming use subject to Level 2 review.

(1) In addition to determining compliance with the applicable standards in Article VII, if the new nonconforming use is located in any shoreland district, the Planning Board must determine that it will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In making its determination, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

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Chapter 107

LICENSES AND PERMITS

[HISTORY: Adopted by the Town Council of the Town of Bucksport 1-12-2017 (Ch. 6 of the 1978 Town Code). Amendments noted where applicable.]

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§ 107-1. Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Purpose. The purpose of this chapter is to establish business licensing, permitting and registration regulations in accordance with state law, and for the purpose of protecting the public health, safety and welfare.

B. Authority.

(1) This chapter is enacted pursuant to 30-A M.R.S.A. § 3001 et seq.

(2) For the purposes of this chapter, the Town Council shall be the licensing and permitting authority for the Town of Bucksport.

(3) The Town Clerk shall serve as the authorized agent of the Town Council in such capacity as identified in this chapter.

(4) The Code Enforcement office, Fire Department and Police Department shall be authorized to conduct inspections, review records and make recommendations for the issuance of licenses, permits and registrations (referred to in this chapter as a "CFP review.")

(5) The Board of Appeals shall be authorized to hear and rule on administrative appeals in accordance with the requirements of this chapter.

C. Applicability.

(1) This chapter applies to the issuance of state licenses, permits and registrations that are required by law to be approved by municipalities before being issued. No such state license, permit or registration may be approved, except in conformance with the applicable requirements of this chapter.

(2) This chapter applies to the issuance of municipal licenses and permits that are required by law for certain land uses. No such state-required municipal license or permit may be approved, except in conformance with the applicable requirements of this chapter.

(3) This chapter applies to the issuance of municipal licenses that are not required by law, but which have been deemed necessary by the Town of Bucksport to protect the public health, safety and welfare. No such Town-required municipal license may be approved, except in conformance with the applicable requirements of this chapter.

(4) Any charitable, educational, religious or fraternal organization recognized by the IRS as a nonprofit entity is exempt from license fees identified in § 107-5, and is also exempt from licensing as provided for in § 107-2 of this chapter.

(5) The Town of Bucksport is exempt from any municipal licensing requirements of this chapter.

D. Severability and conflict.

(1) If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.

(2) If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

E. Effective date. Any amendment to this chapter shall become effective 30 days after the date of

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adoption of the amendment by the Town Council, except any amendment deemed to be an emergency shall become effective as determined by the Town Council.

F. Administrative procedures: first-time municipal licenses and permits.

(1) The Town Clerk shall receive and process applications for a first-time municipal license or permit in accordance with the procedures identified in this section.

(a) Applications shall be submitted on forms provided by the Town.

(2) Upon receipt of an application for a first-time municipal license or permit, the Town Clerk shall determine if the following requirements have been met:

(a) The application has been completed and signed by the applicant.

(b) The required fee identified in § 107-5 has been submitted.

(c) All required land use permits have been issued, if applicable.

(d) Written permission from the property owner, if other than the applicant, has been submitted.

(3) The Town Clerk shall notify the applicant of any applicable requirement in § 107-1F(2) that has not been met. In the event all applicable requirements are not met, the Town Clerk shall note the deficiencies in the record for subsequent review.

(4) The Town Clerk shall request a CFP review to be conducted in accordance with the requirements of § 107-1I for all first-time municipal license and permit applications.

(5) The Town Council may require a public hearing for any first-time municipal license application or permit subject to Town Council approval if deemed necessary to support the purposes of this chapter. The applicant or authorized agent must be present at a public hearing on their application.

(6) The Town Council or Town Clerk, as applicable, shall consider the CFP review recommendations, any deficiencies noted in the record, any public comments, and the applicable requirements identified in § 107-2, and approve or deny an application for a first-time municipal license or permit.

(7) The Town Council or Town Clerk, as applicable, may grant approval of a first-time municipal license or permit with any condition of approval deemed necessary to support the purposes of this chapter.

(8) If a first-time municipal license or permit is approved, the Town Clerk shall issue the license within 10 days of the approval.

(9) If a first-time municipal license or permit is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with § 107-7.

(10) All fees submitted by the applicant shall be retained by the Town.

G. Administrative procedures: municipal license and permit renewals.

(1) The Town Clerk shall be responsible for administering the procedures for municipal license and

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permit renewals.

(2) No less than 60 days prior to the expiration date of a municipal license or permit subject to renewal, the Town Clerk shall provide the licensee or permittee with a renewal notice. The notice shall identify the required renewal fee, information needed to verify the licensed or permitted activity, and the date the renewal fee and verification information are due.

(3) The licensee or permittee shall submit to the Town Clerk the required verification information and the required renewal fee no less than 30 days before the license or permit expiration date.

(4) If a licensee or permittee fails to comply with the thirty-day deadline in § 107-1G(3), a late fee in accordance with the Town of Bucksport Schedule of Fees shall be added to the renewal fee. (This provision shall be in effect on January 1, 2018.)

(5) The Town Clerk shall request a CFP review to be conducted in accordance with the requirements of § 107-1I for all municipal license and permit renewals.

(6) Upon receipt of a CFP review recommendation for approval, the Town Clerk shall issue a renewal license or permit within 10 days of the date of the recommendation.

(a) The Town Clerk may issue a renewal with any condition of approval deemed necessary to support the purposes of this chapter.

(7) Upon receipt of a CFP review recommendation for denial, the Town Clerk shall submit all license or permit renewal documentation to the Town Council for review and a decision on the renewal at their first available meeting. Notice of this action shall be provided to the licensee or permittee.

(a) The Town Council may require a public hearing for the license or permit renewal if deemed necessary to support the purposes of this chapter. The applicant or authorized agent must be present at the public hearing.

(8) A licensed or permitted activity that has received a CFP review recommendation for denial may continue during the Town Council review process. If the Town Council denies the license or permit renewal, the licensed or permitted activity may continue until all rights of appeal have been exhausted.

(9) If a municipal license or permit renewal is approved by the Town Council, the Town Clerk shall issue the license within 10 days of the approval.

(a) The Town Council may grant a renewal with any condition of approval deemed necessary to support the purposes of this chapter.

(10) If the renewal of a municipal license or permit is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with § 107-7.

(a) All fees submitted by the applicant shall be retained by the Town.

(11) No licensed or permitted activity that has not been approved for renewal may continue after the license or permit expiration date, except as follows:

(a) Section 107-1G(8) is applicable; or

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(b) The Town Clerk has found reasonable justification for granting a temporary extension to an expiration date to allow for the completion of renewal procedures.

H. Administrative procedures: municipal review of state licenses, permits and registrations.

(1) The Town Clerk shall receive and process state license, permit and registration applications requiring municipal approval.

(2) Upon receipt of an application, the Town Clerk shall determine if the following requirements have been met:

(a) The application has been completed and signed by the applicant.

(b) The required fee for municipal review has been submitted.

(c) All required land use permits have been issued, if applicable.

(d) Written permission from the property owner if other than the applicant has been submitted for first-time applications.

(3) The Town Clerk shall notify the applicant of any applicable requirement in § 107-1H(2) that has not been met. In the event all applicable requirements are not met, the Town Clerk shall note the deficiencies in the record for subsequent review.

(4) The Town Clerk shall request a CFP review to be conducted in accordance with the requirements of § 107-1I for all applications.

(5) A public hearing shall be conducted by the Town Council for all first-time state licenses, permits and registrations subject to Town Council approval. The applicant or authorized agent must be present at a public hearing for their application.

(6) The Town Council may require a public hearing for a renewal application if deemed necessary to support the purposes of this chapter.

(7) The Town Council or Town Clerk, as applicable, shall consider the CFP review recommendations, any deficiencies noted in the record, any public comments, and the applicable requirements identified in § 107-2, and approve or deny an application.

(8) If an application for a state license, permit or registration is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with § 107-7.

(a) All fees submitted by an applicant shall be retained by the Town.

(9) No activity that has been licensed, permitted or registered by the state with municipal approval may continue after the license, permit or registration has expired, except as may otherwise be provided for by state law.

I. Administrative procedures: CFP reviews.

(1) A Code, Fire and Police (CFP) review shall be conducted in accordance with the procedures identified in this subsection. The review shall be conducted by the Code Enforcement office, Fire Department and Police Department for applications for first-time municipal licenses and permits; municipal license and permit renewals; and applications for municipal approval of state licenses, permits and registrations. A CFP review shall conclude with a recommendation to

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approve or deny a license, permit or registration.

(2) A recommendation from the Code Enforcement office shall be based on a review of local land use and zoning regulations, building standards, property maintenance regulations, and plumbing and subsurface wastewater disposal regulations enforced by the Town.

(3) A recommendation from the Fire Department shall be based on a review of life safety and fire prevention regulations enforced by the Town.

(4) A recommendation from the Police Department shall be based on a review of local public safety regulations and state laws enforced by the Town.

(5) A CFP review shall include an inspection of the premises to the extent deemed necessary by the reviewing authorities.

(6) A recommendation for approval shall be made upon finding that the applicant is in compliance with all applicable provisions of this chapter.

(7) A recommendation for conditional approval may be made to address any compliance issue identified during a CFP review.

(8) A recommendation for denial must be based on any of the following conditions, as applicable:

(a) The applicant has been convicted of any Class A, B, or C crime.

(b) The premises or its use is noncompliant with any municipal zoning or other land use ordinance not directly related to liquor control, or any applicable provision of § 107-2 of this chapter.

(c) There are conditions of record such as waste disposal violations, health or safety violations, or repeated traffic or parking violations on or in the vicinity of the premises and caused by persons patronizing or employed by the premises.

(d) There are conditions of record caused by persons patronizing or employed by the premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the premises to use their property in a reasonable manner.

(e) There are repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law in the vicinity of the premises and caused by persons patronizing or employed by the premises.

(f) There is a violation of any applicable provision of 28-A M.R.S.A.

(g) Server training in a program certified by the State of Maine has not been completed by individuals who serve alcoholic beverages.

(h) There is a violation of any applicable provision of the Bucksport Town Code.

(9) A CFP review recommendation must be submitted to the Town Clerk within two weeks of a CFP review request, or by a sooner date deemed necessary by the Town Clerk to provide for the timely scheduling of a public hearing or to expedite other reviews of an application. A CFP review recommendation may not be required less than seven days after the date of the request for a CFP review.

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J. Public notice.

(1) The Town Clerk shall post notice of the time and date of the Town Council review of an application at the Bucksport Town office and on the Town's official website no less than seven days prior to the date of the review.

(2) Except as otherwise required in this section, notice of any public hearing concerning an application must be published in a daily newspaper having general circulation in the municipality at least three consecutive days before the date of hearing, or in a weekly newspaper having general circulation in the Town of Bucksport at least seven days before the date of the hearing.

(3) Notice of a public hearing for approval of a bottle club must be published in a daily newspaper having general circulation in the municipality for at least three consecutive days before the date of the hearing, or in a weekly newspaper having general circulation in the municipality for two consecutive weeks before the hearing date.

(4) Notice of a public hearing for approval of an off-track betting facility must be published in a daily newspaper of general circulation in the municipality for at least six consecutive days before the date of the hearing, or in a weekly newspaper of general circulation in the municipality on two consecutive weeks before the date of the hearing.

(5) The cost of advertising a public hearing shall be borne by the applicant and paid to the Town prior to publication of the hearing notice.

K. Transferability.

(1) No municipal license or permit may be transferred nor may any business be operated under new ownership until such time a license or permit is issued to the new owner in accordance with this chapter.

(2) A new owner may apply for a license or permit upon a showing of a legal right, title or interest to the business or enterprise.

(3) A license or permit required by this section is subject to the first-time license or permit application procedures identified in § 107-1F.

L. Business name certification.

(1) Before commencing any business in the Town of Bucksport, a certificate signed and sworn to by the business owner must be submitted to the Town Clerk. The certificate must state the name and address of the business owner, the business name and location, and the type of the business.

(2) A certification fee shall be required, as identified in § 107-5.

§ 107-2. Municipal license standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Closing-out sales (pursuant to 30-A M.R.S.A. Ch. 183, Subch. 2).

(1) A municipal license shall be required for a closing-out sale.

(2) The Town Clerk shall approve or deny a closing-out sale license in accordance with the requirements of 30-A M.R.S.A. § 3781 et seq.

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(3) A closing-out sale license expires upon conclusion of the sale.

B. Dog kennels (pursuant to 7 M.R.S.A. Ch. 721).

(1) A municipal license shall be required for a dog kennel.

(2) The Town Clerk shall approve or deny a license for a dog kennel in accordance with the requirements of this chapter.

(3) A dog kennel license expires January 31 each year and is subject to the renewal requirements identified in § 107-1G.

(4) A dog kennel license covers a maximum of 10 dogs.

(5) The Town's Animal Control Officer must inspect a kennel prior to the issuance of a license.

(6) A dog kennel license may not be issued to anyone who has been convicted of any animal cruelty charges.

C. Festivals. **[Amended 3-10-2022]**

(1) A municipal license shall be required for a festival.

(a) The event organizer shall be required to fill out a festival license application.

(b) The completed application shall be submitted to the Town Clerk at least 60 days prior to the event date.

(c) Applications that do not include detailed information will be considered incomplete and returned to the applicant.

(2) The Town Council shall approve or deny the licensing of festivals in accordance with the requirements of this chapter.

(a) Prior to the issuance of a festival license, the event organizer shall submit documentation of public liability insurance with the Town of Bucksport named as additionally insured, sufficient in the amount of no less than $1,000,000 per occurrence.

(b) The event organizer shall enter into a written agreement which requires the organizer to indemnify and hold harmless the Town of Bucksport and specifically names the Town as an additional insured for greater protection.

(c) Prior to Council consideration, the submitted festival application shall be reviewed by the Code Enforcement Officer, Deputy Fire Chief, and Deputy Police Chief. Proposed festival applications where the event takes place on any portion of the waterfront shall also be reviewed by the Harbor Master. The previously mentioned Town staff members shall make a recommendation to the Town Council whether to approve, conditionally approve, or deny the application.

(d) Prior to Council consideration, the submitted festival application shall be reviewed by the Community and Economic Development Committee.

(3) A festival license shall expire upon conclusion of the festival and is not a renewable license. A new application review in accordance with the requirements identified in this chapter shall be required for previously licensed festivals.

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(4) Adequate provisions must be made for parking, traffic movement and pedestrian safety.

(a) Communication between the Deputy Police Chief, Deputy Fire Chief, Harbor Master (when appropriate) and event organizer shall be a priority for each festival. The event organizer shall present a plan describing all measures and procedures designed to address safety concerns, including provisions for protecting the safety of those in attendance of the festival. This plan shall be reviewed and either approved or denied by the Bucksport Public Safety Department.

[1] Fire personnel. The Deputy Fire Chief shall determine the number of fire personnel needed to provide coverage for each festival.

[2] Medical personnel. The Deputy Fire Chief shall determine the number and the license level of emergency medical service personnel and ambulances needed to provide coverage for each festival.

[3] Police officers. The Deputy Police Chief shall determine the number of police officers needed to provide coverage for each festival.

(b) Nonprofit organizations shall be provided up to one police officer, and two firefighters/ EMS personnel to cover the event at no charge.

[1] When additional police officers or EMS personnel are needed for the event, or extra personnel are called in to the event, the nonprofit organization will then be billed per the requirements set forth in the union contracts.

[2] For-profit businesses and organizations shall be billed for all public safety personnel per requirements set forth in the union contracts.

(5) Adequate provision must be made for the disposal of sanitary and solid wastes.

(a) Trash collection and removal is the responsibility of the event organizer.

(b) Arrangements may be made with the Town for removal of bagged trash at the current rate as indicated in the Town's Fee Schedule. Arrangements should be well in advance of the event to ensure staff and equipment availability.

(c) Trash shall be removed immediately upon completion of the event.

[1] When events take place over multiple days, all trash shall be removed immediately upon completion of each day's event.

(d) If public bathrooms are to be used, arrangements should be made for cleaning and restocking the facilities as needed. A fee may be assessed for Town staff's time at the current overtime pay rate.

(e) Arrangements should be made by the event organizer for portable toilets to be installed if the event attendance is expected to exceed the capacity of the public restrooms.

[1] Installation location of portable toilets should be coordinated with the Town prior to delivery.

[2] Date and time of install shall be coordinated with the Town.

(6) Live or recorded entertainment may not involve nudity.

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(7) A festival license may not be issued to anyone who has been convicted of a violation of any provision of 28-A M.R.S.A. if the sale of alcohol is included in the festival.

(8) A festival license authorizes any approved activity that takes place at the festival and which is not otherwise licensed in accordance with the requirements of this chapter, except any activity involving the sale or consumption of alcoholic beverages.

(9) A festival license is not required for the following types of festivals:

(a) A festival conducted by a school and which is related to an educational curriculum or fundraising objective. The exception is limited to festivals conducted on school property.

(b) A festival conducted by a place of worship and which is related to a religious observance or fundraising objective. The exception is limited to festivals conducted on the place of worship's property.

(c) A festival conducted by a nonprofit, charitable or fraternal organization. The exception is limited to festivals conducted on the organization's property.

(10) No event shall take place at or obstruct access to the Town marina or the associated parking lot from June 1 to September 30 of each year.

(11) Festival and event organizers should attempt to host events at locations other than the Town dock parking lot if possible. Available locations can be coordinated with Town officials.

(a) If the Town dock parking lot is used as part of an event, arrangements shall be made for the safe passage of necessary vehicle traffic to and from the Town dock,

(12) Water-dependent uses must be approved by the Harbor Master. Examples of water-dependent uses include ship tours, harbor cruises, boat races or other similar uses.

(13) The Harbor Master or Public Safety may temporarily suspend an event that is interfering with or a hindrance to the normal use or operation of the Town dock.

(14) The Harbor Master shall have the authority to refuse closure of the Town dock parking lot entrance for an event.

D. Food services.

(1) A municipal license shall be required for food services, as required in this subsection.

(2) The Town Council shall approve or deny the licensing of food services in accordance with the requirements of this chapter.

(3) A food service license expires December 31 each year and is subject to the renewal requirements identified in § 107-1G.

(a) A Class 1 or Class 2 dining food service license shall expire upon expiration of the liquor license issued for the premises.

(4) A food service license is not required for any charitable, educational, religious or fraternal organization.

(5) A food service license is not required for any outdoor vendor selling food.

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(6) Food services, as defined in § 107-8, shall be subject to licensing as follows:

(a) Ancillary food services. A food service license is not required.

(b) Catering food services. A food service license is not required.

(c) Concession food services. A food service license is not required.

(d) Dining food service Class 1. A food service license is required.

(e) Dining food service Class 2: A food service license is required.

(f) Dining food service Class 3: A food service license is required for Class 3 dining services with on-premises dining facilities.

(g) Donation food services. A food service license is not required.

(h) Farm food services. A food service license is not required.

(i) Home-based food services. A food service license is not required.

(j) Production food services. A food service license is not required.

(k) Retail food services Class 1. A food service license is required.

(l) Retail food services Class 2. A food service license is not required.

(m) Wholesale food services. A food service license is not required.

(7) Any food services facility where cooking appliances are used shall be subject to safety inspections by the Fire Department at its discretion.

E. Innkeepers (pursuant to 30-A M.R.S.A. Ch. 183, Subch. 3).

(1) A municipal license shall be required for an innkeeper.

(2) The Town Council shall approve or deny the licensing of innkeepers in accordance with the requirements of this chapter.

(3) An innkeeper license expires May 31 each year and is subject to the renewal requirements identified in § 107-1G.

(4) A person licensed as an innkeeper must be of good moral character.

(5) Innkeeper businesses operating on the effective date of this section shall be exempt from the license fee in § 107-5 for the first licensing year.

F. Outdoor vendors (site vendors, mobile vendors, street vendors).

(1) A municipal license shall be required for an outdoor vendor.

(2) The Town Council shall approve or deny the licensing of outdoor vendors in accordance with the requirements of this chapter.

(3) An outdoor vendor license expires December 31 each year and is not a renewable license. A new application review in accordance with the requirements identified in § 107-1F shall be required for previously licensed outdoor vendors.

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(4) The Town Council may set dates on which a site vendor may or may not occupy a location.

(5) An outdoor vendor license shall identify the approved location(s) to be occupied. Additional locations may be approved by the Town Council during the term of a license.

(6) A mobile vendor or street vendor license may be limited to a prescribed route, if deemed necessary by the Town Council to support the purposes of this chapter.

(7) No outdoor vendor may operate on or along any portion of the Bucksport Waterfront Walkway, except as part of a Town-approved event.

(8) No outdoor vendor may occupy any public parking space on Main Street, except as part of a Town-approved event.

(9) An outdoor vendor license is not required for any charitable, educational, religious or fraternal organization.

(10) A single outdoor vendor license shall be required for a farmers market. The license shall be issued to the market's operator or authorized agent. Vendors are not required to be licensed individually to participate in a farmers market.

G. Pawnbrokers (pursuant to 30-A M.R.S.A. Ch. 183, Subch. 6).

(1) A municipal license shall be required for a pawnbroker.

(2) The Town Council shall approve or deny the licensing of pawnbrokers in accordance with the requirements of this chapter.

(3) A pawnbroker license expires December 31 each year and is subject to the renewal requirements identified in § 107-1G.

(4) The Town Council may not issue a pawnbroker license to a person who has been convicted of a violation of 30-A M.R.S.A. Ch. 183, Subch. 6.

(5) A person licensed as a pawnbroker must be of good moral character.

H. Public entertainment. **[Amended 3-10-2022]**

(1) A municipal license shall be required for public entertainment.

(a) The event organizer shall be required to fill out a public entertainment license application.

(b) The completed application shall be submitted to the Town Clerk at least 60 days prior to the event date.

(c) Applications that do not include detailed information will be considered incomplete and returned to the applicant.

(2) The Town Council shall approve or deny the licensing of public entertainment in accordance with the requirements of this chapter.

(a) Prior to the issuance of a public entertainment license, the event organizer shall submit documentation of public liability insurance with the Town of Bucksport named as additionally insured, sufficient in the amount of no less than $1,000,000 per occurrence.

(b) Prior to Council consideration, the submitted public entertainment application shall be

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reviewed by the Code Enforcement Officer, Deputy Fire Chief, and Deputy Police Chief. Proposed festival applications where the event takes place on any portion of the waterfront shall also be reviewed by the Harbor Master. The previously mentioned Town staff members shall make a recommendation to the Town Council whether to approve, conditionally approve, or deny the application.

(c) Prior to Council consideration, the submitted festival application shall be reviewed by the Community and Economic Development Committee.

(3) A public entertainment license expires at the end of the entertainment event and is not a renewable license. A new application review in accordance with the requirements identified in this chapter shall be required for previously licensed public entertainment.

(4) A public entertainment license may include more than one location and event, subject to approval by the Town Council.

(5) Adequate provisions must be made for parking, traffic movement and pedestrian safety.

(a) Communication between the Deputy Police Chief, Deputy Fire Chief, Harbor Master (when appropriate) and event organizer shall be a priority for each event. The event organizer shall present a plan describing all measures and procedures designed to address safety concerns, including provisions for protecting the safety of those in attendance of the event. This plan shall be reviewed and either approved or denied by the Bucksport Public Safety Department.

[1] Fire personnel. The Deputy Fire Chief shall determine the number of fire personnel needed to provide coverage for each event.

[2] Medical personnel. The Deputy Fire Chief shall determine the number and the license level of emergency medical service personnel and ambulances needed to provide coverage for each event.

[3] Police officers. The Deputy Police Chief shall determine the number of police officers needed to provide coverage for each event.

(b) Nonprofit organizations shall be provided up to one police officer, and two firefighters/ EMS personnel to covering the event at no charge.

[1] When additional police officers or EMS personnel are needed for the event, or extra personnel are called in to the event, the nonprofit organization will then be billed per the requirements set forth in the union contracts.

(c) For-profit businesses and organizations shall be billed for all public safety personnel per requirements set forth in the union contracts.

(6) Public entertainment may not involve nudity.

(7) A public entertainment license is not required for any charitable, educational, religious or fraternal organization.

(a) The exception is limited to events conducted on the organization's property.

(8) A public entertainment license is not required for a parade. Notice of any parade must be given to the Deputy Police Chief and Deputy Fire Chief at least 60 days before the date of the parade.

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All parades must comply with the public safety requirements of the Public Safety Department.

(9) No public entertainment may be conducted on or along the Waterfront Walkway, except as approved by the Bucksport Town Council.

(a) No event shall take place at or obstruct access to the Town marina or the associated parking lot from June 1 to September 30 of each year.

(b) Event organizers should attempt to host events at locations other than the Town dock parking lot if possible. Available locations can be coordinated with Town officials.

[1] If the Town dock parking lot is used as part of an event, arrangements shall be made for the safe passage of necessary vehicle traffic to and from the Town dock.

(c) Water-dependent uses must be approved by the Harbor Master. Examples of water-dependent uses include ship tours, harbor cruises, boat races or other similar uses.

(d) The Harbor Master or Public Safety may temporarily suspend an event that is interfering with or a hindrance to the normal use or operation of the Town dock.

(e) The Harbor Master shall have the authority to refuse closer of the Town dock parking lot entrance for an event.

(10) A public entertainment license is not required for the following activities:

(a) Any entertainment permitted as special amusements in accordance with § 107-3E.

(b) Any entertainment conducted at a place of assembly intended for entertainment events.

(c) Street performers or buskers performing without any advance notice to the public.

(11) Adequate provision must be made for the disposal of sanitary and solid wastes.

(a) Trash collection and removal is the responsibility of the event organizer.

(b) Arrangements may be made with the Town for removal of bagged trash at the current rate as indicated in the Town's Fee Schedule. Arrangements should be well in advance of the event to ensure staff and equipment availability.

(c) If public bathrooms are to be used, arrangements should be made for cleaning and restocking the facilities as needed. A fee may be assessed for Town staff's time at the current overtime pay rate.

(d) Arrangements should be made by the event organizer for portable toilets to be installed if the event attendance is expected to exceed the capacity of the public restrooms.

[1] Installation location of portable toilets should be coordinated with the Town prior to delivery.

[2] Date and time of install and removal shall be coordinated with the Town.

I. Roller-skating rinks (pursuant to 8 M.R.S.A. Ch. 23).

(1) A municipal license shall be required for a roller-skating rink.

(2) The Town Council shall approve or deny the licensing of roller-skating rinks in accordance with

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the requirements of this chapter.

(3) A roller-skating rink license expires December 31 each year and is subject to the renewal requirements identified in § 107-1G.

(4) A roller-skating rink license may not be issued to anyone convicted of any Class A, B, or C crime.

J. Cannabis establishments. **[Added 8-25-2022]**

(1) A municipal license shall be required for all cannabis establishments.

(2) The Town Council shall approve or deny the licensing of cannabis establishments in accordance with the requirements of this chapter.

(3) A cannabis establishment license expires December 31 each year and is subject to the renewal requirements identified in §§ 107-1G and 107-2.

(4) Licensees shall provide evidence to the Town Clerk annually of their license issue date with complete list of employees, owners, directors, and stakeholders.

(5) An applicant for a local cannabis license or medical cannabis license shall file in person at the office of the Town Clerk a completed application made on a form provided by the Town. An application shall be considered complete when it contains the information and/or items required in this subsection and is accompanied by the appropriate license application fee as listed in the Town of Bucksport Schedule of Fees.

(a) The applicant's full legal name and any other names used by the applicant in the preceding five years.

(b) Current business address or another mailing address for the applicant.

(c) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.

(d) The business name, location, legal description, mailing address and phone number.

(e) The name and business address of the statutory agent or other agent authorized to receive service of process.

(f) A copy of the applicant's state license for operation of a cannabis establishment.

(g) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter and, if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

(h) A statement of whether any establishment in which an applicant has had an influential interest has, in the previous five years (and at a time during which the applicant had the influential interest):

[1] Been declared by a court of law to be a nuisance; or

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[2] Been subject to a court order of closure.

(i) Evidence of all state approvals or conditional approvals required to operate a cannabis establishment or medical cannabis establishment, including, but not limited to, a state license as defined by this chapter, a state retail certificate, or a state health license.

(j) An affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three years.

(6) The local licensing authority shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

(7) No license shall be granted if any of the following apply:

(a) An applicant is less than 21 years of age.

(b) An applicant has failed to provide information required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.

(c) The establishment is in a location where a cannabis establishment is not permitted.

(d) Any establishment in which an applicant has had an influential interest has, in the previous five years (and at a time during which the applicant had the influential interest):

[1] Been declared by a court of law to be a nuisance; or

[2] Been subject to an order of closure;

[3] Been convicted of or pled guilty or nolo contendere to a specified criminal activity.

(e) A person who has had a license for a cannabis establishment and/or medical cannabis establishment revoked by the Town or by the state.

(f) An applicant who has not acquired all necessary state approvals and licenses and other required local approvals prior to the issuance of a local cannabis license.

(8) Licenses issued under this subsection are not transferable to a new owner.

(9) A state transfer license shall require a new local cannabis license.

(10) Licenses are limited to the location for which they are issued and shall not be transferable to a different location.

(11) A licensee who seeks to operate in a new location shall acquire a new local license for that location.

(12) The operation of any cannabis establishment or medical cannabis establishment without the required local cannabis license shall be a violation of this chapter. Fines shall be set forth for violation of any of the provisions of this subsection; violators shall be punished by a civil penalty as provided in §§ 100-45C(2)(n)[1], 100-47G(7)(a), and 100-52B(7)(a). Each day a violation is committed or permitted to continue shall constitute a separate violation and shall be

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fined as such.

(13) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the business.

(14) The license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.

(15) A local cannabis license renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the Council shall consider compliance from prior years and, based upon that review, may add conditions to any future license to correct, abate or limit past problems.

(16) Indemnification. By accepting a license issued pursuant to this chapter, 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 registered caregiver or cannabis business owners (medical or adult use), operators, employees, clients, or customers, by any state or federal official, for a violation of federal laws, rules, and regulations. By accepting a license issued pursuant to this chapter, the 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 the Town's licensing of a registered caregiver or cannabis business (medical or adult use).

§ 107-3. Municipal permit standards.

A. Automobile graveyards.

(1) A municipal permit shall be required for automobile graveyards.

(2) The Town Council shall approve or deny an automobile graveyard permit in accordance with the requirements of Chapter 14, Automobile Graveyards and Recycling Business and Junkyards, of the Bucksport Town Code.

(3) No other provisions in this chapter shall apply to automobile graveyards.

B. Automobile recycling businesses.

(1) A municipal permit shall be required for automobile recycling businesses.

(2) The Town Council shall approve or deny an automobile recycling business permit in accordance with the requirements of Chapter 14, Automobile Graveyards and Recycling Business and Junkyards, of the Bucksport Town Code.

(3) No other provisions in this chapter shall apply to automobile recycling businesses.

C. Dealers in secondhand precious metals.

(1) A municipal permit shall be required for a dealer in secondhand precious metals (DSPM).

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(2) The Town Council shall approve or deny a DSPM permit in accordance with the requirements of this chapter.

(3) A DSPM municipal permit expires December 31 each year and is subject to the renewal requirements identified in § 107-1G.

(4) A dealer shall provide the address of the permanent place of business at which the dealer will do business to the municipality and shall notify the municipality if the location changes.

(5) The Town Council may require other reasonable information as to the identity of the persons managing, supervising or conducting the business as necessary in order to fulfill the purposes of this subsection.

(6) The Town Council may not issue a DSPM permit to a person if they find that issuance of the permit would be detrimental to the public health, safety or welfare.

(7) The Town Council may not issue a DSPM permit to a person who has been convicted of a violation of 30-A M.R.S.A. § 3972.

D. Junkyards.

(1) A municipal permit shall be required for junkyards.

(2) The Town Council shall approve or deny a junkyard permit in accordance with the requirements of Chapter 14, Automobile Graveyards and Recycling Business and Junkyards, of the Bucksport Town Code.

(3) No other provisions in this chapter shall apply to junkyards.

E. Special amusements.

(1) A municipal permit shall be required for special amusements.

(2) The Town Council shall approve or deny a special amusements permit in accordance with the requirements of this chapter.

(3) A special amusements permit expires on the expiration date of the liquor license for the premises at which the special amusements are conducted. A special amusements permit is not a renewable permit. A new application review is required for previously permitted special amusements in accordance with the procedures identified in § 107-1F.

(4) A public hearing shall be required for special amusements permit applications. Notice of the hearing shall be made in accordance with the requirements of § 107-1J.

(5) No special amusements permit may authorize nudity in any form of entertainment.

(6) The Town Council may set limits on the days and hours that permitted entertainment may be conducted, the type of entertainment and where it may be conducted, if deemed necessary to support the purposes of this chapter.

§ 107-4. State license, permit and registration standards.

A. Alcoholic beverages (on-premises consumption).

(1) Municipal approval of license applications for on-premises consumption of alcoholic beverages

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shall be required before a license may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

(2) The Town Council shall approve or deny on-premises licenses in accordance with the requirements of this chapter.

(3) The provisions of § 107-4A shall also apply to applications for the transfer of an on-premises license to another location, as required by the DLLE.

(4) If the Town Council fails to take final action on an on-premises license application within 60 days of receiving the application, the application is deemed approved and ready for action by the DLLE.

(5) When an on-premises license has been extended by the DLLE pending renewal, the Town Council shall take final action on the on-premises license application within 120 days of receiving the application.

(6) The Town Council's approval of an on-premises license shall expire on the expiration date of the license issued by the DLLE.

(7) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(8) The Town Council may only deny an application upon finding any condition identified in § 107-1I(8)(a) through (g) to be applicable.

B. Beano or bingo.

(1) Municipal approval of beano or bingo license applications shall be required before a license may be granted by the Chief of the Maine State Police.

(2) The Town Council shall approve or deny beano or bingo licenses in accordance with the requirements of this chapter.

(3) Beano or bingo may not be conducted on Christmas, on Sunday before 11:00 a.m., or on any day between the hours of 12:00 midnight and 7:00 a.m. The prevailing time for the State of Maine shall determine these hours.

(4) The Town Council's approval of a bingo or beano license shall expire on the expiration date of the license issued by the Chief of the Maine State Police.

(5) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(6) Clubs, groups or organizations composed of individuals, at least 90% of whom are 62 years of age or older, that operate beano or bingo games for their own entertainment and recreation and not for profit are exempt from the licensing requirements of 17 M.R.S.A. Ch. 13-A.

C. Bottle clubs.

(1) Municipal approval of bottle club registration applications shall be required before a registration may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

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(2) The Town Council shall approve or deny bottle club registrations in accordance with the requirements of this chapter.

(3) The provisions of § 107-4C shall also apply to applications for the transfer of a bottle club to another location, as required by the DLLE.

(4) The Town Council's approval of a bottle club registration application shall expire on the expiration date of the registration issued by the DLLE.

(5) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(6) The Town Council may only deny approval of an application upon finding any condition identified in § 107-1I(8)(a) through (g) to be applicable, or any of the following conditions:

(a) In the case of corporate applicants, any officer, director or stockholder of the corporation has been disqualified or found ineligible under 28-A M.R.S.A. § 601.

(b) The location of the bottle club is at an amusement area, beach or other area designed primarily for use by minors.

D. Bring-your-own-bottle (BYOB) functions.

(1) Municipal approval of BYOB permit applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

(2) The Town Council shall approve or deny BYOB permits in accordance with the requirements of this chapter.

(3) The Town Council's approval of a BYOB function shall expire on the expiration date of the BYOB permit issued by the DLLE.

(4) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(5) The Town Council may only deny an application upon finding any condition identified in § 107-1I(8)(a) through (g) to be applicable.

E. Dual liquor licenses.

(1) Municipal approval of dual liquor license applications shall be required before a license may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

(2) The Town Council shall approve or deny dual liquor licenses in accordance with the requirements of this chapter.

(3) The Town Council's approval of a dual liquor license shall expire on the expiration date of the license issued by the DLLE.

(4) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

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F. Games of chance.

(1) Municipal approval of games of chance license applications shall be required before a license may be granted by the Chief of the Maine State Police.

(2) The Town Council shall approve or deny games of chance licenses in accordance with the requirements of this chapter.

(3) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(4) A games of chance license is not required when a game of chance constitutes social gambling, as defined in 17 M.R.S.A. § 1831.

G. Off-premises catering:

(1) Municipal approval of off-premises catering license applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

(2) The Town Clerk shall approve or deny off-premises catering licenses in accordance with the requirements of this chapter.

(3) The Town Clerk's approval of an off-premises catering license application shall expire on the expiration date of the license issued by the DLLE.

(4) If an application is denied by the Town Clerk, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(5) The Town Clerk may only deny an application upon finding any condition identified in § 107-1I(8)(a) through (g) to be applicable.

H. Off-track betting.

(1) Municipal approval of off-track betting license applications shall be required before a license may be granted by the State of Maine Harness Racing Commission.

(2) The Town Council shall approve or deny off-track betting licenses in accordance with the requirements of 8 M.R.S.A. § 275-D.

(3) The Town Council's approval of an off-track betting license application shall expire on the expiration date of the license issued by the Commission.

(4) If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

I. Taste-testing events.

(1) Municipal approval of taste-testing event license applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).

(2) The Town Clerk shall approve or deny taste-testing event licenses in accordance with the requirements of this chapter.

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(3) The Town Clerk's approval of a taste-testing event license application shall expire on the expiration date of the license issued by the DLLE.

(4) If an application is denied by the Town Clerk, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in § 107-7.

(5) The Town Clerk may only deny an application upon finding any condition identified in § 107-1I(8)(a) through (g) to be applicable.

§ 107-5. License and permit fees. [Amended 8-25-2022]

Fees are listed in the Town of Bucksport Fee Schedule.

§ 107-6. Enforcement.

A. The Code Enforcement Officer (CEO) shall enforce the provisions of this chapter.

B. Upon identification of a violation of any provision of this chapter, the CEO shall notify, in writing, the person responsible for such violation. The notice must indicate the nature of the violation and the action necessary to correct it. A copy of all such notices must be maintained as a permanent record in the code enforcement office.

C. When the above action does not result in the correction of the violation, the Town Council, upon notice from the CEO, shall determine the appropriate actions and proceedings that may be necessary to enforce the provisions of this chapter in the name of the municipality.

D. The Town Council may suspend or revoke any municipal license or permit pursuant to the requirements of this section.

E. A municipal license or permit may be suspended or revoked if the Town Council finds that the license or permit is in violation of the ordinances of the Town of Bucksport or the laws of the State of Maine, or the licensee or permittee has willfully or persistently failed to comply with any applicable rules and regulations.

F. The Town Council shall conduct a public hearing to consider a license or permit suspension or revocation. Notice of the hearing shall be given in accordance with the requirements of § 107-1J. Notice shall also be provided to the licensee or permittee no less than seven days prior to the date of the public hearing.

G. The cost of advertising a public hearing for a suspension or revocation shall be borne by the Town.

H. A licensee or permittee is not required to be present for the public hearing.

I. The Town Clerk shall provide written notification of the Town Council's decision to the licensee or permittee within 10 days of the Council's decision. A decision to suspend or revoke a license or permit shall include the reason for the decision and information about the right to appeal the decision in accordance with § 107-7.

J. The municipal officers, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action.

K. Any person who conducts any land use in violation of the licensing or permitting requirements of this chapter is subject to penalty in accordance with 30-A M.R.S.A. § 4452.

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§ 107-7. Appeal procedure.

A. An administrative appeal shall be taken to the Board of Appeals by any person aggrieved by a decision made by the Town Council or Town Clerk to issue, deny, revoke or suspend a municipal license or permit.

(1) An appeal application must be received by the Town within 30 days of the date of the decision being appealed.

B. An appeal of a decision made by the Town Council or Town Clerk to approve or deny the issuance of a state license, permit or registration from the Division of Liquor Licensing and Enforcement shall be taken in accordance with the applicable provisions of state law.

(1) An administrative appeal of a decision made by the Town Council or Town Clerk to approve or deny any other state license, permit or registration shall be taken to the Board of Appeals in accordance with the requirements of this section.

§ 107-8. Definitions.

Except as specifically defined herein, all words in this chapter shall carry their customary dictionary meanings. For the purpose of this chapter, certain words or terms used herein are to be construed or defined as follows:

BOTTLE CLUB — As defined in 28-A M.R.S.A. § 2.

BRING-YOUR-OWN-BOTTLE (BYOB) FUNCTION — As defined in 28-A M.R.S.A. § 2.

CANNABIS ESTABLISHMENT — Any business or individual that grows, cultivates, prepares, manufactures, packages, tests, or sells medical cannabis or adult use cannabis.**[Added 8-25-2022]**

CLOSING-OUT SALE — An event to dispose of the entire stock of goods of a business with the intent to permanently terminate further business after that disposal is complete. A closing-out sale may also be described as a "going-out-of-business sale," "discontinuance-of-business sale," "entire-stock-must-go sale," "must-sell-to-the-bare-walls sale," or other similar designation.

CONDITION OF RECORD — For the purpose of this chapter, any formal written complaint or written violation.

DEALER OF SECONDHAND PRECIOUS METALS — A person who engages in the business of purchasing, selling or acquiring through exchange secondhand precious metals, which include any item composed in whole or in part of gold or silver, but does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle or gold or silver coins or bullion.

DIVISION OF LIQUOR LICENSING AND ENFORCEMENT — A branch of the Maine Bureau of Alcoholic Beverages and Lottery Operations, responsible for licensing and enforcement activities for Maine's beverage alcohol industry.

DOG KENNEL — A place of business where five or more dogs kept for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a twelve-month period alone does not constitute the operation of a kennel.

DUAL LIQUOR LICENSE — A state license that allows a retail establishment to serve wine for on-premises consumption and sell wine to be consumed off the premises.

FESTIVAL — An organized event providing an opportunity for the public to gather and celebrate or participate in activities based on a common theme, such as the arts, music, food or drink, notable events,

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sports, trades, hobbies, the seasons, harvests, community, traditions, folklore, charity, clubs, organizations, religion or other themes that may inspire an interest for celebration or a coming together. A festival may take place indoors or outdoors and may include, but is not limited to, live or recorded entertainment, exhibits, demonstrations, workshops, food, drink, merchandise, animals, parades, amusement rides, fireworks, competitions, games of chance, recreation and other organized activities.

FOOD — Human nourishment originating from a plant or animal source. Food may be raw, cooked, heated, cooled, frozen, processed, or unprocessed, and in a solid or liquid state.

FOOD SERVICE — Selling or offering food to the public. Food services are classified as follows:

A. ANCILLARY — A food service that includes food vending machines or courtesy foods such as coffee and pastries or light snacks.

B. CATERING — A food service that includes prepared foods delivered and served at a social or business event.

C. CONCESSION — A food service provided at athletic or entertainment events from a permanent stand or counter.

D. DINING CLASS 1 — A food service provided at a restaurant, banquet facility, club or other similar premises that is licensed to serve alcoholic beverages for on-premises consumption.

E. DINING CLASS 2 — A food service provided at a pub, bar, lounge, taproom or other similar premises that is licensed to serve alcoholic beverages for on-premises consumption.

F. DINING CLASS 3 — A food service provided at a cafe, cafeteria, dairy bar, diner, drive-in, food court, restaurant, or other similar premises that is not licensed to serve alcoholic beverages for on-premises consumption.

G. DONATION — A food service provided at a food pantry or food bank, or by delivery to homes.

H. FARM — A food service that includes meat, dairy or produce products provided at the farm where the products are produced, or at a farmers market.

I. HOME-BASED — A food service that includes food products manufactured at a residential property.

J. PRODUCTION — A food service that includes food products produced at a manufacturing facility.

K. RETAIL CLASS 1 — A food service provided at a convenience store, bake shop, delicatessen, gift shop, grocery store, sandwich shop, specialty food shop, or other similar commercial establishment. Limited on-premises dining is provided.

L. RETAIL CLASS 2 — A food service provided at a convenience store, bake shop, delicatessen, gift shop, grocery store, sandwich shop, specialty food shop, or other similar commercial establishment. On-premises dining is not provided.

M. WHOLESALE — A food service that includes food products that are distributed for resale in the commercial market.

GAMES OF CHANCE — As defined in 17 M.R.S.A. § 1831.

INNKEEPER — A person who keeps an inn, bed-and-breakfast, hotel or motel to provide lodging to travelers and others for compensation.

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LICENSE — A document acknowledging approval from the authority having jurisdiction for a specific activity, pursuant to the requirements of this chapter.

MUNICIPAL PERMIT — A permit issued by the Town Council or Town Clerk in accordance with the requirements of this chapter.

NUDITY — Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering.

OFF-PREMISES CATERING — As defined in 28-A M.R.S.A. § 2.

OFF-TRACK BETTING — As defined in 8 M.R.S.A. § 275-A.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

OUTDOOR VENDOR — A person engaged in the business of selling one or more products at a temporary outdoor location on public or private property. Outdoor vendors are classified as follows:

A. SITE VENDOR — A person that offers products or services from a parked vehicle or trailer, or other portable structure installed at one location.

B. MOBILE VENDOR — A person that offers products or services from a moving motor vehicle, using signage or audible sounds to attract attention along the way and stopping whenever anyone signals interest.

C. STREET VENDOR — A person that offers products or services by standing or walking without structural displays, or by using a pushcart or similar nonmotorized, movable method for display.

PARADE — Any organized procession or march on public streets or roads, for entertainment, informational or celebratory purposes.

PAWNBROKER — A person engaged in the business of lending of money on the security of pledged tangible personal property that is delivered to and held by the pawnbroker. A pawnbroker may also purchase tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

PERSON — Individual, partnership, corporation, or other legal entity.

PREMISES — Any place where an activity takes place.

PUBLIC ENTERTAINMENT — Shows, performances, concerts, acts, parades, circuses, amusements or similar activities conducted for the assembled public.

ROLLER-SKATING RINK — A premises that provides an area used for roller-skating.

SPECIAL AMUSEMENTS — Live music, dancing, performances, shows, or similar entertainment in an establishment that is licensed for on-premises consumption of alcoholic beverages. Special amusements does not include incidental singing from employees of the establishment to honor or celebrate a special occasion for a customer.

TASTE-TESTING EVENT — As the term is applied in 28-A M.R.S.A. § 1052-D.

§ 107-9. Abrogation of former provisions.

This chapter, adopted on January 12, 2017, by the Bucksport Town Council, repeals and replaces Sections 1 through 6 of the current Chapter 6, Business Licensing and Regulations, and relocates Section 7 in its entirety without amendments to Chapter 37, Cable Television, of the Bucksport Town Code.[41]

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41. Editor's Note: References in this section to sections of Chapter 6 are to the chapters of the 1978 Town Code.

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BUCKSPORT CODE

Chapter 118

MINORS

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I
Safe Zones
[Adopted 2-9-2006 (Ch. 8, Art. 2, of the 1978 Town Code)]

§ 118-1. Definitions.

A "safe zone" is an area that is frequented by children, has been designated by the Bucksport Town Council as a safe zone pursuant to 17-A M.R.S.A. § 1101, Subdivision 23, and has been conspicuously marked using wording provided by the State of Maine Commissioner of Public Safety.

§ 118-2. Designation of Town safe zones. [Amended 10-14-2021

The following areas that are frequented by minors in the Town of Bucksport be designated as Safe zones under 17-A M.R.S.A. § 1101, Subdivision 23:

A. Reggie Ginn Field located off Third Street Extension and Spoffard Avenue.

B. Ian's Playground and Baseball Field off Elm Street, Summer Street and MacDonald Street.

C. Swimming pool and bathhouse located off Broadway and Bridge Street.

D. Miles Lane athletic facilities, ice rink facility, and basketball court located off Miles Lane and Broadway.

E. Knights of Columbus Little League Field located off Central Street and Race Course Road.

F. Googins Park.

G. Silver Lake boat launch, canoe/kayak launch and associated parking areas.

H. Jacob Buck Pond boat launch.

I. Miles Lane and Silver Lake trail systems.

J. Waterfront Walkway, Veteran Memorial Park, fishing pier, and Town dock.

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Chapter 136

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town Council of the Town of Bucksport 5-9-1996 (Ch. 8, Art. 1, of the 1978 Town Code). Amendments noted where applicable.]

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§ 136-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Remaining in essentially the same location and shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, and to stand around.

PRIVATE PLACE — Any place that is not a public place.

PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, entertainment, worship, or other lawful purpose, but does not necessarily mean a place devoted solely to the use of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public streets, ways, grounds, area or parks.

§ 136-2. Loitering prohibited.

It shall be unlawful for any person to loiter either along and/or in consort with others in a public place in such a manner as to:

A. Obstruct traffic upon any public street, public highway, public sidewalk or at any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

B. Interfere with business or property use by committing in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or within any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress and egress, and regress therein, thereof and thereto.

§ 136-3. Disorderly conduct.

A person is guilty of disorderly conduct if, in a public or private place, the person makes loud and unreasonable noise that can be heard by another person, who may be a law enforcement officer, after having been ordered by a law enforcement officer to ease the noise. Such noise shall include, but not be limited to, loud talking, yelling, shouting, blowing of horns, unnecessary acceleration of engines or other noisemaking devices.

§ 136-4. Failure to disperse.

When one or more persons are participating in a course of disorderly conduct, as defined in § 136-3, and likely to cause serious annoyance to others, a law enforcement officer may order the participant(s) in the immediate vicinity to disperse. A person is guilty of failure to disperse if he/she knowingly fails to comply with an order made pursuant to the first sentence of this section.

§ 136-5. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person(s) found guilty of a violation of Chapter 136 of the Bucksport Town Code shall be subject to a penalty consistent with 17-A M.R.S.A. § 1701 for each and every offense. The imposition of a penalty for violation shall not excuse the violation or permit it to continue.

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BUCKSPORT CODE

Chapter 141

PERSONNEL POLICIES AND PROCEDURES

[HISTORY: Adopted by the Town Council of the Town of Bucksport 8-31-2017, amended 1-11-2018; 10-11-2018; 7-28-2022 (Ch. 2 of the 1978 Town Code). Subsequent amendments noted where applicable.]

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§ 141-1. Purpose.

The purpose of this chapter is to establish a system of personnel administration that meets the social, economic, and program needs of the Town of Bucksport. This chapter includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline, and other related activities.

§ 141-2. Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 et seq.

§ 141-3. Applicability.

The Town's workforce consists of both nonunion employees and union employees organized into collective bargaining units under Maine State Law. This chapter shall apply to all employees, except when a provision in this chapter is inconsistent with a provision in a collective bargaining agreement, the provision of the agreement shall apply to the union employees.

§ 141-4. Severability; conflict with other provisions.

A. If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.

B. If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

§ 141-5. Disclaimers.

A. Although this chapter identifies the rights, responsibilities, and benefits of the Town of Bucksport employees, the chapter does not create legally enforceable rights. The following disclaimers are included to provide notice to that effect.

   (1) This chapter is not a contract and nothing in the chapter affords employees any contractual rights.

   (2) Where this chapter contains descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application, or benefit level.

B. The Town Council may change, amend, repeal, or modify this chapter at any time.

§ 141-6. Administration.

A. The day-to-day administration of this chapter is a function of the department heads. Any issue regarding the interpretation or application of this chapter should be addressed to the Town Manager.

B. Where appropriate or necessary, the implementation of this chapter shall be supplemented by administrative policies promulgated by the Town Manager, which explain in detail the mechanics of implementation and applications thereof.

§ 141-7. Town management authority.

A. Except as may otherwise be specifically limited by law or by this chapter, the authority to administer and manage the day-to-day operations of the Town government shall remain with the Town Manager

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and department heads. This authority shall include the right to take such administrative action as deemed necessary or appropriate to:

(1) Direct the programs of the various departments;

(2) Direct the workforce;

(3) Establish work schedules;

(4) Introduce new or improved methods, techniques, or facilities;

(5) Hire, suspend, demote, or discharge for just cause;

(6) Change duties and assignments; and

(7) Promote and maintain discipline.

B. Equally important to the authority of management is the right to take necessary and appropriate administrative action to uphold the rights and interest of the general citizenry, the Town Council, and employees.

C. The Town Manager or designee shall endeavor to keep this chapter current with respect to accepted personnel practices and state and federal personnel and employment law, and shall prepare amendments to this chapter for the Town Council's consideration, when necessary.

§ 141-8. Employment classifications.

A. Full-time. An employee that is hired to work at least 37.5 hours per week, year-round.

B. Part-time. An employee that is hired to work less than 37.5 hours per week, year-round.

C. Temporary. An employee that is hired for seasonal work, to address a short-term employee shortage, or to work on a special project. Upon completion of the purpose of the hire, their employment is ended.

D. On-call. An employee that is hired to work on an unscheduled, as-needed basis.

E. Contracted. An employee that is hired to work in accordance with the terms of a written agreement entered into by the employee and Town Council.

F. Appointed. An employee that is hired to serve an official duty required by state law, for a term of no less than one year. The employee shall be further classified as a full-time, part-time or on-call employee based on their work requirements.

§ 141-9. Employee vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Notice. When the Town decides to fill a vacancy, the Town will advertise publicly in a newspaper having general circulation in the community and the notice will contain the statement "The Town is an Equal Opportunity Employer." The Town will post notice at the Town office, Public Safety Building, and Town Garage for five working days.

B. Nondiscrimination and affirmative action. The Town shall not discriminate unlawfully against any person because of actual or perceived race, color, religion, sex, sexual orientation, gender identity,

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physical or mental disability, religion, ancestry or national origin, age or familial status. Furthermore, the Town shall take affirmative action to enhance the opportunities for minority group members, where they may be underutilized.

C. Recruitment. The character of the recruitment and selection process for all Town positions will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable. This may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. It shall be the duty of the Town Manager or the Town Council to seek out the most qualified employees for the Town.

D. Selection policy. It is the policy of the Town of Bucksport to select the best-qualified applicant for vacant positions and to give consideration to internal candidates. Hiring decisions shall be based upon the ability of the applicant to meet the requirements of the position, the level and degree of prior job-related experience, the strength of the applicant's employment history, the applicant's educational background as it specifically relates to the position sought, the quality of references, and such other factors as may be related to the applicant's ability to perform the duties of the position.

E. Promotions. Town employees shall be given maximum opportunity for advancement in the service. Present employees shall be given first consideration in filling a vacancy and may be given training opportunities to qualify for promotion, but it is recognized that, from time to time, the good of the service will require that a vacancy be filled from outside the service. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

F. Anti-nepotism. No person may be employed as a full-time or part-time employee to work for a department head that is an immediate family member of that person. No person that is an immediate family member of the Town Manager may be employed as a full-time or part-time employee in any department. "Immediate family" means parents, spouse, brother, sister, child, stepchild, adopted child, grandmother, grandfather, mother-in-law, and father-in-law. A full-time or part-time employee who was employed prior to July 1, 2017, and who is an immediate family member of a department head or the Town Manager may continue employment with the Town.

G. Physical exams. As a condition of employment, the Town may require a physical exam by a physician of the Town's choice at the expense of the Town.

H. Compensation. The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.

I. Probation. Any new full-time or part-time employee shall be subject to a probationary period for the first 180 days of employment. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a 180-day period of observation and review by the department head. Police officers shall be subject to a probationary period as provided in 30-A M.R.S.A. § 2701.

(1) During the probationary period, the department head, with the approval of the Town Manager, may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit their continuance of service.

(2) After the first 180 days, the employee shall receive a formal written evaluation by their supervisor, which will be delivered to the Town Manager. An employee has successfully completed their probationary period when their supervisor has issued a positive evaluation.

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§ 141-10. Employee resignations.

A. An employee may resign from Town service in good standing. "Good standing" shall mean the submittal of a written notice 14 calendar days in advance of the last day of actual work for nonsalary employees and 30 calendar days for salaried employees.

B. The failure of an employee to resign in good standing may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist.

C. The resignation should be accompanied by a statement by the department head as to the resigning employee's service performance and pertinent information concerning the cause of resignation.

D. The effective date of the employee's termination with the Town is considered to be the last day actually worked. Upon separation from service, the Town shall pay all wages owed, as well as earned vacation pay, if any, on the next regular payday.

(1) Upon separation from service in good standing, the Town shall pay to the employee their accumulated sick time in accordance with the requirements of § 141-14C(9) on the next regular payday.

§ 141-11. Employee responsibilities.

A. Employee conduct. All employees are expected and required to treat the public with promptness, patience, courtesy, and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town.

B. Confidentiality. During the course of their duties, some employees of the Town have access to sensitive personal information about individuals. This information must be kept confidential. Examples include, but are not limited to, medical conditions, labor relations or personnel actions. Employees are expected to respect the confidential nature of such information.

C. Attendance. Employees shall be at their respective places of work in accordance with general or departmental regulations. In the event of necessary absence because of illness or any other cause, it is the responsibility of employees to see that their department head or supervisor is advised of the reason for absence prior to the start of the workday and on each subsequent day, so that the daily schedule of work can be adjusted as necessary.

D. Training and education. Both the Town and its employees profit from the provisions of educational training opportunities reasonably related to the employee's position for which provisions have been made in the budget. It shall be the responsibility of the Town Manager to assure that Town employees are provided reasonable opportunities for such training in order to improve quality of performance and bring about a more efficient and more effective operation.

E. Conflict of interest. No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly, in any contract with the Town unless first authorized by the Town Council.

F. Gratuities. No Town employee shall accept any gratuities from any person or organization with whom that employee does Town business. A "gratuity" is any gift, perk, privilege, or item exceeding $25 in value or any amount of currency.

G. Reimbursement of expenses. Employees shall be reimbursed for reasonable and necessary expenses

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incurred while carrying out approved, official Town business. Such reimbursement shall be made in accordance with current approved rates upon submission of a standard expense sheet and signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between an employee's home and the Town office. Requests for reimbursement of meals, parking fees, lodging, and registration fees must be accompanied by receipts of same whenever possible.

H. Town property. Employees may not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Town-owned telephones may be used by any employee to make or take personal calls, provided that the calls are occasional and brief. Long-distance telephone charges incurred for any personal call may not be charged to the Town.

I. Outside compensation. Any employees receiving payment for services from non-Town sources rendered during their normal workday and for which workday Town compensation was given shall turn the entire amount of that compensation over to the Treasurer, Town of Bucksport. This provision does not apply to activities outside the workday or during periods of vacation.

J. Outside employment. A Town employee may engage in outside employment. However, no full-time or part-time employee may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment.

(1) Employees must inform their department supervisor of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, the employee shall be notified, in writing, that the outside employment must be terminated.

(2) Any employee who engages in employment outside their regular working hours shall be required to perform their regular duties first.

(3) The Town shall in no respect be liable nor grant sick leave or disability leave in cases where an employee is injured, or contracts an occupational illness, or develops occupational disability while engaged in outside employment.

K. Political activity. Full-time employees and their spouses shall refrain from seeking or accepting nomination or election to any office in the Town government and from using their influence publicly in any way for or against any candidate for elective office in the Town government. No employee may circulate petitions or campaign literature for elective Town officials or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service for any person for any political purpose pertaining to the Town government.

(1) Section 141-11K is not to be construed to prevent any employee from beginning, or continuing to be, a member of any political organization; from attending political meetings; from expressing their views of political matters; or from voting with complete freedom in any local, state, or national election.

§ 141-12. Personnel records.

A. Personnel records are maintained at the Bucksport Town office for each employee of the Town. Any employee may review their files in the presence of the staff member with responsibility for the files between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. So as not to cause inconvenience, the employee must set up an appointment for such a review in advance.

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B. Departments may create and maintain supplemental working personnel files for their convenience, but any records of a permanent nature should be included in the centralized Town office files.

C. In each calendar year, the Town shall provide, at no cost, one copy of the entire personnel file when requested, in writing, by the employee. A former employee is entitled to one copy of their personnel file at no cost.

D. Employee personnel files are considered confidential documents. Only those persons with the right to know, or the need to know, may have access to the personnel files.

§ 141-13. Employee work schedules.

A. The normal working days in the workweek are Monday through Friday. However, it is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments.

B. The hours of work, the starting and quitting time, and lunch periods will be established within each department with the Town Manager's approval. The hours of work, the starting and quitting time, or the lunch periods may be changed by mutual agreement of the department head and department employees, subject to approval by the Town Manager.

C. Salaried employees exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to do the work, and this requirement will be applied within reason.

D. Those employees not eligible for overtime under this section shall be identified in a master list maintained in the Town Manager's office.

E. It is the responsibility of each department head to ensure that the department's work hours are adhered to by all employees.

F. Any time actually worked in excess of 40 hours per workweek, except for exempt employees, shall be compensated for by overtime pay at a time-and-one-half rate. Sick leave, holiday leave, vacation leave, and other forms of paid leave shall not be counted as time worked.

§ 141-14. Employee benefits.

A. Holidays.

(1) Full-time employees are granted the following holidays with pay:

(a) New Year's Day.

(b) Martin Luther King, Jr., Day.

(c) Washington's birthday (observed on Presidents' Day).

(d) Patriots Day.

(e) Memorial Day.

(f) Juneteenth.

(g) Independence Day.

(h) Labor Day.

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(i) Columbus Day.

(j) Veterans Day.

(k) Thanksgiving (including the Friday after Thanksgiving).

(l) Christmas.

(2) In order to be eligible for holiday pay, an employee must work the last scheduled workday prior to the holiday and the next scheduled workday after the holiday, unless excused by the department's supervisor, or the employee is on an approved vacation or earned sick time.

(3) Employees who work a five-day workweek (Monday through Friday). If a holiday falls on a Sunday, the holiday will be observed by the Town on the following Monday. If a holiday falls on a Saturday, the holiday will be observed by the Town on the preceding Friday. A Town department with a normal workday on Saturday or Sunday shall observe a holiday falling on a Saturday or Sunday on the actual date of the holiday.

(a) Employees who work a four-day workweek (Monday through Thursday). If a holiday falls on a Sunday, the holiday will be observed by the Town on the following Monday. If a holiday falls on a Friday, the holiday will be observed by the Town on the preceding Thursday. Holidays that fall on a Saturday will be given to the employees as an additional personal day. Employees will forfeit the Friday after Thanksgiving.

(4) Full-time employees are also entitled to two personal days off with pay.

(a) Personal days off cannot be carried forward into a new calendar year.

(5) Part-time employees who work 20 or more hours per week are eligible to receive holidays with pay, provided that the holiday or the holiday's day of observance falls on the day that the employee was scheduled to work.

(6) Temporary and on-call employees are not entitled to paid holidays. Contracted employees may be provided with paid holidays in accordance with the terms of their contract.

(7) An employee that is on a leave of absence without pay, or that is under suspension, shall not be entitled to holiday pay for any holiday that may occur during the employee's leave or suspension.

(8) Holiday pay is to be considered a normal day's wages.

B. Vacation. Full-time employees and part-time employees who work 20 or more hours per week shall earn annual vacation time with pay in accordance with the provisions of this subsection. Temporary and on-call employees are not entitled to vacation time with pay. Contracted employees may be provided with vacation time with pay in accordance with the terms of their contract.

(1) Full-time and part-time employees shall earn a maximum amount of vacation days per calendar year based on their year of employment as follows:

(a) Year one through year four: two weeks (80 hours).

(b) Year five through year nine: three weeks (120 hours).

(c) Year 10 through year 14: four weeks (160 hours).

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(d) Year 15 through year 19: five weeks (200 hours).

(e) Year 20 and over: six weeks (240 hours).

(2) Earned annual vacation days will be credited monthly to an employee's payroll records, and expressed as hours. The amount of hours credited shall be determined with the following formula: [D times H divided by 12 = V] where D = the number of vacation days an employee is entitled to per year, H = the regular hours in a workday for the employee, 12 = the number of months per year, and V = the number of vacation hours earned per month.

(a) If an employee's regular workday hours vary during the workweek, the value H for the formula shall be the average of the total workweek hours for the employee.

(3) Earned annual vacation time may not accrue to more than 240 hours. After the maximum vacation time has been accrued, the employee may not accrue any additional vacation time until a part of the maximum accrued time has been used. It will be the responsibility of every employee to be aware of their accumulated vacation time.

(4) Requests for vacation must be made on properly executed vacation request forms and approved by the immediate supervisor and in accordance with operational needs. It is the responsibility of the supervisor to ensure that the employee has adequate earned vacation hours available to cover the vacation period requested. To maintain high levels of job performance, employees are encouraged to take vacation every year.

(a) Once per fiscal year, on July 1 or December 1, any employee with at least 40 hours of accumulated vacation time may elect to be compensated for 40 hours of vacation time in lieu of taking the vacation.

(5) Vacation hours shall be deducted from an employee's payroll records after the vacation time is used. A vacation day deduction shall be equivalent to the regular hours in a workday for the employee, or the average of work hours as addressed in § 141-14B(2)(a). A deduction of vacation time taken of less than one workday shall be the actual hours taken by the employee.

(6) Vacation hours will not accrue under any of the following circumstances:

(a) An employee is on leave of absence without pay pursuant to § 141-14E.

(b) An employee is under suspension without pay.

(7) As a general rule, vacation may not be taken by any employee for more than two consecutive weeks. Vacation requests in excess of two weeks must be requested well in advance of the desired time and may be denied if such time off constitutes a hardship to the Town. The supervisor's determination as to scheduling of annual leave shall be final.

(8) Accrued vacation time shall be paid to an employee upon separation after one year's employment or, upon death with no minimum employment, to the employee's beneficiary. The payment will be made in one lump sum.

(9) Any employee who separates from Town service and is subsequently rehired shall be considered a new employee for the purposes of accruing and using vacation time.

(10) No employee is eligible to take vacation leave with pay until completion of their first six months of employment. No employee may take any vacation leave that has not been earned or while the employee is under suspension or on leave of absence without pay.

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C. Sick leave. Full-time employees and part-time employees working at least 20 hours per week shall earn paid sick leave in accordance with the provisions of this subsection. No other employee is entitled to paid sick leave, except a contracted employee may be provided with paid sick leave in accordance with the terms of their contract.

(1) Paid sick leave shall accrue at a rate of 1 1/4 days per month. The sick leave will be credited to an employee's payroll records and expressed as hours. The amount of hours credited shall be determined with the following formula: [1.25 times H = L] where 1.25 = the number of sick leave days an employee earns per month, H = the regular hours in a workday for the employee, and L = the number of sick leave hours earned per month.

(a) If an employee's regular workday hours vary during the workweek, the value H for the formula shall be the average of the total workweek hours for the employee.

(2) Paid sick leave may not accrue to more than 90 workdays. After the maximum annual leave has been accrued, the employee may not accrue any additional leave until a part of the maximum accrued leave has been used. It will be the responsibility of every employee to be aware of their accumulated leave.

(3) No employees shall be eligible for paid sick leave that has not been earned. Paid sick leave may not be used until an employee has completed their first six months of employment.

(4) Sick leave will not accrue under any of the following circumstances:

(a) An employee is on leave of absence without pay pursuant to § 141-14E.

(b) An employee is under suspension without pay.

(5) Use of paid sick leave.

(a) Paid sick leave may only be used for the following purposes:

[1] Personal illness or physical incapacity that renders the employee unable to perform the work assigned to their position or other work in the department. Sick leave shall include only those instances when an employee is confined by illness or physical incapacity to their home, they are hospitalized, or there are other justifiable situations. Accrued sick leave may also be used during recovery from the birth of a child.

[2] Attending to members of the employee's immediate family (spouse, children, stepchildren) who are ill and require care by the employee. The Town Manager must approve the leave, the leave must meet the requirements of the Family Medical Leave Act, and a doctor's certificate must be provided. Sick leave for this purpose is not to exceed 40 hours per fiscal year.

[3] Attending routine appointments that can only be scheduled during work times relating to an employee's personal health care or preventive care such as doctors, dentists or other professional health providers, including travel time to and from appointments and any additional time off on the day of the appointment an employee may take.

(b) An employee may use up to three days of accumulated sick leave for any personal reason, provided the following conditions are met:

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[1] The employee used less than six days of sick leave in the prior fiscal year for any purpose identified in § 141-14C(5)(a).

[2] The leave is used before the end of the current fiscal year.

[3] The leave is used when it is convenient for the smooth operation of the department.

(c) The actual time allowed to be used in accordance with this subsection shall be calculated as follows:

Sick Days Used In the Prior Fiscal Year	Personal Days Earned Pursuant to This Subsection
0	3
1	2.5
2	2
3	1.5
4	1
5	.5
6 or more	0

(d) Sick leave used in accordance with § 141-14C(5)(b) shall not be counted when determining sick days used in accordance with § 141-14C(5)(c).

(e) The personal use of sick leave allowed in accordance with § 141-14C(5)(b) may not be carried forward into the next fiscal year. Any unused time remaining at the end of the year shall be credited to the employee's accrued sick leave, provided that the maximum amount of accrued sick leave allowed is not exceeded. Any unused time that cannot be credited to an employee's accrued sick leave shall be forfeited.

(6) The employee shall have the responsibility of notifying their immediate supervisor or department head promptly of any illness, disability, or medical appointment and shall keep their supervisor advised of the status of the illness, disability or medical appointment. Proof of illness or disability may be required at any time by the supervisor or Town Manager at the employee's cost. Falsification of such proof of sick leave may be justifiable cause for dismissal.

(7) Sick leave granted shall be recorded biweekly on the payroll records of the Town. The supervisor shall review such leave records periodically and investigate any cases when questions of eligibility or abuse arise.

(8) After any extended sick leave, it may be required by the supervisor that the absent employee obtain a physician's statement at the employee's own cost, stating that they are physically capable to return to normal duty. It shall be the responsibility of the department head to ensure that this requirement is appropriately followed before the employee is allowed to return to their regular duties.

(9) Sick leave pay upon separation.

(a) At the time of separation by the employee, accumulated sick leave shall be paid to the

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employee as follows:

[1] Year one through year 10: 10% of accumulated sick leave.

[2] Year 11 through year 20: 25% of accumulated sick leave.

[3] Year 21 and over: 40% of accumulated sick leave.

(b) No employee separating from their employment without good standing may be paid any accumulated sick leave.

D. Family medical leave.

(1) An employee who has been employed by the Town of Bucksport for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to 12 weeks per fiscal year for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. "Serious illness" means an accident or disease or condition that:

(a) Poses imminent danger of death;

(b) Requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity; or

(c) Requires constant in-home care due to a mental or physical condition.

(2) To be eligible for a family medical leave, the employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.

(3) The Town may require certification from a physician to verify the amount of leave requested by the employee.

(4) Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Bucksport will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave, said period not to exceed 12 weeks. The employee's share of medical insurance, life insurance, income protection, and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

(5) The employee may use accrued vacation and sick leave, in accordance with the policies concerning such leaves, to cover their absences related to family medical leave; however, the total amount of family medical leave may not exceed 12 weeks per fiscal year of which no more than 40 hours per fiscal year may be used for a qualifying family member.

(6) Vacation and sick leave shall accrue during a family medical leave period in accordance with the accrual limits established in this chapter.

(7) Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave, or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, unless conditions unrelated to the employee's taking of a family

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medical leave prevent the restoration to the same or equivalent position.

(8) An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, their termination date will be the last day they were entitled to group coverage.

(9) An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Town Manager.

E. Leave of absence. An employee of regular standing may be granted a leave of absence without pay by the Town Manager on recommendation of the department head, with such leave not to exceed one year in length. The granting of the leave shall protect the employee's existing continuous service for the leave period, but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the employee receive pay for municipal holidays.

F. Military leave of absence. A full-time employee or a part-time employee who works 20 or more hours per week that is called to duty by any branch of the United States Military shall be granted a military leave of absence upon presentation of a copy of official orders. Such leave may be with pay up to two workweeks in any calendar year. Leave granted under this subsection shall not be charged against the employee's accumulated annual leave.

(1) To be eligible for two weeks' paid leave, the employee shall reimburse the Town in an amount up to the total amount of compensation received by the employee from the military during such paid leave, up to the amount of pay received from the Town. Any additional leave shall be without pay.

(2) All employees who take leave in accordance with this subsection shall notify their department head or supervisor within 48 hours of being notified by the appropriate authority as to the dates they will be absent from their employment.

(3) Military leave and rights of reemployment after such leave are available to employees in accordance with applicable federal and state law. Any person eligible for reemployment under such law shall be restored with no loss of seniority.

G. Jury duty. A leave of absence with pay shall be granted to regular employees required to perform jury duty. Such leave of absence shall not be charged against the employee's accumulated annual leave.

(1) The Town shall pay the difference between the total compensation received from the court for the jury duty and the employee's regular rate of pay.

(2) Employees required to report for jury duty shall inform their supervisor as soon as possible of any notice to report or subsequent obligations. Further, if not required by the court for jury duty, the employee shall immediately return to their place of work with the Town.

H. Bereavement. Special leave with pay shall be granted to regular employees for up to three days for absence caused by the death of a member of the immediate family. "Immediate family" means parents, spouse, brother, sister, child, stepchild, grandmother, grandfather, mother-in-law, grandchild, and father-in-law. Special exceptions to this rule may be made by the Town Manager.

I. Consumption of leave. When all leave, including sick and vacation leave, has been utilized by an employee, salary payments to the employee shall cease immediately, unless the employee has returned to work. The Town will no longer pay any amount toward life and medical insurance. The employee will then have the opportunity to continue the benefits by paying the cost themselves.

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(1) No employee may be paid for more than one type of paid leave on any day.

J. Health insurance. The Town offers group hospital, surgical, and medical benefits to full-time employees, their spouses and their eligible dependents. Employees should consult their health insurance booklets for details on their chosen plan. The Town and the employees share in the cost of the premium, with the employee's share being contributed through payroll deduction. The cost-sharing levels for plans offered by the Town shall be determined on an annual basis by the Town Council.

(1) Town participation in the cost of coverage begins the first full month following the employee's date of hire. Coverage by the health insurance plan is not automatic and employees must initiate a request for benefits according to their eligibility in order to obtain coverage.

(2) A spouse who is provided with health insurance coverage from their employer that is comparable with health insurance offered by the Town may not be enrolled in a health insurance plan from the Town, unless the premium for the spouse's insurance is 30% higher than the premium for comparable coverage by the Town.

(a) The Town shall not pay any portion of the premium for health insurance provided to the spouse by their employer.

(b) A spouse who is enrolled in a Town health insurance plan shall be allowed to remain enrolled regardless of enrollment opportunities that may become available to the spouse from health insurance plans offered by their employer.

(3) Beginning July 1, 2022, employees will pay 50% of the percent increase in insurance rates as a percentage added to current health care deductions.

K. Life insurance. The Town will provide full-time employees with basic, supplemental and/or dependent life insurance through Maine State Retirement System.

(1) The Town of Bucksport will provide a premium conversion cafeteria plan for eligible full-time employees. Only employee benefit account dollars are provided for under this plan. Employees must elect to participate on an annual basis.

L. Workers' compensation. Workers' compensation benefits are governed by state law as supplemented herein. Such benefits may be provided when an employee has sustained a job-related injury or illness.

(1) All job-related injuries and illnesses shall be immediately reported to the employee's supervisor who, with the employee's assistance, shall submit the first report of injury.

(2) Supervisors are responsible for reporting an injury within 24 hours of its occurrence, or their knowledge of the occurrence, regardless of the timing of the employee's first written report.

(3) Full-time employees are eligible to receive an amount equal to but not more than their regular net pay and benefits for a period not to exceed eight weeks of normal work time. If workers' compensation coverage continues after this period, then the employee shall receive pay in accordance with state law and may receive benefits as may be otherwise described in this chapter.

(4) After one year of absence from the date of initial work-related injury, the employee shall be examined by a physician mutually acceptable to the Town and to the employee for the purpose of determining if the employee will regain the ability to perform the normal duties of the

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position for which he/she was hired. If the physician determines that the employee will not be able to return to their normal duties, the Town shall have the right to evaluate or determine the employee's employment status.

M. Unemployment compensation. Unemployment compensation benefits are governed by state law. The Town contributes these benefits to employees in accordance with the unemployment compensation insurance laws.

N. Retirement. The following retirement plans are available as follows:

(1) The Town is a participating member of the Social Security Retirement System. Any person who becomes an employee of the Town must participate as a condition of employment.

(2) The Town is a participating member of the Consolidated Maine State Retirement Program. Only full-time and part-time employees may participate in the plan. Employees who elect to participate will be required to contribute the employee share as set by the system.

(3) The Town is a participating member of the International City Management Association-Retirement Corporation (ICMA-RC, a Section 457 deferred compensation plan). Participation in this plan is voluntary and may allow qualifying employees the option of deferring a portion of their salary to be invested by the plan administrators, which will be paid back to the employee at a future date.

O. Disability insurance. The Town offers disability insurance coverage to full-time employees. The cost of this insurance shall be borne by the employer. Employees whose premiums are paid by the employer cannot exceed the regular week's pay for any combination of sick leave pay and/or income protection.

P. Longevity pay increases.

(1) "Longevity pay" is a salary increase for years of service as an employee of the Town. Longevity pay increases are separate from and in addition to cost-of-living increases and/or merit increases. Nonunion employees who maintain a satisfactory job performance shall be entitled to an increase in pay at the following service dates:

(a) Six months.

(b) One year.

(c) Two years.

(d) Four years.

(e) Six years.

(f) Eight years.

(g) Ten years.

(h) Fifteen years.

(i) Twenty years.

(2) Percentage rate of increases shall be based on the average of union contract longevity increases for Police, Fire/EMS, and Public Works. The increased pay rate shall take effect immediately

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following the employee's anniversary date.

§ 141-15. Employee disciplinary procedures.

A. Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time fails to meet the minimum requirements of the job, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

B. Disciplinary action shall consist of the following steps:

(1) Step 1. Verbal warning.

(2) Step 2. Written warning.

(3) Step 3. Suspension up to 10 days or delaying or denying a pay increase.

(4) Step 4. Termination of employment.

C. Suspension or termination shall only be done with the prior knowledge of the Town Manager. Notice of such action shall be given, in writing, to the employee, with a copy to the Town Manager. The notice shall specify the action taken, the reason therefor, and the extent and duration of the penalty. This notice shall be given to the employee at the time of the disciplinary action.

D. Notwithstanding the disciplinary procedures identified in this section, any employee that has been charged with a criminal act may be immediately suspended by the Town.

§ 141-16. Employee grievance procedures (non-ADA).

A. Any employee may initiate a grievance in accordance with the procedures outlined in this section.

B. For the purposes of this section, the term "grievance" means any dispute between an employee and management concerning the effect, interpretation, application, or claim of breach of violation of this chapter.

C. Excluded from consideration of grievance are those matters pertaining to hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal a performance evaluation.

D. Every attempt shall be made to resolve any dispute as soon as possible to the satisfaction of all parties.

E. Steps in the grievance procedure shall be as follows:

(1) An attempt should be made for an oral agreement between the individual and their supervisor or department head.

(2) If an oral agreement is not reached, the aggrieved may within five working days of knowledge of the grievance file a written complaint to the supervisor or department head. The department head or supervisor is required to make a determination of the merits of the complaints and give a written reply within three working days of receiving the grievance.

(3) If the individual is dissatisfied with the department head's or supervisor's written decision, the aggrieved may, within 10 working days after the decision was rendered, make a formal written

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appeal to the Town Manager.

F. In the case that the Town Manager has rendered the decision as outlined by § 141-16E(2), the Town Council shall, upon receipt of the written appeal, return a formal written decision within five working days. In all cases, the decision of the Town Manager or, when applicable, the Town Council will be final and binding.

§ 141-17. Employee grievance procedures (ADA).

A. The following grievance procedures are established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, and benefits by the Town of Bucksport.

B. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

C. The complaint must be submitted by the grievant and/or their designee to the Bucksport Town Manager, who serves as the Town's ADA Coordinator. The complaint must be submitted as soon as possible, but no later than 60 calendar days after the alleged violation.

D. Within 15 calendar days of receipt of the complaint, the Town Manager will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Town Manager will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the Town of Bucksport and offer options for substantive resolution of the complaint.

E. If the response by the Town Manager does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision of the ADA Coordinator to the Town Council or their designee within 15 calendar days of receipt of the response.

F. Within 15 calendar days of receipt of the appeal, the Town Council or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Town Council or their designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as audiotape, with a final resolution of the complaint.

G. All complaints received by the Town Manager, appeals to the Town Council or their designee, and responses from the ADA Coordinator and Town Council or their designee will be kept by the Town of Bucksport for at least three years.

§ 141-18. Harassment policy. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. It is the policy of the Town of Bucksport that all our employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. This policy refers not only to supervisor-subordinate actions, but also to actions between coworkers. Any complaints of harassment will be investigated promptly.

B. "Sexual harassment" is the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a

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hostile or offensive work environment, or unreasonably interferes with a person's ability to perform their job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

Specific conduct which is prohibited includes, but is not limited to:

(1) Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties, or any other condition of employment;

(2) Unwelcome sexual flirtations, advances or propositions;

(3) Verbal or written abuse of a sexual nature;

(4) Graphic verbal comments about an individual's body;

(5) Sexually degrading words used to describe an individual; or

(6) The display in the workplace of sexually suggestive objects or pictures.

C. "Verbal harassment" is derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic materials having such an effect. Verbal harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form. Any employee who believes they have been the subject of such harassment should report the alleged conduct to their department head or the Town Manager. Any department head or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

D. The employer will provide, annually, a copy of the Town's policy regarding harassment to all employees, provide training to all new employees on harassment before their first anniversary of employment, and provide training to all supervisors on their responsibility to take immediate and corrective action in addressing harassment complaints.

E. Under the law, an employee may not be punished or penalized in any way for reporting, complaining about, or filing a claim concerning unlawful harassment, regardless of the nature or category, or for cooperating with or testifying in any proceeding brought by anyone else. An employee who believes they have been retaliated against for opposing or reporting what they reasonably believe to be unlawful harassment, or for cooperating in any harassment investigation, may follow the same internal complaint procedure set forth below. The Town will not tolerate any act of unlawful retaliation against employees who have reported, complained about, or filed a complaint of unlawful harassment.

F. Any employee who believes they have been the subject of harassment should report all alleged acts to their department head or the Town Manager. Any department head or employee who is found after appropriate investigation to have engaged in harassment will be subject to discipline, up to and including discharge. An employee may also file a complaint with the Maine Human Rights Commission. The Commission may be contacted at 51 State House Station, Augusta, Maine 04333-0051. The contact phone number and website address for the Commission may be referenced from notices that are posted on the employee bulletin boards located at the Bucksport Public Safety Building, Bucksport Town office, Bucksport Town Garage, Bucksport Wastewater Facility, and Bucksport Transfer Station.

§ 141-19. Workplace smoking policy.

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A. To protect nonsmoking employees from exposure in the workplace to tobacco smoke and other types of smoke or vapors intended to be inhaled, employees that smoke shall be subject to the following restrictions:

(1) Smoking is prohibited in any municipal building.

(2) Smoking is prohibited in any municipal vehicle.

(3) Smoking is prohibited during an employee's workday, except when the employee is on an approved work break.

(4) Smoking is prohibited on any municipal property, except inside an employee's personal vehicle that is parked no closer than 20 feet to an entryway, door, window or vent of a municipal building.

B. All cigarettes, tobacco, matches and other materials used for smoking must be extinguished and properly disposed of.

C. The Town Council may also prohibit smoking by the public on any municipal property. Signage shall be posted in those areas where smoking is prohibited.

D. For the purposes of this section, the terms "smoke" and "smoking" shall mean the possession of any ignited tobacco, cannabis or herb, an activated electronic cigarette, or any other product producing vapor or smoke intended to be inhaled.

E. For the purposes of this section, the term "municipal property" does not include any Town street or road.

§ 141-20. Alcohol and drug abuse policy.

A. In the interest of maximizing employee performance, productivity, utilization, and retention, it is the policy of the Town to recognize alcohol and drug abuse as a treatable disease. "Alcohol or drug abuse" is defined as the consumption of alcohol or drugs in a manner that interferes with an employee's ability to perform their job. The Town will therefore maintain a continuing effort to identify and facilitate treatment of drug and alcohol abuse in dealing with employee performance problems. It is not the intent of the Town to accept below-standard performance nor to restrict supervisors in dealing with performance problems, but rather to increase available alternatives.

B. Supervisors shall receive instructional materials on the identification of alcohol and drug abuse problems. If a supervisor has cause to believe that employee performance is deteriorating due to alcohol and drug abuse, the supervisor will suggest professional diagnosis and treatment as part of any disciplinary action that may be required. If the suggestion is accepted, then the supervisor will attempt to accommodate such diagnosis and any subsequent treatment. This may involve providing a list of treatment resources, informing the employee of benefits available through the Town's Health Plan, and making reasonable accommodation to the employee's work duties and schedule, which may include the use of sick leave or personal leave of absence. An employee who has undergone or is undergoing treatment may return to work after providing professional certification of his ability to do so. All relevant personnel records and discussions will be kept in the strictest confidence. If the employee chooses not to accept professional diagnosis or assistance, the supervisor shall take any appropriate action in accordance with the provisions of this chapter.

C. This policy shall be superseded by any applicable federal law, state statute, municipal ordinance, and any collective bargaining agreements that may exist. The Bucksport Town Council does pledge to

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work toward incorporating provisions of this policy into the three latter categories.

D. At no time shall the safety of fellow workers or citizens or the efficiency of municipal operations be compromised by the policy.

§ 141-21. Video display terminal operator policy.

A. In accordance with state law, the Town will inform all employees whose primary task is to operate a terminal for more than four consecutive hours, exclusive of breaks, on a daily basis of health and safety aspects of using a video display terminal (VDT). A notice will be posted in a prominent location in the workplace which informs the employee of the rights and duties for a qualified employee.

B. A training and education program will be established by the Town for qualified employees. The program will be provided annually, both orally and in writing, except in locations where there are fewer than five terminals, the information will be given to qualified employees in writing. New, qualified employees will receive the training within the first month of employment.

C. The training, at minimum, will include:

(1) An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and

(2) Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable workstation equipment used by the operator.

§ 141-22. Electronic communication policy. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The Town of Bucksport ("the Town"), in an age of growing technology and electronic communication, is implementing a policy to clearly define expectations and responsibilities that apply to all employees, contractors, part-time employees, volunteers and other individuals who are provided access to the email system. Third parties will only be provided access to the email system as necessary for their business purpose with the Town, and only if they abide by all applicable rules.

B. All parts of the system are owned by the Town and/or are provided solely for use in the Town's business activities. All electronic communications are the Town's property.

C. The Town has the right and the ability to monitor and review all electronic communications at any time without notice to its employees or any other party and for any purpose whatsoever.

D. Under certain circumstances, email messages have been found to be public record and may be subject to right-to-know laws, depending on their content.

E. While users may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is the property right of the user.

F. The use of the email system is for Town business. Passwords should be periodically changed to ensure security of the system. Users should not share passwords with anyone else, other than his or her supervisor or as applicable state and federal laws may require. A computer user who has been

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authorized to use a password-protected account may be subject to civil and criminal liability if the user discloses their password or otherwise makes the account available to others without express permission of the Town Manager.

G. Users may not utilize the system or send, receive, create or store electronic communications upon the system in a manner that is illegal, disruptive to others, or that interferes with the Town's business activities.

H. All users are prohibited from utilizing any part of the system to harass others or to download, obtain, display, store, receive or transmit any information that:

(1) Is sexually explicit, obscene, or of a sexual nature;

(2) Contains libelous or defamatory material;

(3) Would not be permitted on any bulletin located on Town property;

(4) Contains ethnic, racial or religious slurs; or that is, or may be construed as, disparagement of others based on actual or perceived race, color, religion, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status, or any other basis prohibited by law; or

(5) Is derogatory of fellow users (except as may be required as part of the Town's business activities).

I. The system may not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations.

J. Except as otherwise provided below, the system may not be used for any purpose that is not related to Town business.

K. Email is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional use of email with permissible content for personal matters is not prohibited, but is discouraged.

(1) Emails in the possession of employees and appointed or elected officials that concern the transaction of Town business are public records and must be retained according to state retention schedules in either electronic form or a printed copy.

(2) Emails that are deleted from an employee's computer remain in the Town's backup system until removed in accordance with a routine schedule. Emails stored in an employee's email inbox or other folder on their computer remains there until removed at the appropriate time.

L. Voicemail is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up system space.

M. Internet usage is to be limited to matters of business connected to the Town. The occasional use of the internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the system without permission from the Town Manager is prohibited.

N. The workplace activities of system users reflect upon, and may create liability for, the Town. The Town may take disciplinary action, up to and including termination of employment, against a user who violates the terms of this policy as those terms may be changed and/or supplemented from time

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to time by the Town.

O. The Town Manager will be responsible for overseeing the implementation of this policy and the accompanying rules, and for advising the Town Council of the need for any future amendments or revisions to the policy. The Town Manager may develop procedures governing the day-to-day management and operations of the Town's system as long as they are consistent with the Council's policy. The Town Manager may delegate specific responsibilities to others as deemed appropriate.

P. For the purposes of this section, the following definitions are provided:

(1) "System" means all telephones, computers, facsimile machines, voicemail, email, and other electronic communication; copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the system.

(2) "Electronic communication" means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon and part of the system, including, but not limited to, email, voicemail, and internet usage.

§ 141-23. Emergency response plan.

A. The purpose of this plan is to outline the procedures employees must follow should an emergency occur within any facility owned by the Town.

B. If any emergency should occur at any Town-owned facilities, such emergencies including fire, explosion, gas leak, and smoke, employees are required to leave the building immediately and organize in a designated parking lot that serves that building. Employees will exit the building using the closest exit within the building. No employee will stay behind to perform any shutdown before evacuation.

C. The supervisor in charge within the facility at the time of the emergency will account for all employees after the emergency evacuation has been completed. The supervisor will then assign one of the employees to contact emergency personnel at 911 from the nearest phone outside the facility. The Town Manager will be notified as soon as all employees have been evacuated and emergency personnel have been contacted.

D. All employees will receive a copy of the Emergency Response Plan once adopted. New employees will receive a copy of the plan during their first day of employment. Department heads or facility supervisors will be responsible to review the plan with all employees on an annual basis or upon any change with the plan.

E. Floor plans will be posted in a visible location next to each exit in each building where employee are required to work. The plans will identify the exits and the area where employees will be required to assemble in case of an emergency. Buildings where floor plans will be posted include the Town office, Transfer Station, Public Safety Building, Town Garage, Swimming Pool, Bath House, and Treatment Plant.

§ 141-24. Workplace safety programs, plans and policies.

A. The Town Manager is responsible for the development, organization, coordination and implementation of the Town's safety program. Responsibilities also include worksite inspections;

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hazard reduction and/or elimination; and accident/injury investigation, reporting and management. The Town Manager will advise department heads of unsafe conditions, problems related to accident prevention and recommendations for loss control.

B. Department heads are responsible for the health and welfare of each employee in the department. In the adopted safety program, the highest priority is placed on employee safety. It is normal practice for assistants or foremen to be delegated the authority to carry out safety policies in their departments, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred. Department heads or assistants or foremen will assume responsibility of thoroughly instructing their personnel in the safe practice to be observed in their work situation. They will consistently enforce safety standards and will act positively to eliminate potential hazards within the activities under their jurisdiction, and they will set the example of good safety practice in all shares of their endeavors.

C. The principle duty of department heads and assistants or foremen is in discharging their responsibilities as follows:

(1) Enforcing all safety regulations in effect and make employees aware that violations of safety rules will not be tolerated.

(2) Making sure all injuries are reported promptly and treated properly and all accidents are reported even if an injury is not apparent.

(3) Conducting thorough investigations of all accidents and taking necessary steps to prevent reoccurrence through employee safety education, operating procedures or modification of equipment.

(4) Providing employees with complete safety instructions regarding their duties prior to the employees actually starting to work.

(5) Conducting regular safety checks, including a careful examination of all new and relocated equipment before it is placed in operation.

(6) Properly maintaining equipment and issuing instructions for the elimination of fire and safety hazards.

(7) Continuously inspecting for unsafe practices and conditions and promptly undertaking any necessary corrective action.

(8) Developing and administering an effective program of good housekeeping and maintaining high standards of personal and operational cleanliness throughout all operations.

(9) Providing safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendation of the Town Manager, Safety Committee or outside sources.

(10) Conducting safety meetings and encouraging the use of employee safety suggestions.

(11) Giving full support to all safety procedures, activities, and programs.

D. Employees are expected to place safe work practices and the identification of unsafe conditions as the highest priority while performing assigned daily tasks. Each employee's safety responsibilities must include but are not limited to the following:

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(1) Following state, federal and municipal safety rules, regulations and laws.

(2) Using the safety equipment which has been provided for use in performing daily work assignments.

(3) Wearing the prescribed uniform and safety shoes as required.

(4) Not operating equipment for which training or orientation has not been received.

(5) Warning coworkers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.

(6) Reporting defective equipment immediately to department heads or assigned assistants or foremen.

(7) Reporting dangerous or unsafe conditions that exist in the workplace as well as throughout the municipality. These would include defective sidewalks, broken curbs, hanging tree limbs, open manholes, sunken basins and sewers, missing or damaged traffic signs.

(8) Reporting of all injuries and accidents regardless of severity.

(9) Protection of unsafe conditions resulting from work conducted by the Town that could present a hazard to the public.

(10) Taking care not to abuse tools and equipment so that those items will be in usable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used.

E. Training. Each department head has the responsibility of providing on-the-job training to each employee on the topics that will enable the employee to do their job safely and efficiently. The training shall include but is not limited to:

(1) Orientation to departmental and overall municipal safety and health rules.

(2) Instruction in state and federal safety regulations specific to particular tasks.

(3) Procedures for reporting on-the-job injuries and worker's compensation claims.

(4) Requirements for use of vehicles.

(5) Reporting of unsafe conditions.

(6) Reviewing Chapter 220, Article I, Hazardous Waste, and procedures.

F. Accident, injury and incident reporting. In the event of accident or injury to a municipal employee, injury to a citizen by municipal operations, or damage to property related to municipal operations, the Town Manager and department head must be notified immediately. This includes any fatalities occurring on municipal property, whether an employee or not. The department head is responsible for proper handling of the details of such cases. This requires those involved to remain calm and in control of the situation, to make the necessary request for emergency assistance and to collect vital information so that effective case management can take place. The home and work phone numbers of the Town Manager will be available for all department heads or assistants. The home phone number of the department head will also be available to all employees of the department. There should be no hesitation or reluctance in calling for information or to report an unusual or serious circumstance.

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G. On-the-job injury reporting procedures. The following procedures apply to all employees, both full- and part-time. In addition to these procedures, department rules may apply. Whenever questions arise which are not covered by the outlined procedures, these questions should be referred to the Town Manager.

(1) The employee must report an injury to the department head or the assistant or foreman immediately. If the injury is serious or the extent of injury is unknown, medical attention should be sought immediately.

(2) Employee's report of injury or illness must be submitted within 24 hours of the occurrence to the payroll clerk.

(3) In addition to the first report of injury, an accident investigation report must be completed and signed by the department head. The Town Manager must receive a copy within 24 hours after the incident occurred. Investigation reports will be discussed by the Safety Committee.

H. Purchasing procedures and safety. The department head must make sure that equipment, commodities and services that are purchased for use by municipal employees conform to industry standards as well as federal and state safety manufacturing requirements.

I. Driving rules and regulations. All drivers of municipal vehicles and those using their personal vehicles in pursuit of municipal business will comply with all applicable laws of the state as well as any additional regulations of the municipality. The Town Manager's office will be responsible for checking annually all driver records for employees who operate Town-owned vehicles or equipment or who use their personal vehicles for Town business.

(1) Municipal vehicles are to be parked in accordance with all municipal parking regulations with the exception of emergencies.

(2) No municipal vehicle is to be left unattended with ignition key left in the ignition.

(3) All municipal vehicles should be locked when not in use.

(4) Before initial use of any vehicle each day, the driver will inspect the vehicle for damage, inoperable lights, loose hardware, underinflated tires, or any other condition which may create an unsafe situation.

(5) Any deficiency encountered will be reported to the department head or designated supervisor immediately. It will be the department head's or assigned supervisor's responsibility to ensure that appropriate action is taken to correct the problem.

(6) Safety belts will be worn at all times by drivers and passengers, for all equipment and vehicles equipped with safety belts.

(7) Vehicles with movable windshields are to have these windshields in the up position while in operation.

(8) Protective or detachable doors may not be removed from a vehicle unless it is a necessity in order to perform the job, and mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.

(9) Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of the intent.

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(10) Drivers will ensure that the windows, headlights, emergency lights, taillights and windshield wipers are clean and operational at all times.

(11) If the vehicle does not have a tailgate but is loaded, the driver of the vehicle will ensure that the load is secure on the truck, and that overhangs are properly marked in accordance with applicable state laws.

(12) Triangular, orange-colored, slow-moving-vehicle signs will be displayed on the rear of the vehicle.

(13) No vehicle with an obstructed view to the rear will be backed unless an observer signals that it is safe to do so or the vehicle has a reverse signal and audible alarm which can be heard above the surrounding noise level. All trucks and equipment will be equipped with audible backup alarms. Employees shall not switch off, remove or render inoperable any audible or visual safety device. Drivers will visually inspect the area around a parked vehicle before moving the vehicle.

(14) No private vehicle will be towed or pushed at any time by any Town vehicle or equipment.

(15) The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Passengers will not ride on a vehicle unless a seat is provided by the manufacturer. Under no circumstances shall passengers ride on fenders, running boards, tops of vehicles, or any place not designed for passengers.

(16) Drivers will carry their valid state driver's license at all times when operating motor vehicles. All restrictions noted on the driver's license will be adhered to. No employee will be allowed to operate a vehicle which they are not licensed to operate.

(17) Each employee who operates a vehicle regularly or occasionally is required to report any suspension or revocation of their license to the department head.

(18) Posted speed limits will be strictly adhered to.

(19) During periods of limited visibility or any time windshield wipers are in use, vehicle headlights will be turned on.

(20) The consumption, use and/or possession of alcoholic beverages or illegal drugs on Town property or while on duty is strictly forbidden. Employees shall not report to work while under the influence of alcohol or drugs.

(21) Trailers are to be fastened securely to hitches. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.

(22) All items to be transported either in a truck or trailer which may move around during transport will be secured.

(23) No more than three persons will ride in the front seat of any vehicle. Where only two single seats exist, there is to be only one rider per seat.

(24) An employee who uses a personal or Town-owned vehicle or equipment is prohibited from using a cellular phone, hands-on, while driving or operating on duty unless the vehicle or equipment is stationary. A "cellular phone" is any device that makes or receives phone calls, leaves messages, sends text messages, surfs the internet or downloads and allows for the reading of and responding to email, whether the device is Town-supplied or personally owned.

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J. Fire extinguishers. All fire extinguishers located within Town-owned buildings, working equipment or vehicles shall be visually inspected each month by one or more employee that have been designated to conduct these inspections. In case of a working vehicle or equipment, the primary driver or operator will be responsible to complete the monthly visual inspection.

(1) The monthly visual inspection will determine whether the fire extinguishers have been damaged or discharged. Such inspection will be noted on a tag attached to the extinguisher.

(2) Yearly inspections of fire extinguishers will be completed by the Fire Chief or designee. Tags attached to each fire extinguisher will identify the name of the person from the Fire Department who conducted the test and the date of inspection.

(3) Employees who might be expected to use a fire extinguisher include all permanent employees at the wastewater treatment facility, Parks and Recreation Department buildings, Transfer Station, Highway Department, police officers and firemen. Employees will be provided with an educational program to familiarize the employee with the general principles of fire extinguishers use and the hazards involved in incipient-stage firefighting. The training will be provided annually thereafter. The Fire Chief or designee will be responsible for providing such training.

K. Department heads shall ensure their departments are in compliance with the applicable requirements of § 141-24 and all applicable state and federal safety regulations, including, but not limited to:

(1) Hazard communication.

(2) Control of hazardous energy lockout/tag-out.

(3) Confined spaces.

(4) Operations in a public way.

(5) Personal safety protection.

(6) Equipment operation procedures.

(7) Facilities maintenance.

(8) Blood-borne pathogen exposure control.

(9) Alcohol and drug policy and testing procedures for the Omnibus Transportation Employee Testing Act of 1991.

(10) Identity theft prevention.

§ 141-25. Complaints from public.

A. Any complaints from the public involving an employee which may result in disciplinary action shall be in writing and signed by the complainant, a copy of which the Town Manager shall make available to the employee involved within three days of receipt. The Town Manager shall meet with the employee and the complainant separately, investigate the complaint, and render a written decision within 10 working days. A meeting may be held by the Town Manager, the department head, the employee and the complainant if, in the opinion of the Town Manager, such a meeting could assist with the resolution of the complaint,

B. Whenever an employee is called in by a supervisor for questioning as a result of a complaint under

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§ 141-25A under circumstances where discipline other than verbal reprimand appears to be a possible result, the employee shall be entitled to be accompanied by a representative at all stages of questioning.

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Chapter 150

PROPERTY ASSESSED CLEAN ENERGY

[HISTORY: Adopted by the Town Council of the Town of Bucksport 12-9-2010 (Appendix N of the 1978 Town Code). Amendments noted where applicable.]

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ARTICLE I
Purpose and Enabling Legislation

§ 150-1. Purpose.

By and through this chapter, the Bucksport Town Council declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Bucksport. The Town Council intends its purpose and the provisions of this chapter to be in conformity with federal and state law.

§ 150-2. Enabling legislation.

The Town Council enacts this chapter pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature — "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, et seq.).

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ARTICLE II
Title and Definitions

§ 150-3. Title.

This chapter shall be known and may be cited as "the Town of Bucksport Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance").

§ 150-4. Definitions.

Except as specifically defined below, words and phrases used in this chapter shall have their customary meanings; as used in this chapter, the following words and phrases shall have the meanings indicated:

ENERGY SAVING IMPROVEMENT — An improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy ENERGY STAR® program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

(3) Involves a renewable energy installation, an electric thermal storage system or any heating equipment that meets or exceeds standards established or approved by the trust. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

MUNICIPALITY — The Town of Bucksport.

PACE AGREEMENT — An agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved, in writing, by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

PACE ASSESSMENT — An assessment made against qualifying property to repay a PACE loan.

PACE DISTRICT — The area within which the municipality establishes a PACE program hereunder, which is all that area within the municipality's boundaries.

PACE LOAN — A loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

PACE MORTGAGE — A mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

PACE PROGRAM — A program established under state statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

QUALIFYING PROPERTY — Real property located in the PACE district of the municipality.

RENEWABLE ENERGY INSTALLATION — A fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems; solar thermal systems; biomass systems, including but not limited to masonry stoves and wood pellet systems; landfill gas to energy systems; geothermal systems; wind systems and any other systems

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eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

TRUST — The Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

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ARTICLE III
PACE Program

§ 150-5. Establishment; funding.

The municipality hereby establishes a PACE program allowing owners of qualifying property located in the Town of Bucksport who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that adopt a PACE ordinance, adopt and implement a local public outreach and education plan, enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

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ARTICLE IV
Conformity with Requirements of Trust

§ 150-6. Conflict with other provisions.

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the municipality's adoption of this chapter and those standards, rules or model documents substantially conflict with this chapter, Town of Bucksport shall take necessary steps to conform this chapter and its PACE program to those standards, rules, or model documents.

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ARTICLE V
Program Administration; Municipal Liability

§ 150-7. Program administration.

A. PACE administration contract. Pursuant to 35-A M.R.S.A. § 10154(2)(A)(2) and (B), the municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

(1) The Trust will enter into PACE agreements with owners of qualifying property in the municipality's PACE district;

(2) The Trust, or its agent, will create and record a notice of the PACE agreement in the appropriate county Registry of Deeds to create a PACE mortgage;

(3) The Trust, or its agent, will disburse the PACE loan to the property owner;

(4) The Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

(5) The Trust, or its agent, will be responsible for collection of the PACE assessments;

(6) The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

(7) The Trust, or its agent, on behalf of the municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of education and outreach program. In conjunction with adopting this chapter, the municipality shall adopt and implement an education and outreach program so that citizens of the municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and cooperation. The municipality will assist and cooperate with the Trust in its administration of the municipality's PACE program.

D. Assessments not a tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

§ 150-8. Liability of municipal officials and Town. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, § 150-7A, above, the Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

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Chapter 154

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Council of the Town of Bucksport 10-11-2018 (Ch. 13 of the 1978 Town Code). Amendments noted where applicable.]

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§ 154-1. Purpose.

The purpose of this chapter is to provide minimum standards to protect the environment, municipal services, property values and the health, safety and welfare of the public insofar as they may be affected by the maintenance of any existing building, structure or property, and to provide administration and enforcement of those standards.

§ 154-2. Authority.

A. The Code Enforcement Officer (CEO) is hereby authorized and directed by the municipal officers to administer and enforce all the provisions of this chapter.

B. The municipal officers shall have the authority to require an environmental site assessment and a performance bond or irrevocable letter of credit in accordance with the applicable provisions of this chapter.

§ 154-3. Applicability.

This chapter applies to the maintenance of all existing buildings, structures and properties in the Town of Bucksport.

§ 154-4. Severability; conflict with other provisions.

A. If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.

B. If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

§ 154-5. Administration.

A. The CEO shall administer the provisions of this chapter.

B. The administrative provisions of the Maine Uniform Building and Energy Code shall apply to any permitting that may be required to maintain any building or property.

C. Demolition permits.

(1) A demolition permit is required prior to demolishing any structure, except for the following structures:

(a) A residential accessory structure.

(b) A commercial or noncommercial accessory structure with a footprint of 500 square feet or less.

(c) A structure ordered to be demolished by the Town.

(d) A structure with no floor area.

(e) A structure owned by the Town of Bucksport.

(f) A mobile home.

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(2) A demolition permit may not be issued until all applicable prerequisites identified in this section have been met.

(3) A demolition permit may not be issued for any structure until all real estate taxes due for that structure have been paid in full.

(4) A demolition permit may not be issued for any structure used to house equipment assessed with a personal property tax until all personal property taxes due for the equipment have been paid in full. This requirement shall apply whether or not the equipment is located in the structure when a permit application is submitted.

(5) A demolition permit may not be issued until payment of the required permit fee has been made. The required fee shall be as identified in the Schedule of Fees adopted by the Town.

D. To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an environmental site assessment of a property where a demolition or site improvement is proposed, if that property is occupied or was previously occupied with a commercial land use involving the use, handling or disposal of hazardous substances, petroleum products, special wastes, hazardous wastes, or similar types of materials. If environmental hazards are identified, a remediation plan approved by the Town Council shall be required.

E. To ensure the protection of the environment and the public health, safety and welfare, the Town Council may require an irrevocable letter of credit or a performance bond to guarantee the satisfactory completion of the removal of identified environmental hazards on a property where a demolition or site improvement has been proposed. An irrevocable letter of credit or a performance bond may also be required to guarantee the satisfactory completion of the removal of demolished structures and site restoration.

(1) Whenever the demolition or removal of material is reasonably anticipated to exceed 1,000 cubic yards, an irrevocable letter of credit or performance bond shall be required.

(2) A required irrevocable letter of credit or a performance bond shall be issued in an amount equivalent to 110% of the cost to complete all required remediation and permitted demolition work.

§ 154-6. Property maintenance standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Water, land and vegetation.

(1) Surface water runoff and subsurface drainage from any property must be contained or diverted to the extent necessary to prevent water from entering any public street or sidewalk and causing a public safety hazard, or entering any property or building and flooding or damaging that property or building.

(a) No surface or subsurface water may be drained to the public sewer system.

(2) No fill containing hazardous materials, junk, garbage or refuse may be deposited on any property, except in a landfill licensed to accept such fill.

(a) Disturbed soils must be stabilized in accordance with best management practices for erosion and sedimentation control.

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(3) Open shafts, wells, tanks, and other subterranean cavities that present a fall hazard must be removed, filled, covered, barricaded or otherwise protected to prevent a public safety hazard.

(4) Vegetated landscaping is not required to be maintained, except that no vegetated landscaping on any abandoned property in the Compact Area may be uncared-for to the extent that a public safety concern is identified by the CEO for any of the following reasons:

(a) Overgrown vegetation has become a fire risk to buildings or structures.

(b) Overgrown vegetation has become a habitat or cover for wildlife that may cause injury, disease or property damage.

(c) Overgrown vegetation provides cover for unauthorized use or illegal activity.

B. Roads. (Reserved)

C. Outdoor storage.

(1) No unserviceable, discarded, worn out or junked motor vehicle or vehicle parts may be stored outside on any property in the Compact Area.

(2) No more than two unserviceable, discarded, worn out or junked motor vehicles may be stored outside on any property outside the compact area, except in a permitted automobile graveyard.

(3) No accumulation of discarded, worn-out or junked items may be allowed outside on any property, except in a permitted junkyard. Discarded, worn-out or junked items include any physical objects that are no longer maintained for their intended purpose and which are rotting or rusting, or otherwise in a state of decay, disintegration, delamination, deformation, degradation, damage or deterioration.

(4) No mobile home may be permanently stored on any property. A mobile home is considered permanently stored if it remains on a property for one year without being permitted and approved for occupancy.

(5) All refuse and garbage must be stored in a sanitary manner in closed bags, cans or receptacles with covers, or in structures or containers intended for waste storage.

(a) Refuse or garbage may not be stored in any manner or quantity that causes the attraction of animals or emits foul odor.

(b) Waste containers may not be filled over capacity.

(6) Waste containers in the Compact Area may not be emptied or moved on- or off-site by a commercial hauler between the hours of 10:00 p.m. and 7:00 a.m. on any day.

(7) Waste containers contracted for regular waste disposal must be screened from ordinary view by pedestrians on the Waterfront Walkway, and by pedestrians and motorists on Main Street or Route 1. This requirement applies to one or more containers with a total or combined volume of one cubic yard or greater.

(a) Screening may be provided by:

[1] Natural or altered topographical features such as hills, gullies or embankments that are stable and vegetated;

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[2] Vegetation such as trees and shrubs that effectively provide screening at all times;

[3] Stone, brick or concrete walls; or

[4] Buildings, fencing or other structures, except motor vehicles, box trailers or similar structures.

(b) All buildings, fences and other structures providing screening in accordance with § 154-6C(7)(a) must be structurally sound, free of rot and decay and properly maintained.

(c) All fencing utilized for screening must be designed and installed to resist damage from the force of wind and to remain stable and plumb in frozen soil.

(d) The exterior surface of fencing utilized for screening must be uniform in appearance and comprised of materials customarily used for fence installations. The material used may be wood, metal, vinyl, composite, stone or masonry. For the purposes of this section, "exterior surface" means the side facing a street or an abutting property.

D. Buildings and structures.

(1) All buildings and structures and appurtenances attached thereto must be maintained in good repair and free of defects, dilapidation and decay.

(2) All vacant structures must be secured to the extent necessary to prevent unauthorized entry.

(3) No building intended for human occupancy may have any opening that allows the entry of wild animals into or under the building.

(4) No exterior wall may remain without finish siding for more than one year.

(5) No roof may remain without finish roofing for more than one year.

(a) No roof on a building in the Compact Area may be finished or refinished with wood roofing material. An existing roof finished with wood roofing material may be repaired with like material.

(6) All interior surfaces must be kept in good repair, clean, and free of mold and chipping or flaking lead-based paint. Asbestos-containing material must be maintained to the extent necessary to prevent the release of asbestos fibers into the air.

(a) All removal of lead-based paint and asbestos-containing material must be conducted in accordance with state law.

(7) All exits and secondary means of escape for a building must be kept clear of obstructions and in operating condition.

(8) All required lighting must be maintained in operating condition.

(9) All mechanical, heating, ventilation and electrical equipment installations must be maintained in operating condition.

(a) All chimneys, smokestacks, and similar appurtenances must be maintained structurally safe and sound, and in good repair.

(b) No exhaust fan may be vented into an attic or through an eave soffit panel.

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(10) All plumbing and septic system installations must be maintained in a sanitary and operating condition.

(11) All required smoke and carbon monoxide detectors must be maintained in operating condition.

(12) All required sprinkler systems must be maintained in operating condition.

(13) All required fire alarm systems must be maintained in operating condition.

(14) All required radon mitigation systems must be maintained in operating condition.

§ 154-7. Demolition standards.

A. Demolitions must be screened from view to the greatest practical extent from any public street, public recreational area, and navigable waters. This requirement may be waived by the CEO for demolitions of short duration or when site constraints make the installation of screening impractical or unreasonable.

(1) Adequate measures must be taken to prevent unauthorized entry into any demolition site containing or suspected of containing environmental hazards, unsanitary conditions or other risks to the public health and safety.

B. Exterior lighting required for any demolition activity is subject to compliance with the requirements of Chapter 100, Land Use, § 100-35D.

C. Noise from demolition activity involving the use of crushers, blasting or similar high-decibel-generating equipment is subject to compliance with the applicable Maine Department of Environmental Protection noise regulations, 06-096 CMR Ch. 375, § 10.

D. Smoke and dust from any demolition activity is subject to compliance with the requirements of Chapter 100, Land Use, § 100-35H.

E. Vibration from any demolition activity is subject to compliance with the requirements of Chapter 100, Land Use, § 100-35I.

F. The disposal of all debris and other wastes from any demolition activity is subject to compliance with the requirements of Chapter 100, Land Use, § 100-36E.

(1) Universal wastes must be recycled in accordance with state law.

(2) Burial of demolition debris must be conducted in accordance with state law.

(3) Burning of demolition debris may only be conducted with permission from the Fire Department.

G. Demolitions are subject to compliance with all applicable fire, safety and building codes.

H. Any utility connection to a public system must be appropriately terminated and disconnected prior to the commencement of any demolition affecting such connection.

(1) Abandoned septic tanks are subject to compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

I. Demolitions may not cause the pollution or contamination of soils, water or air with any hazardous material. Removal of hazardous materials is subject to compliance with applicable state or federal rules, laws and regulations.

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J. All holes in the ground remaining after the removal of belowground structures must be filled with appropriate backfill material, except when new construction is permitted for the site.

(1) All disturbed soils must be graded to provide proper drainage, and stabilized in accordance with best management practices for erosion and sedimentation control.

K. Demolition and any related activity, including, but not limited to, crushing, compacting, sorting, moving, loading or removing demolished material, and truck traffic to and from a demolition site, may only be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. This subsection shall not apply to any demolition that is exempt from permitting.

L. No trucks or equipment may be parked or stored on any public street, except as may be temporarily necessary to do so for loading or unloading purposes.

(1) Appropriate measures must be taken to prevent the accumulation of mud or debris on a public street from trucks exiting a demolition site.

§ 154-8. Nuisances.

A. A building, structure or property that is in violation of any provision of this chapter is deemed to be a nuisance. A building, structure or property identified as a nuisance is deemed to be a dangerous nuisance if it poses a risk of incapacitating injury or death for any person.

(1) The CEO may determine that a risk of incapacitating injury or death exists if any of the following conditions is present or imminent:

(a) A structural failure.

(b) An explosion.

(c) A fire.

(d) A fire-damaged structure.

(e) An electrical hazard.

(f) Poisonous contamination or biological infection of water, air or the physical environment.

(g) A precipitous fall hazard.

(h) Catastrophic damage.

B. Any identified nuisance condition is subject to enforcement in accordance with the provisions of § 154-9.

§ 154-9. Enforcement.

A. The CEO shall enforce the provisions of this chapter and shall make every reasonable effort to obtain voluntary compliance when a nuisance condition is identified.

B. Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the CEO has reasonable cause to believe that there exists in a structure or upon a property a violation of this chapter, the CEO may enter the structure or premises at reasonable times to inspect the structure or property, provided that if such structure or property is occupied, the CEO shall present credentials

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to the occupant and request entry. If such structure or property is unoccupied, the CEO shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or property and request entry. If entry is refused, the CEO shall have recourse to the remedies provided by law to secure entry.

C. A formal enforcement action taken by the CEO shall require a written notice of violation issued to the property owner and violator, if different, containing the following information:

(1) Name and address of the property owner/violator.

(2) Location of the property, and map and lot number.

(3) Date that the violation was observed.

(4) Description of the violation.

(5) Corrective order and time allowed to comply.

(6) Penalty statement.

(7) Date of the notice and the CEO's signature.

D. Notice of violations shall be delivered via first class United States mail. When delivery by mail is not accepted or not possible, in-hand delivery shall be made by a local law enforcement officer, or by a sheriff or sheriff's deputy pursuant to Rule 4 of the Maine Rules of Civil Procedure.

E. When compliance with the corrective order of the notice of violation is not accomplished within the allotted time, the property owner or violator may submit a written request to the CEO for a one-time extension. An extension may be allowed if a reasonable hardship can be shown.

F. Prior to issuing a formal violation notice, the CEO may order the occupants of any building or property deemed to be a dangerous nuisance to immediately vacate the building or property and not return until the building or property is approved for occupancy.

(1) The CEO shall post a written notice of a dangerous nuisance on the property as soon as possible after the dangerous nuisance has been identified. The CEO shall order the owner or owner's agent to secure the building or property to prevent unauthorized entry and to address any immediate public safety hazard.

(2) If action is not taken as ordered by the CEO to address the dangerous nuisance, the CEO shall cause the building or property to be secured and shall take any other necessary protective measures, including, but not limited to, installing sidewalk and street barricades, and ordering adjacent structures to be vacated.

(3) The owner shall be ordered to repay all expenses incurred by the Town to secure the dangerous premises and protect the public safety within 30 days of demand. If the owner fails to comply, a special tax may be assessed against the property and collected in the same manner as other municipal taxes are collected.

G. In the event that a building demolition is ordered by the CEO and the owner fails to comply with the demolition order, the Town Council may take action in accordance with 17 M.R.S.A. § 2851 et seq.

H. The Town Attorney, with the assistance of the CEO, may take an enforcement action to District Court when authorized to do so by the municipal officials.

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§ 154-10. Appeals.

A. An aggrieved party may take an administrative appeal from any decision, action or nonaction of the CEO to the Bucksport Board of Appeals.

(1) A notice of violation may not be appealed.

B. An application for appeal must be received at the Bucksport Town office no later than 30 days after the date of the decision, action or nonaction being appealed.

C. An appeal of a decision of the Board of Appeals may be taken to Superior Court in accordance with the provisions of 30-A M.R.S.A. § 2691.

§ 154-11. Waivers.

A. The CEO may grant a waiver of any specific requirement of this chapter, provided that:

(1) No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

(2) Extraordinary and unnecessary hardships may result from strict compliance with the requirement or there are special circumstances of a particular plan; and

(3) The health, safety and welfare of the public are protected.

B. The CEO may set conditions to any granted waiver as necessary to protect the purposes of this chapter.

C. The following provisions of this chapter may not be waived:

(1) Required permits.

(2) Required fees.

(3) Town Council orders.

§ 154-12. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.

COMMERCIAL HAULER — One who is in the business of emptying or moving solid waste containers.

COMPACT AREA — Any area in Bucksport that is in the public sewer or water service area.

FINISH ROOFING — Any building product specifically designed for finish weather protection on a building roof, including, but not limited to, roll roofing, asphalt shingles, fiberglass shingles, slate shingles, wood shingles, clay tiles, metal panels and any other material designed for use as finish roofing.

FINISH SIDING — Any building product specifically designed for finish weather protection on a building's exterior wall surface, including, but not limited to, wood clapboards, wood shakes, vinyl siding, aluminum siding, stone, brick, stucco, composite materials and any other material designed for use as finish siding.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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JUNK — Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture. Discarded, scrap and junked lumber. 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.

OPERATING CONDITION — Working as designed and expected, without defect.

ORDINARY VIEW — Seen or observed without the aid of magnification provided by binoculars, telescopes or similar optical equipment.

PERSON — An individual, corporation, partnership or any other group acting as a unit.

PUBLIC SAFETY HAZARD — Any condition of a property, building or structure that poses a risk of injury or death for any person.

REFUSE — Combustible and noncombustible waste materials, except garbage.

STRUCTURE — That which is built or constructed.

UNSERVICEABLE — Not ready for use or presently usable.

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BUCKSPORT CODE

Chapter 167

ROADS AND STREETS

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I

Entrances to Highways

[Adopted 9-13-1984, as amended through 5-29-2014 (Ch. 10, Art. 2, of the 1978 Town Code)]

§ 167-1. Entrances to highways regulated.

It shall be unlawful to construct or alter any driveway, entrance or approach within the right-of-way of any Town road without a written permit from the Town. No permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed, but if any driveway, entrance or approach is changed in location or grade or improved, a permit shall be required. If any existing driveway, entrance or approach is changed in degree or kind of use, a permit shall be required.

§ 167-2. Conditions for approval of applications.

Approval of applications submitted for permits for entrances to Town ways shall be subject to the following provisions:

A. That the applicant is the owner of the property and that any driveway or approach constructed by him or his agent is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles on the Town right-of-way.

B. That no entrance, approach or other improvement constructed in the Town right-of-way as the result of an issued entrance permit shall be relocated or its dimensions altered without first obtaining written permission from the Public Works Director.

C. That the location, design, and construction of the driveways, entrances, or approaches shall be in accordance with the rules and regulations promulgated in § 167-3.

§ 167-3. Rules and regulations governing construction and location entrances.

A. All entrances shall be so located that vehicles approaching or using the entrance shall be able to obtain adequate sight distance in both directions along the highway or to maneuver safely and without interference with traffic.

B. The grade of entrances shall in general slope away from the traveled surface at a rate of not less than 1/4 inch per foot, nor more than one inch per foot for a distance of not less than the prevailing width of existing shoulder plus three feet, but in no case not less than five feet from the edge of the traveled surface.

C. All entrances shall be a minimum of 15 feet in width. Residential entrances shall not exceed 30 feet in width and commercial entrances shall not exceed 40 feet in width.

D. Not more than two entrances (or exits) shall be allowed on any parcel of property the frontage of which is less than 200 feet. Additional entrances (or exits) for parcels of property having a frontage in excess of 200 feet shall be permitted only after showing of actual convenience and necessity. When frontage is 50 feet or less, only one combined entrance and exit is permitted.

E. When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalk, curbing or curb and gutter at the break points of the entrance.

F. Drainage in roadway side ditches shall not be altered or impeded and the applicant and permittee must provide, at their expense, suitable and approved drainage structures at all entrances. The drainage

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opening underneath the entrances or filled areas adjacent to the highway shall be adequate to carry the water in the highway side ditches. Size and adequacy of proposed drainage structures shall be approved by the Public Works Director prior to installation. Surface drainage shall be provided so that surface water on the areas adjacent to the roadway shall be carried away from the roadway.

G. The applicant shall furnish with the application two copies of plans or sketches showing the proposed entrance locations, width and arrangements; distance between entrances; setback of buildings, gasoline pumps, etc., in relation to the center line of the traveled way and/or right-of-way line; length, size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter and/or sidewalks; and the proposed location and size of new pipes, culverts, catch basins or manholes, curbing, et cetera.

§ 167-4. Application for permit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Any person, firm, or organization required by the provisions of this article to obtain an entrance permit from the Town shall make a written application upon a form provided by the Town and shall state facts as may be required.

B. Applications for entrance permits shall be accompanied by a fee as provided in the Schedule of Fees.

C. The application shall be accompanied by a plan showing the location, dimensions, and elevation of the proposed entrance, and such other information as may be reasonably required by the Public Works Director.

D. Applications must have the written approval of the Public Works Director. Applications requiring the removal of any public shade tree in the Compact Area must be approved by the Conservation Commission prior to the issuance of a permit.

§ 167-5. Approval and enforcement.

A. Review and approval of all entrance permits shall be the responsibility of the Public Works Director.

B. Enforcement of the provisions of this article shall be the responsibility of the Code Enforcement Officer.

§ 167-6. Request for review.

Any applicant may request that the decision of the Public Works Director regarding the issuance of an entrance permit be reviewed by the members of the Bucksport Town Council and the decision of the Town Council will be final. The request for review must be made, in writing, to the Town Council, stating the reason for the review and the remedy the applicant is seeking.

§ 167-7. Permit expiration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. An entrance permit expires one year from the date of issuance by the Public Works Director. Upon commencement of the construction of a permitted entrance, all work required by the terms of the permit must be substantially completed within 30 days or prior to the permit expiration, whichever comes first. The Public Works Director may, for good cause, grant an extension to the completion date of any entrance under construction. For the purposes of this subsection, substantially completed means that required drainage structures and gravel base are installed.

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B. An expired entrance permit may be renewed upon submission of a new application and a fee as provided in the Schedule of Fees. The entrance construction shall be subject to the standards in effect at the time of permit renewal.

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ARTICLE II
Street Excavations
[Adopted 10-11-1984, as amended through 5-29-2014 (Ch. 10, Art. 3, of the 1978 Town Code)]

§ 167-8. Excavation permit required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner, break up any street; or to make cause to be made any excavation in or under the surface of any street for any purpose; or to place, deposit or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit from the Public Works Director. An excavation permit shall not be required for any work performed by the Town.

B. A street excavation permit expires 60 days from the date of issuance by the Public Works Director. Upon commencement of a permitted excavation, all work required by the terms of the permit must be completed within 60 days or prior to the permit expiration, whichever comes first. The Public Works Director may, for good cause, grant an extension to the completion date of any excavation in progress.

C. An expired excavation permit may be renewed upon submission of a new application and a fee as provided in the Schedule of Fees. The excavation shall be subject to the standards in effect at the time of permit renewal.

§ 167-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICANT — Any person making a written application to the Town of Bucksport for an excavation permit and for whom the permit is issued.

PERMITTEE — Any person who has been granted an excavation permit issued hereunder.

PERSON — Any person, firm, company, partnership, association, corporation, or organization of any kind.

PUBLIC WORKS DIRECTOR — Includes the Town's Public Works Director and his authorized assistant under his direction and supervision.

STREET — Any street, highway, sidewalk, alley, avenue, or other public passageway or public grounds in the Town of Bucksport.

TOWN — The Town of Bucksport.

§ 167-10. Application for permit.

A. Any person, firm, or organization required by the provisions of this article to obtain an excavation permit from the Town shall make a written application upon a form provided by the Town Clerk and shall state facts as may be required.

B. The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location, the dimensions and elevation of the proposed excavated surfaces, and such other information as may be reasonably required by the Public Works Director.

C. Applications must have the written approval of the Public Works Director. Applications requiring the removal of any public shade tree in the Compact Area must be approved by the Conservation

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Commission prior to the issuance of a permit.

D. No person shall be granted a permit to excavate or open any street or sidewalk from the period between December 1 of each year to March 31 of the following year unless an emergency or special condition exists. Any person wishing to obtain an excavation permit between these aforementioned dates shall first explain fully, in writing, the emergency or special condition to the Public Works Director and shall obtain his approval.

§ 167-11. Excavation permit fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Applications for excavation permits shall be accompanied by a fee as provided in the Schedule of Fees.

B. In addition to the application fee, a permit fee shall be paid upon approval of the permit; such fee shall be as provided in the Schedule of Fees.

§ 167-12. Minimum permit fees and special conditions.

A. There shall be a minimum permit fee for any street or sidewalk excavation equivalent to three square yards at the above-applicable rate per square yard.

B. Where three or more street openings are made in sequence 15 feet or less, center to center, between each adjacent opening, the applicant shall be charged for one opening measured from the first opening to the last opening.

C. The applicant may request the Town's permission to contract privately for the street or sidewalk repairs. If the Town agrees, the applicant or private contractor may be required by the Town to post a bond for the estimated amount of street opening times the above-applicable unit rate. All street repair work must be done in accordance with Town specifications and is subject to inspection by the Public Works Director. However, the Town shall charge the applicant or contractor for its engineering and inspection charges incurred during the street excavation and repair work.

§ 167-13. Disposal of permit fees.

All such excavation permit fees shall be paid to the Town of Bucksport and shall constitute a special fund for the repair and repaving of such excavations.

§ 167-14. Routing of traffic. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The permittee shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times, so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Public Works Director may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed by the Bucksport Police Department. The following steps shall be taken before any highway may be closed or restricted to traffic:

A. The permittee must receive the approval of the Public Works Director and the Police Department therefor;

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B. The permittee must notify the Chief of the Fire Department of any street so closed;

C. Upon completion of construction work, the permittee shall notify the Public Works Director and Police Department before traffic is moved back to its normal flow, so that any necessary adjustments may be made;

D. Where flagmen are deemed necessary by the Public Works Director, they shall be furnished by the permittee at his own expense. All such flagmen shall be subject to the approval of the Deputy Police Chief. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Public Works Director and the Deputy Police Chief will designate detours. The Town shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee, but in case there are no existing highways, the permittee shall construct all detours at its expense and in conformity with the specifications of the Public Works Director. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

§ 167-15. Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to the Fire Station and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of materials and other obstructions.

§ 167-16. Protection of traffic. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The permittee shall erect and maintain such fence, railing or barriers about the site of the excavation work as shall prevent danger to pedestrian and vehicular traffic using the street or sidewalk. Excavation sites shall be sufficiently illuminated at twilight, and such lighting shall be kept burning throughout the night. All of the above shall be approved by the Deputy Police Chief and the Public Works Director.

§ 167-17. Removal and protection of utilities.

The permittee shall not interfere with any existing utility other than their own facilities without the written consent of the Public Works Director and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the Town shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly born by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wire 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. In case any of said pipes, conduits, poles, wire or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefor.

§ 167-18. Protection of adjoining property.

The permittee shall, at all times and at his or its own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose.

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Where, in the protection of such property, it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the owner of such private property for such purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out said work.

§ 167-19. Cleanup.

As the excavation work progresses, all streets and private property shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Public Works Director. From time to time, as may be ordered by the Public Works Director and in any event immediately after completion of said work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work; and upon failure to do so within 24 hours after having been notified to do so by the Public Works Director, said work may be done by the Public Works Director and the cost thereof charged to the permittee, plus a $25 fee.

§ 167-20. Excavation into paved surfaces.

A. Whenever it is necessary to break through existing pavement for excavation purposes, and where trenches are to be four feet or over in depth, the pavement in the base shall be removed to at least six inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement; and a six-inch shoulder of undisturbed material shall be provided in each side of the excavated trench.

B. All excavation on paved street surfaces shall be precut in a neat, straight line with pavement breakers or saws. Heavy-duty pavement breaks may be prohibited by the Town when their use endangers existing substructures or property, and no pile driver may be used in breaking up the pavement.

C. Cutouts of the trench lines must be normal or parallel to the trench line, and pavement edges shall be trimmed to a vertical face.

D. Unstable pavement shall be removed over cave-outs and over-breaks, and the subgrade shall be treated as the main trench.

E. The permittee shall not be required to pay for repair of damage existing prior to the excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove the unstable portion; and the area shall be treated as part of the excavation.

§ 167-21. Backfilling.

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers, or by water settling, as provided by the soil in question and sound engineering practices generally recognized in the construction industry.

§ 167-22. Notice to Town and restoration of surface.

A. Upon completion of the backfilling and cleanup, the permittee shall so notify the Public Works Director and request an inspection of the project. After final inspection, the Town shall then restore

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the surface of the street as near as may be to its original condition. If, in the judgment of the Public Works Director, it is not advisable to immediately replace the street pavement because of weather conditions or otherwise, he may direct that temporary repairs be made until such time as the permanent repairs may be properly made.

B. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two years after restoring it to its original condition.

§ 167-23. Excavation restricted in new street improvements.

A. Whenever the Town Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Town Manager shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five years after the date of the notice. Such notice shall also notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed no later than 60 days from the date of such notice. The Town Manager shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and Town departments or other persons that may desire to perform excavation work in said Town street.

B. Within said 60 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said 60 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five years from the date of enactment of said ordinance or resolution. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Public Works Director, an emergency as described in this article exists, which makes it absolutely essential that the excavation permit be used.

C. Every department or official of the Town of Bucksport charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said sixty-day period so as to avoid the necessity for making any openings, cuts or excavation in the new pavement in said Town street during said five-year period.

§ 167-24. Inspections.

The Public Works Director shall make such inspections as are reasonably necessary in the enforcement of this article. The Public Works Director 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 article.

§ 167-25. Applicability to Town and state work.

The provisions of this article shall not be applicable to any excavation work under the direction of officials and employees of the Town or by any contractor of the Town or state performing work for and in behalf of the Town or state, necessitating openings or excavations in streets.

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§ 167-26. Insurance required.

A permittee, other than a public utility company prior to the commencement of excavation work hereunder, shall furnish the Town satisfactory evidence, in writing, that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than $400,000 for any one person and $400,000 for any one accident, and property damage insurance for not less than $400,000, duly issued by an insurance company authorized to do business in this state.

§ 167-27. Liability of Town.

This article shall not be construed as imposing upon the Town or any official or employee any liability or responsibility for damages to any person injured by the performance of any 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.

§ 167-28. Work improperly completed.

If the work or any part thereof provided for in this article shall be unskillfully or improperly done, the Public Works Director may forthwith cause the same to be skillfully and properly done and shall keep an account of the expense thereof. In such case, the permittee in default shall pay to the Town all its expenses incurred in correcting such improper work, with an additional 50% added thereto for its default; and thereafter, no further permits shall be issued to the permittee until such sum is paid in full to the Town.

§ 167-29. Enforcement.

The Code Enforcement Officer shall be responsible to enforce the provisions of this article.

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ARTICLE III
Weight Limits
[Adopted 1-11-1996 (Ch. 10, Art. 4, of the 1978 Town Code)]

§ 167-30. Heavy load restrictions. [Amended 6-10-1999 at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Public Works Director of the Town of Bucksport may post any road restricting heavy loads pursuant to 29-A M.R.S.A. § 2395 and in accordance with the following rules and regulations:

A. Whenever it is determined by the Public Works Director that damage may occur to any Town road or street as a result of heavy loads and an unfrozen or wet road base, such road or streets may be closed to all vehicles, or combination of vehicles, except:

   (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. The exception does not apply to special equipment.

   (3) Any vehicle engaged in highway maintenance under the direction of the Town of Bucksport or the State of Maine.

   (4) Any two-axle delivery or service truck registered in excess of 23,000 pounds and making deliveries or providing services to any home or business located along the restricted portion of the road.

   (5) Any emergency vehicle.

B. For the purpose of this section, a road base is considered "unfrozen or wet" if the air temperature is 32° F. or above and water is showing in the cracks of the road. If either condition exist, heavy loads are restricted as outlined by this section.

§ 167-31. Truck traffic prohibited. [Amended 1-30-1997; 5-23-2019; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Vehicles registered in excess of 34,000 pounds are prohibited on the following restricted roads or streets:

   (1) Russell Hill Road.

   (2) Millvale Road (from the intersection of the Cross Road to the intersection of River Road).

   (3) Silver Lake Road.

   (4) Mast Hill Road (from the intersection of the Upper Falls Road to the intersection of the Bald Mountain Road).

   (5) Bucks Mills Road (from the intersection of Church Road to the intersection of Millvale Road and Central Street).

   (6) Town Farm Road.

   (7) Broadway (from the intersection of Nicholson Avenue to the intersection of Central Street).

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B. Exemptions to § 167-31A are as follows:

(1) Any truck registered within state weight limits and hauling to or from and for a residential property in the Town of Bucksport, with exception on Broadway. No through truck traffic will be permitted, such through area being from the Nicholson Avenue intersection to the Central Street intersection. Trucks exempted by this subsection shall use the shortest route, either state- or Town-owned. Such determination when necessary will be made by the Bucksport Deputy Police Chief.

(2) Any truck registered within state weight limits which is hauling from a pit located in the Town of Bucksport.

(3) Any prohibited vehicle that is not carrying a load other than for equipment necessary to operate the vehicle.

(4) Any prohibited vehicle whose place of business is located on any of the cited roads may operate from that location to a worksite or from a worksite back to its place of business using the shortest route, either state- or Town-owned.

(5) Any emergency vehicle or Town-owned or leased or state-owned or leased highway maintenance vehicle.

C. Definitions. As used in this article, the following terms shall have the meanings indicated:

RESIDENTIAL PROPERTY OR USE — Hauling to or from and for a property which is used as a permanent, seasonal, or temporary living quarters. The term shall include mobile homes but not recreational vehicles.

RESTRICTED ROADS OR STREETS — A road or street or portion thereof, listed in § 167-31A of this article, and identified by the most current copy of the Bucksport Tax Maps.

ROUTE — "Route" includes any public road or street or combination thereof.

SPECIAL EQUIPMENT — Equipment registered to travel on public ways such as but not limited to a payloader, grader, crane, and backhoe.

§ 167-32. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person or entity found to be in violation of § 167-30 or 167-31 of this article shall be liable for a civil penalty of not less than $250 for each offense, except that a written warning may be issued for a first offense; provided, however, this shall not limit the Town from taking action for recovery of any damage which may result from any violation.

§ 167-33. Severability.

The invalidity of any provision of this article shall not invalidate any other part.

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ARTICLE IV
Standards for Approval
[Adopted 5-9-1996 (Ch. 10, Art. 5, of the 1978 Town Code)]

§ 167-34. Standards for roads and streets.

Before the members of the Town Council shall consider approval and acceptance of any street or road as a public way, it shall be necessary for such street or road to meet the standards outlined by this article. The cost of developing the proposed public way to acceptable standards shall be the responsibility of the individual(s) making the request to the Town Council. Under no circumstances is the Town required to accept the street or road even though such street or road is constructed to the standards outlined by this article.

§ 167-35. Monuments.

A. Permanent monuments shall be set at all intersections identifying the outer limits of the right-of-way as identified by the survey plan submitted to the Town Council with the request for designation as a public way.

B. Monuments shall be concrete, stone or iron, located in the ground and six inches above grade.

§ 167-36. Street signs.

Street name and traffic signs shall be furnished and installed by the individual(s) requesting the public way. The type, size and location shall be subject to approval of the Public Works Director.

§ 167-37. Classifications.

For the purpose of this article, street and roads will be classified by function, as follows:

A. Major streets. The term "major streets" includes arterial streets or roads which serve primarily as major traffic ways for travel between and through towns, and streets or roads which serve as collectors of traffic for minor streets and for circulation and access in commercial and industrial areas.

B. Minor streets. Local streets or rural roads which are used primarily for access to abutting residential properties.

§ 167-38. Layout.

All streets and roads shall be so designed that they will provide safe vehicular travel.

§ 167-39. Design and construction standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. All streets and roads will have to meet the following standards as classified by the Town Council:

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Design and Construction Standards for Roads and Streets					
Item No.	**Item**	**Major Arterial Street**	**Major Collector Street**	**Minor Residential Street**	**Minor Rural Street**
1a	Minimum right-of-way	66 feet	66 feet	50 feet	66 feet
1b	Minimum right-of-way (closed system)	50 feet	50 feet	50 feet	50 feet
2a	Minimum width of pavement (open ditch)	24 feet	24 feet	20 feet	20 feet
2b	Minimum width of pavement (closed system)	32 feet	32 feet	26 feet	26 feet
2c	Minimum width of pavement (one-side parking with closed system)	40 feet	40 feet	34 feet	34 feet
3a	Minimum grade	0.5%	0.5%	0.5%	0.5%
4a	Maximum grade	5%	6%	10%	12%
5a	Maximum grade at intersections	3% with 50 feet of intersections			
6a	Minimum angle of intersections	60% for all			
7a	Width of shoulders (open ditch)	6 feet	4 feet	3 feet	4 feet
8a	Minimum center line radii on curves	800 feet	200 feet	200 feet	200 feet
9a	Road base gravel (minimum); gravel must meet MDOT 4 inches gravel specifications	21 inches	18 inches	18 inches	18 inches
10a	Bituminous pavement	4 inches	4 inches	2.5 inches	2.5 inches
11a	Road crown	1/4 inch/foot for all			
12a	Dead-end street	Must provide turnaround minimum 65-foot radii			
13a	Property line radii at intersection	10 feet for all			
14a	Curb radii at intersections	25 feet for all			

B. For the purpose of item 13a, the ten-foot radius will be measured from furthest outer edge of the intersection.

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C. For the purpose of item 14a, the twenty-five-foot radius will be measured from the center of the furthest point of the intersection.

D. A dead-end street or road shall have a suitable turnaround at the end. When a turning circle is used, it shall have a minimum outside radius of 65 feet. T-type turnarounds shall be permitted. The size of T-type turnarounds will be 80 feet long and 65 feet wide.

E. Streets and roads shall be provided with adequate drainage to provide for the removal of stormwater to prevent flooding of pavement and erosion of adjacent surfaces.

F. Side slopes shall not be steeper than three feet horizontal and one foot vertical, graded, loamed three inches and seeded as required.

G. Curbs shall be required on all streets within the Maine Department of Transportation defined urban areas and shall be required when an open ditch system does not provide adequate drainage as determined by the Public Works Director, and a closed drainage system is necessary.

H. Where curbs are not required, stabilized shoulders and proper drainage shall be required.

I. All roads or streets shall be constructed according to the specifications outlined by this article and as overseen by the Town's Public Works Director.

J. All requests for designation of a public way will include a survey plan of the proposed right-of-way as prepared by a Maine licensed land surveyor. All abutters to the right-of-way will be identified on the survey plan. A scale of one inch to 40 feet will be used.

K. All requests for a public way will be accompanied with a written description of the proposed right-of-way as prepared by a Maine licensed land surveyor.

L. Upon acceptance of the right-of-way as a public way, the owner of the right-of-way will provide a deed to the Town, such deed describing the right-of-way as approved by the Town Council. Such description will be prepared from the description provided by a Maine licensed land surveyor and submitted to the Town Council with the application for public way designation.

§ 167-40. Public shade trees. [Added 2-14-2002]

A. Public shade trees may not be planted or removed without approval of the Conservation Commission, except as otherwise provided for in this section. "Remove" means uprooting the entire planting or cutting or pruning of any portion. "Plant" means to place in the ground for growing. "Public shade tree" means any arboreal species located within or upon the limits of:

(1) Any public right-of-way in the Compact Area;

(2) Any public park, public cemetery, public walkway; or

(3) Any other public property under the care of the Conservation Commission as designated by the Town Council. Proposals for the planting or removal of any public shade tree must be submitted, in writing, to the Conservation Commission. Review of proposals shall be conducted in accordance with the requirements of Chapter 23, Article II, of the Bucksport Town Code.

B. The Public Works Director may authorize removal of any public shade tree without approval of the Conservation Commission to:

(1) Remove an obstruction to the installation or maintenance of any utility service, including, but

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not limited to, sewer lines, electric power lines, gas lines, water lines and stormwater drainage lines;

(2) Lay out, alter or widen the location of public ways;

(3) Lessen the hazards of travel on public ways; or

(4) Eliminate safety hazards on any public property.

C. No object or contrivance of any kind may be attached to any public shade tree, except supports for the planting, or as may otherwise be approved by the Conservation Commission. Under no circumstances shall any public shade tree be cut, carved, disfigured, poisoned, burned or any portion above- or belowground otherwise harmed or abused.

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ARTICLE V
Street Naming and Numbering
[Adopted 2-11-1999, as amended through 7-29-2004 (Appendix L of the 1978 Town Code)]

§ 167-41. Purpose.

The purpose of this article is to establish procedures for naming roads and numbering structures for identification.

§ 167-42. Statutory authority.

This article is adopted pursuant to 30-A M.R.S.A. § 3001 et seq.

§ 167-43. Applicability.

A. This article shall apply to the naming of all public roads, and private roads that provide access to at least two structures which are or may be occupied with a residential, commercial or public use and which are provided with primary telephone service or if such service is typical.

B. This article shall apply to the numbering of all structures which are or may be occupied with a residential, commercial or public use and which are provided with primary telephone service or if such service is typical, or where the numbering is otherwise required for identification.

§ 167-44. Severability; conflict with other provisions.

A. In the event that any provision of this article is ruled to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

B. In the event that any provision of this article conflicts with or is inconsistent with another provision of this article or any other ordinance, regulation or statute, the more restrictive provision shall govern.

§ 167-45. Effective date.

This article shall become effective beginning July 1, 1999.

§ 167-46. Administration.

A. This article shall be administered by the addressing officer, who is authorized to and shall assign names to roads and numbers to structures in accordance with the criteria in §§ 167-47 and 167-48, respectively.

B. The addressing officer shall be responsible for providing address information to the State of Maine Emergency Services Communication Bureau, the Maine Office of Geographic Information Systems, property owners, Town officials and other interested parties.

C. The addressing officer shall be responsible for maintaining the following official records, a copy of which shall be kept in the office of the Town Clerk:

(1) A map or maps identifying all public and private roads within the Town that have been assigned a street name.

(2) A list of all properties, identified by Tax Map and lot number, that are developed with structures

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requiring a street address and the assigned street address for each structure.

(3) A written description of all public and private roads, including the approximate length of each road and the location of intersections. The descriptions of public roads shall not be considered legal descriptions of Town-approved public ways.

D. Whenever any structure subject to the numbering requirements of this article is constructed, installed or developed, it shall be the duty of the addressing officer to assign a number to that structure. This must be done prior to occupancy of the structure.

E. Road names in a proposed subdivision must be approved by the addressing officer prior to final approval of the subdivision by the Planning Board. The final subdivision plan must show lines or dots in the center of the proposed roads at fifty-foot increments in accordance with § 167-48 of this article.

§ 167-47. Naming system. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. All roads that provide access to two or more structures subject to the numbering requirements of this article shall be named in accordance with the requirements of this section.

B. The following criteria shall govern the naming system:

(1) No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).

(2) No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).

(3) Each road shall have the same name throughout its entire length.

C. Before assigning a name for a new private road, the addressing officer shall send a written request for name suggestions to all owners of property abutting the new road. The name suggested by the majority of the property owners will be approved by the addressing officer, provided that the name complies with the applicable requirements of this section.

D. Road names for a proposed subdivision must be submitted by the subdivider for approval. The final decision for the new road name shall be made by the addressing officer.

E. Changes to existing road names may only be approved by the Town Council.

F. A change to an approved name for a private road may be made no less than five years from the date of approval of the existing name.

G. The Town Council shall consider a change of an approved name for a private road under the following conditions:

(1) A written request signed by all property owners abutting the private road has been submitted to the Town Clerk;

(2) A $100 nonrefundable administrative fee has been submitted to the Town Clerk;

(3) A deposit in the amount of $200 has been submitted to the Town Clerk. The deposit shall be applied to expenses related to the purchase and installation of new street signs. This deposit shall be refunded if the street name change is not approved; and

(4) The addressing officer has determined that the proposed name complies with the applicable requirements of this article.

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H. All public roads, and private roads that are named in accordance with the requirements of this section, must be identified with road name signs installed in accordance with the requirements of § 167-50.

I. A road name assigned by the addressing officer shall not constitute or imply acceptance of the road by the Town as a public way.

§ 167-48. Numbering system.

A. Starting at each road's point of beginning, numbers shall be assigned every 50 feet along both sides of the road, with even numbers beginning with "2" on the left side of the road and odd numbers beginning with "1" on the right side of the road. The addressing officer may approve a different numbering order to preserve previously assigned numbers, to be consistent with a street numbering order originating in another municipality, or when otherwise necessary to aid in structure identification.

B. All numbering origins should begin from the designated center of Bucksport or that end of the road closer to the designated center. For dead-end roads, numbering should originate at the intersection of the adjacent road and terminate at the dead end.

C. One number shall be assigned to each structure that is or may be occupied with a residential, commercial or public use, and which is provided with primary telephone service, or if such service is typical. The number assigned to each structure should be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number must be that of the interval falling closest to the driveway of said structure.

D. Every structure with more than one principle use or with a multiunit occupancy must have a street address with a label identifying each use or occupancy. For example, duplexes and apartments will have one road number with apartment numbers, such as 235 Maple Street, Apt. 1 and Apt. 2.

E. A building occupied with a use that is incidental and subordinate to the principal use of the property may be assigned an address number if, in the judgment of the addressing officer, number assignment is necessary to comply with the purposes of this article.

§ 167-49. Display of street numbers.

A. Where the structure is within 50 feet of the edge of the road right-of-way and clearly visible from the road, the assigned number should be displayed on the structure near the front door or entry so as to be visible from the road.

B. Where the structure is over 50 feet from the edge of the road right-of-way or less than 50 feet from the edge of the road right-of-way and not clearly visible from the road, the assigned number should be attached to a post, fence, wall, mailbox, or other structure adjacent to the right-of-way and next to the walk or access drive to the structure. The number should be displayed so as to be clearly visible to motor vehicle drivers on the road and be located no less than four feet or more than six feet above the ground.

C. Numbers should be a minimum of four inches in height and set on a background of contrasting color.

D. Every person whose duty is to display the assigned number should remove any different number that might be mistaken for or confused with the number assigned in conformance with this article.

E. Unit numbers assigned to apartment dwelling units and other occupancies should be displayed on each unit's main entrance door.

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F. Compliance with the requirements of this section is voluntary. Owners of structures are encouraged to properly identify their properties in accordance with the standards of this section to assist in accomplishing the purpose of this article.

§ 167-50. Road name signs.

A. The Town shall be responsible for the installation and maintenance of road name signs for all public roads.

B. The Town shall provide labor and materials for the first installation of private road name signs, except as otherwise required by Chapter 194, Subdivision of Land.

C. Each private road must be identified with a name sign installed at its point of beginning and at its terminus when intersecting with another road.

D. The Public Works Director shall determine the location of all sign installations.

E. The date of installation will be determined by availability of labor and materials and the presence of frozen soil conditions.

F. Sign installations must comply with standards contained in the Manual on Uniform Traffic Control Devices.

G. Replacement of any private road name sign that has been removed without authorization, or that has received irreparable damage as determined by the Public Works Director, will be completed by the Town at Town expense one time only, except as otherwise allowed.

H. The Town Council may waive any of the requirements of this section when it has been determined to be in the best interest of the public.

§ 167-51. Enforcement.

The Code Enforcement Officer may enforce this article in accordance with the enforcement provisions of 30-A M.R.S.A. § 4452.

§ 167-52. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADDRESSING OFFICER — A person appointed by the Town Council to administer Chapter 167, Article V, Street Naming and Numbering.

DESIGNATED CENTER OF BUCKSPORT — The intersection of Main Street and U.S. Route 1.

PROPERTY — A structure or land developed with one or more structures.

ROAD — Any public way, public easement or privately owned way intended for motor vehicular travel.

STRUCTURE — For the purposes of this article, a "structure" is any building that may be occupied with a residential, commercial or public use and which is provided with primary telephone service or if such service is typical, except for structures with a temporary location, such as construction office trailers and mobile food vendors, or structures which by design and use cannot be physically occupied or provided with telephone service.

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Chapter 175

SEWERS

[HISTORY: Adopted by the Town Council of the Town of Bucksport 3-9-1978, as amended through 12-4-2014 (Ch. 9 of the 1978 Town Code). Subsequent amendments noted where applicable.]

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ARTICLE I
Definitions

§ 175-1. Terms defined.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter will be as follows:

ASTM — American Society for Testing and Materials.

BENEFITED USERS — All owners of real estate which are either connected to the public sewer or, if not connected, have buildings within 200 feet of the public sewer.

BUILDER — Any person, persons, or corporation who undertakes to construct, either under contract or for resale, a habitable building.

BUILDING DRAIN — 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 feet outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

DEP — Maine Department of Environmental Protection.

DEVELOPER — Any person, persons or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

ENGINEER — An individual who is licensed to practice as a professional engineer in the State of Maine.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

GOVERNING BODY — The duly elected Town Council of the Town of Bucksport or its authorized deputy or representative.

INDUSTRIAL WASTES — The liquid wastes from industrial processes as distinct from sewage.

MAINTENANCE OF BUILDING SEWER — Those trenchless actions needed to ensure that wastewater flows freely and securely through the building sewer to the public sewer, including the use of water jetters, augers or similar devices to clear obstructions, or the installation of pipe liners.

MANAGER — The Town Manager of Bucksport or the individual designated by the governing body to perform this function; or the authorized deputy, agent, or representative of this individual.

OWNER — Any individual, firm, company, association, society, or group having title to real property.

PERSON — Any individual, firm, company, association, society, or group.

PROPERTY LINE — The property boundary line if the building 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.

PUBLIC SEWAGE WORKS SERVICE AREA — All buildings served by a public sewer and buildings within 200 feet of public sewer.

PUBLIC SEWER — A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

RATES — Charges for connection to the public sewer and charges for use thereof.

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REPLACEMENT OF BUILDING SEWERS — Those open-trench actions needed to ensure that wastewater flows freely and securely through the building sewer to the public sewer, including securing loose fittings, reestablishing proper pitch, or replacing any or all sections of the building sewer.

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

SHALL; MAY — "Shall" is mandatory; "may" is permissive.

STATE PLUMBING CODE — The State of Maine Plumbing Code, as amended from time to time.

STORM SEWER or STORM DITCH — A pipe or conduit which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes.

SUPERINTENDENT — The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

TOWN — The Town of Bucksport.

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ARTICLE II
Use of Public Sewers Required

§ 175-2. Unlawful discharges.

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 waters, except where suitable treatment has been provided in accordance with federal, state, and local laws.

§ 175-3. Unlawful sewage disposal facilities.

Except as hereinafter provided, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage, in the public sewage works service area.

§ 175-4. Connection to public sewer 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 a public sanitary sewer of the Town is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities to the proper public sewer, in accordance with the provisions of this chapter, within 90 days of the date of official notice to do so, provided that said public sewer is within 200 feet of the building to be served by said sewer; provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulations 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.

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ARTICLE III
Private Sewage Disposal

§ 175-5. Public sewer unavailable; private system required.

Where a public sanitary or combined sewer is not available under the provisions of § 175-3, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the State Plumbing Code.

§ 175-6. Compliance with State Plumbing Code; notice of installation.

Construction of a private sewage disposal system shall comply in all respects with requirements of the State Plumbing Code.

§ 175-7. Compliance with regulations of Department of Health and Human Services. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The type, capacities, location, and layout of a private sewage disposal system shall comply with all regulations of the Department of Health and Human Services, State of Maine.

§ 175-8. Sanitary maintenance required.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

§ 175-9. Availability of public sewer.

At such time as a public sewer becomes available, as provided in § 175-4, to a property served by a private sewage disposal system, connection shall be made to the public sewer in compliance with this chapter.

§ 175-10. Malfunctioning facilities.

Any private sewage disposal facility which malfunctions shall be repaired or replaced in compliance with the State Plumbing Code. To minimize safety hazards, any septic tank or cesspool which is abandoned shall be filled with suitable material.

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ARTICLE IV
Building Sewers and Connections to Public Sewers

§ 175-11. Relation to state plumbing code.

The provisions of this article shall be deemed to supplement the provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In the 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.

§ 175-12. Installation and connection of building sewers.

A. All building sewers must be connected directly to a public sewer, except as otherwise allowed by this chapter. The cost to install a building sewer shall be the responsibility of the owner. The installation of a building sewer in a public right-of-way or public easement must be done by a qualified contractor approved by the Superintendent.

B. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

§ 175-13. Permit required.

A. A permit from the Superintendent shall be required for the following:

   (1) To install a building sewer and connect it to a public sewer.

   (2) To repair, replace, alter or extend any portion of a building sewer in an open trench.

   (3) To extend a public sewer by a private party.

   (4) To make a substantial change in the volume or character of wastewater being discharged to a public sewer.

B. A permit from the Superintendent shall not be required for any work performed by the Town.

§ 175-14. Application for building sewer permits; fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The owner or his agent shall make application for a building sewer permit on a special form furnished by the Town. The Superintendent may require supplemental plans, specifications, or other information needed to conduct a complete review of the application.

B. A building sewer permit fee shall be charged as provided in the Schedule of Fees.

§ 175-15. Separate sewers required.

A separate and independent building sewer shall be provided for every building, 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.

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§ 175-16. Use of existing sewers.

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements of this chapter.

§ 175-17. Size and slope of building sewer.

The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of a four-inch pipe shall not be less than 1/4 inch per foot, except as permitted in the State Plumbing Code.

§ 175-18. Connections to buildings.

Whenever possible, the building sewer shall be brought to the building at an elevation that is no less than one foot above the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.

§ 175-19. Artificial lifting of sanitary sewage.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

§ 175-20. Prohibited connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff 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 Superintendent for purposes of disposal of polluted surface drainage.

§ 175-21. Excavations.

All excavations required for the installation 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 ASTM Specification C12, except that no backfill shall be placed until the work has been inspected.

§ 175-22. Joints and connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 175-23. Plans required.

After the completion of all sewers, and before final acceptance, as-built drawings shall be furnished to the Town, consisting of a set of reproducibles.

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§ 175-24. Compliance with other provisions required.

All work shall comply with all federal, state and local laws, ordinances and regulations.

§ 175-25. Sewer extensions to become Town property.

All sewer extensions constructed at the property owner's, building contractor's, or developer's expense, after final approval and acceptance by the engineer, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed against defects in material or workmanship for 12 months. The guarantee shall be in a form provided for by the Town; at the sole discretion of the Town, a maintenance bond or certified check may be demanded as part of the guarantee.

§ 175-26. Inspection by Superintendent.

The applicant for the building sewer permit shall notify the Superintendent when the building is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Superintendent. The Superintendent shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

§ 175-27. Safeguards required; restoration.

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 public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§ 175-28. Manholes.

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.

§ 175-29. Special situations.

The Town will consider any special situation. The owner shall request a review of any special situation, in writing, to the Superintendent. The Superintendent's approval or disapproval shall be in writing.

§ 175-30. Maintenance of building sewers.

A. Every owner shall maintain their building sewer to ensure proper operation. All costs and expenses for the maintenance of any building sewer shall be borne by the owner, with the following exception:

   (1) The Superintendent shall authorize payment not to exceed $200 for maintenance to remove a root obstruction in a building sewer that is connected to a public sewer. No more than one such authorization may be given for the same building sewer in a ten-year period.

B. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the maintenance of the building sewer.

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§ 175-31. Replacement of building sewers.

A. In the event any active building sewer malfunctions and maintenance efforts cannot reestablish the proper operation of the sewer, the sewer must be replaced to the extent necessary. All costs and expenses for the replacement shall be borne by the owner, with the following exception:

(1) The Superintendent shall authorize payment to replace any portion of a building sewer that is malfunctioning as a result of damage caused by an excavation activity conducted by the Town.

B. Any open-trench work involving the replacement of a building sewer in a public right-of-way or public easement must be done by a qualified contractor approved by the Superintendent.

C. The owner shall indemnify the Town from any loss or damage that may be directly or indirectly caused by the replacement of the building sewer.

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ARTICLE V
Sewer Extension

§ 175-32. Construction by Town; costs.

Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Council, 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 his residence or place of business in accordance with the requirements of Article IV. Developers will pay the total cost of all sewer extensions as called for in the Subdivision Standards. Property owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town. The cost of such extensions may be assessed to the benefited property owners in the following manner, if the Council elects to participate in the construction of the petitioned sewer extension:

A. Town will pay up to 50% of the project cost of public sewer (construction, engineering, legal, etc.) but not to exceed $1,500 per connector on any existing accepted street.

B. The connectors will pay the remaining cost based on each connector being equivalent to a single-family home.

C. Town will make refunds without interest if and when additional sewers are connected to the requested sewer. The refunds will be made to the property owner of record at the time of the refund.

D. Refunds will be equal to the number of additional connectors added to the number of original connectors, divided into the connectors' public sewer cost (any Town subsidy not included in this cost) and subtracted from the original individual connectors' cost or any changes thereafter.

E. No refunds will be made after a period of 10 years from the date of acceptance of the sewer extension by the Town.

F. Connections after the ten-year refund period shall be as called for in Article IV or hereinafter set forth.

G. New connectors to sewer extensions which have been approved and installed for less than 10 years shall be assessed a portion of the original cost of sewer extension. This portion shall be assessed by adding the number of new connectors to the number of existing connectors and dividing into the cost of the original project borne by the connectors for cost of public sewer only. All cost of original project borne by the Town shall not be included.

§ 175-33. Private construction. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

If the Town does not elect to construct a sewer extension under public contract, the property owner, building contractor, or developer may construct the necessary sewer extension if such extension is approved by the Council in accordance with the requirements. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected during construction as previously required in § 175-21, and the permit connection inspection fee shall be as stated in the Town's Schedule of Fees. Design of sewers shall be as specified in Article XIV, Guidelines for Design and Construction of Sewer Mains. The installation of the sewer extension shall be subject to periodic inspection by the engineer, and the expense for this inspection shall be paid for by the owner, building contractor, or developer. The engineer's decisions shall be final in matters of quality and

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methods of construction. The sewer, as constructed, shall pass all leakage tests required by the guidelines before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

§ 175-34. Design standards.

All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed in accordance with Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Report on Engineering Practice No. 37 (WPCF Manual of Practice No. 9); Gravity Sanitary Sewer Design and Construction, ASCE Management and Reports on Engineering Practice No. 60 (WPCF, Manual of Practice No. FD-5); and the Town of Bucksport Guidelines for Design and Construction of Sewer Mains. Plans and specifications for sewer extensions shall be submitted for the approval of the engineer before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

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ARTICLE VI
Use of Public Sewers

§ 175-35. Stormwater; industrial cooling water.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or storm sewers, or to a natural outlet, as approved in writing by the Manager. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Manager, to a storm sewer or natural outlet, provided that such discharge shall be in accordance with all state and federal regulations, and 38 M.R.S.A. Ch. 3, § 413.

§ 175-36. Certain discharges prohibited.

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

A. Any liquid or vapor having a temperature higher than 150° F.

B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.

C. Any gasoline, benzene, naphtha, fuel oil, lubricating oils, or other flammable or explosive liquids, solids, or gasses.

D. Any garbage that has not been properly shredded.

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

F. Any waters or wastes having a pH lower than 6.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

§ 175-37. Interceptors.

A. Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the Superintendent, 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 quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors or traps shall be constructed of impervious materials capable of

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withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

§ 175-38. Maintenance of interceptors.

Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

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ARTICLE VII
Preliminary Treatment Facilities

§ 175-39. Acceptable levels of BOD and total suspended solids.

A. Any waste discharged to the sewer system containing a five-day biochemical oxygen demand (BOD) greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids, or containing any quantity of substances having the characteristics described in § 175-36, or having an average daily flow greater than 2% of the average daily flow of the Town shall be subject to a review and approval of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his own expense, such preliminary treatment as may be necessary to:

(1) Reduce the BOD to 300 parts per million; or

(2) Reduce the suspended solids to 350 parts per million by weight; or

(3) Reduce objectionable characteristics or constituents to within the maximum limits provided for in §§ 175-36 and 175-37; or

(4) Control the quantities and rates of discharge of such waters or wastes.

B. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and the Department of Environmental Protection of the State of Maine. No construction of such facilities shall be commenced until said approvals are obtained, in writing.

§ 175-40. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 175-41. Monitoring of discharges; records.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitor equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

§ 175-42. Measurement test and analyses standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 175-36 and 175-39 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewages" and shall be determined at the control manhole provided for in § 175-28, or upon suitable samples taken at said control structure.

§ 175-43. Unusual wastes.

For industrial wastes of unusual volume, strength, or character, special agreements shall be required between the Town and the industry concerned, providing for the acceptance of such wastes in the municipal system.

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ARTICLE VIII
Protection from Damage

§ 175-44. Actions 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 disorderly conduct.

§ 175-45. Liability insurance required.

A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

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ARTICLE IX
Powers and Authority of Inspectors

§ 175-46. Authority to inspect.

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties, at reasonable times, for the purpose of inspection, observation, and measurement, sampling, and testing in accordance with the provisions of this chapter.

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ARTICLE X
Enforcement

§ 175-47. Notice of violations.

Any person found to be violating any provision of this chapter, except § 175-44, 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.

§ 175-48. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person who fails to comply with the provisions of this chapter, other than those provisions pertaining to the payment of charges for service established herein, shall upon conviction be subject to a fine as provided in § 1-4. The continued violation of any provision of any section of this chapter, 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.

§ 175-49. Other appropriate action.

As an alternative, upon violation of this chapter, 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, to restrain, correct, or abate such violations or to prevent the occupancy of any building, structure, or land where said violations of this chapter are found.

§ 175-50. Liability to Town.

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

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ARTICLE XI
Sewer Service Charge

§ 175-51. Sewer fee system established.

The Town Council shall establish a sewer fee system in accordance with appropriate federal and state laws, rules and regulations and shall further the equitable allocation of the capital and operating costs of the public sewage system among municipal users, private users and owners of properties that may be connected to the system. Subject to these requirements, such charges and any classification thereof shall be fair and reasonable, and shall bear a substantial relationship to the cost of providing sewage facilities and services to the Town. Such charges shall be at a rate sufficient to generate approximately 100% of the total annual cost of providing sewage facilities and services to the Town, unless the Town Council elects to offset some capital costs from general Town funds. Such charges shall include adequate revenues for renewal and replacement of the wastewater facilities.

§ 175-52. Sewer fee requirements.

A. The Town Council is hereby authorized to establish sewer user fees, industrial waste discharge fees, and readiness to serve fees. The Town Council is authorized to levy such fees upon persons owning buildings located within 200 feet of any public sewer, whether or not the buildings are connected to such sewer, or upon persons owning land or buildings located within 200 feet of a future public sewer. A public hearing shall be held prior to implementation by the Town Council of any sewer user fee, industrial waste discharge fee, and readiness to serve fee.

B. Sewer user fees shall be based on the amount of estimated or measured water provided to the sewer user during the previous billing period, as documented by the public water provider. Where water is obtained from a source other than the public water provider, the fee may be set as a flat rate, or it may be determined by metering water sources or sewer outflow. The Town may require metering to accurately measure the volume of wastewater entering the sewer system, or it may be installed as the user's preference. The cost of meter installation and maintenance shall be the responsibility of the user.

C. Readiness to serve fees, in addition to the standard user fee, shall be charged to properties located within 200 feet of a new public sewer if the extension is approved by at least 75% of the property owners to be affected. Such fees can be used only for payment of fixed costs that are not related to flow.

D. Each benefited user shall pay a minimum fee regardless of actual usage. The minimum fee shall be based on the payment of fixed costs that are not related to flow and shall be established by the Town Council.

E. An industrial waste surcharge shall be charged to users that have or may have industrial wastes discharging to the public sewer system. Such fees shall be based on measured or estimated quantities of material exceeding the limits as follows: total suspended solids (TSS) of 350 parts per million by weight of suspended solids, or containing a five-day biochemical oxygen demand (BOD) greater than 300 parts per million by weight.

F. The current schedule of user fees, the method of measurement and collection, and all other regulations pertaining thereto shall be available for public inspection at the Bucksport Town office.

§ 175-53. Application of sewer rates.

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A. Metered single-family residential users shall be charged a quarterly sewer fee based on the quarterly consumption of water, at a rate per hundred cubic feet of water as set by the Town Council. The quarterly fee shall be no less than the fee for 1,800 cubic feet of water consumed.

B. Nonmetered single-family residential users shall be charged a quarterly sewer fee based on a quarterly consumption of 2,160 cubic feet of water, at a rate per hundred cubic feet of water as set by the Town Council.

C. Metered multifamily residential users shall be charged a quarterly sewer fee based on the quarterly consumption of water, at a rate per hundred cubic feet of water as set by the Town Council. A minimum quarterly fee shall be charged based on a quarterly consumption of 900 cubic feet of water per unit.

D. Nonmetered multifamily residential users shall be charged a quarterly sewer fee based on a quarterly consumption of 2,160 cubic feet of water per unit, at a rate per hundred cubic feet of water as set by the Town Council.

E. Metered commercial, institutional and industrial users.

(1) Metered commercial, institutional and industrial users shall be charged a quarterly sewer fee based on the quarterly consumption of water, at a rate per hundred cubic feet of water as set by the Town Council. A minimum quarterly fee for commercial and institutional users shall be charged based on the size of the building sewer serving the property as follows:

(a) Four inches' service equals 1,800 cubic feet of water per quarter.

(b) Five inches' service equals 3,000 cubic feet of water per quarter.

(c) Six inches' service equals 4,500 cubic feet of water per quarter.

(d) Eight inches' service equals 6,000 cubic feet of water per quarter.

(2) A minimum quarterly fee for industrial users shall be charged based on a quarterly consumption of 1,800 cubic feet of water per quarter for each equivalent unit. An equivalent unit is equal to the average annual water use per quarter divided by 2,160 cubic feet.

F. Nonmetered commercial, institutional and industrial users shall be charged a quarterly sewer fee based on a quarterly consumption of water determined by applying the applicable wastewater design flows identified in the Maine Subsurface Wastewater Disposal Rules, as adopted. Design flows will be converted to cubic feet and users will be charged a fee at a rate per hundred cubic feet of water as set by the Town Council.

G. Industrial surcharge fees shall be charged as follows:

TSS mg/L to be disposed by user = rate multiplier 350 mg/L

Annual user flow _____ = % of Bucksport flow

Annual plant flow, less Verona and Orland

Total operating cost less Verona's and Orland's share, less debt service and contingency account + net adjusted budget

Adjusted budget X percent flow X rate multiplier = user rate

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H. Upon notification by the owner that their building has been vacant for more than six consecutive months, a minimum quarterly sewer fee shall be charged. The quarterly fee shall be no less than the fee for 1,800 cubic feet of water consumed.

§ 175-54. Payment of fees.

All sewer fees are due from the owner of the premises and such owner shall be held responsible. The Town may send the bill to the occupant if requested to do so by the owner and occupant. To secure payment of fees for sewer services furnished or to be furnished, procedures established by 30-A M.R.S.A. § 3406 (1996) shall be followed, as the same may be amended from time to time. All fees that are current or in arrears shall be due and payable at the Bucksport Town office. Bills shall be due the first day of each quarter, such being January 1, April 1, July 1 and October 1; unless it is a final reading, at which time the due date shall be the day of the final meter reading or, when there is no meter, the day the final bill is issued. Failure of the consumer to receive a bill does not relieve the consumer of its payment nor from the consequences of nonpayment.

§ 175-55. Interest on unpaid bills.

Interest shall start on arrears the first day of the following quarter that the bill was issued for. The interest rate shall be set by the Bucksport Town Council.

§ 175-56. Abatement of fees.

An abatement of sewer fees for wastewater which does not enter the public sewer and which is not required to enter the public sewer may be made on application to the Town Council. The adjusted billing shall not be less than the highest billing or adjusted billing during the previous three quarters. No more than one adjustment can be given in any one calendar year.

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ARTICLE XII
License

§ 175-57. Bond.

As part of the application for license to do work in the Town, the applicant may be required to present a license bond written by an indemnity or bonding company lawfully doing business in the State of Maine in a form provided by the governing body.

§ 175-58. Prohibition of license.

If, in the opinion of the governing body, the work performed by the contractor within the Town violates the provisions of this chapter or any other ordinance of the Town; or if the contractor's work is, in the opinion of the governing body, substandard, then in that event, the governing body may prohibit the contractor from doing such work within the Town of Bucksport.

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ARTICLE XIII
Validity

§ 175-59. Severability.

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

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ARTICLE XIV
Guidelines for Design and Construction of Sewer Mains

§ 175-60. Sewer design standards.

A. Sewer design shall be in accordance with the following:

(1) Pipe material shall be PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM D 3034, SDR 35 or ASTM F-789; ductile iron conforming to ANSI Specification A 21.51, with iron Grade 60-42-10, and cement lining meeting ANSI Specification A 21.4, but twice the thickness specified; or other material approved by the Superintendent.

(2) All joints shall be prepared and installed in accordance with the manufacturer's recommendations and shall be gastight and watertight. Joint materials shall be as follows:

(a) PVC: ASTM D 3212.

(b) Ductile iron: ANSI Specification A 21.11.

(3) Minimum internal pipe diameter shall be eight inches.

(4) Branch fittings for house services shall be PVC wyes or tee-wyes, or ductile iron saddles with stainless steel straps and O-ring seal set in mastic to effect a watertight connection.

(5) Minimum slope of sewer pipe shall be as in the following table:

Pipe Diameter (inches)	Minimum Slope (feet per 100 feet)
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14

(6) PVC pipe shall be laid on six 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.

(7) Screened gravel shall have the following gradation:

Sieve Size	Percent By Weight Passing
1 inch	100%
3/4 inch	90% to 100%

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Sieve Size	Percent By Weight Passing
3/8 inch	20% to 55%
No. 4 mesh	0% to 10%
No. 8 mesh	0% to 5%

(8) The screened gravel shall be brought to the pipe mid-diameter.

(9) Trench sand shall be placed over PVC pipe to a height one foot over the top of the pipe. Trench sand shall be hard, durable particles of granular material with 100% passing the 1/2 inch sieve and zero to 15% passing the No. 200 sieve (percentages are by weight).

(10) Backfill material shall then be placed and compacted. Suitable backfill material shall be the following or a combination of the following:

(a) Excavated material that will compact to the compaction requirements.

(b) Material that does not contain rocks larger than six inches in any dimension.

(c) Dry clay backfill free from lumps.

(d) Wet clay that alone would pump, but when mixed with sand and/or gravel will be stable and will compact.

(11) 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-99, 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:

(a) Bedding material and trench sand: 95%.

(b) Suitable backfill under paved or shoulder areas: 95%.

(c) Gravel base:

[1] Under paved areas: 95%.

[2] In shoulder areas: 95%.

(d) Loam areas: 90%.

(e) All other areas: 85%.

(12) Pipe classes shall be determined according to WPCF Manual of Practice No. 9 or No. FD-5. Pipe thickness shall be calculated on the following criteria:

(a) Safety factor: 2.0.

(b) Load factor: 1.7.

(c) Weight of soil: 120 pounds per cubic foot.

(d) Wheel loading: 16,000 pounds.

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(13) 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.

(14) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the Superintendent, and shall be precast concrete.

(a) Precast manhole sections shall conform to ASTM C 478; cement shall be Type II with a minimum compressive strength of 4,000 psi.

(b) Precast base and barrel sections shall have tongue and groove joints, with butyl base joint sealant that permits installation in temperatures from minus -20° F. to 120° F., and meets Federal Specification SS-S-00210.

(c) Each section of the precast manhole shall have two holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with nonshrink mortar or grout in combination with concrete plugs after installation.

(d) Pipe to manhole joints shall be lock-joint flexible manhole sleeve, Kor-N-Seal® joint sleeve, or equivalent.

(e) Manhole invert bricks shall conform to ASTM C 32, Grade SS hard brick (made from clay or shale).

(f) Damp proofing for concrete shall be semimastic type Horn "Dehydratine No. 4," "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600®" by Sonneborn, or equivalent.

(g) Manhole rungs shall be copolymer polypropylene steps reinforced with 3/8 inch, Grade 60 steel rebar throughout. Rungs shall be placed 12 inches on center in concrete and shall not be subjected to any loads for a minimum of seven days.

(h) After the excavation has been done and leveled, one foot of bedding material shall be placed in the bottom of the excavation, leveled, and thoroughly compacted.

(i) 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.

(j) 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 portland cement mixed in the proportion of one part cement to two parts sand, worked to the proper consistency.

(k) 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 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.

(l) The concrete manholes shall have a channel passing through the bottom which corresponds in shape with the lower 2/3 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 flowing through channel.

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Where concrete is used for manhole inverts, it shall be 3,000 psi concrete.

(m) Manholes shall be constructed as the sections of the pipelines between them are completed, and unless this is done, the Superintendent shall have the authority to stop trenching and pipe laying until manhole construction is brought up properly. All groundwater shall be kept away from any newly placed concrete or freshly laid masonry work until new cement has properly set and a watertight job is obtained.

(n) All surfaces to be damp proofed shall be clean, smooth, dry, and free from loose material. Brush the damp proofing onto the outside concrete manhole surface and fill all voids. Apply in two coats and conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations and directions and applied by the manufacturer of the manholes. Contractor shall apply damp proofing to masonry. Do not apply damp proofing in freezing or wet weather.

(o) Iron castings for manhole frames and covers shall be the same as used on the Town's existing interceptor sewer system and shall be Quality Water Products Class 400, or equivalent.

[1] Manhole frames and covers shall be ductile 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 and provided with a gasket so as to provide a tight, even fit.

[2] Covers shall be solid and shall have the word "sewer" (three inches high) cast on the top. Frames and covers shall be certified as meeting H-20 loading and shall be compatible with existing frames and covers.

[3] Casting shall be given one coat of cold-tar pitch varnish at the factory before shipment, and said coating shall be smooth and tough and not brittle.

[4] 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 the top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

B. All sewers shall satisfy requirements of a leakage test before they are accepted by the Town. The leakage test shall be as follows:

(1) 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, which in no case shall exceed 1,000 feet.

(2) Each section shall be tested upon its completion.

(3) Air checking of sewer lines shall be as follows:

(a) 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.

(b) The equipment used shall meet the following minimum requirements:

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[1] Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.

[2] Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.

[3] All air used shall pass through a single control panel.

[4] Three individual hoses shall be used for the following connections:

[a] From control panel to pneumatic plugs for inflation.

[b] From control panel to sealed line for introducing the low-pressure air.

[c] From sealed line to control panel for continually monitoring air pressure rise in the sealed line.

(c) Procedures:

[1] 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 five psig. The plugs must hold against this pressure without having to be braced.

[2] 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 four psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

[3] 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 psig to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than:

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T = 0.085 DK/Q

Where:

T	=	Shortest time, in seconds, allowed for the air pressure to drop 1.0 psig;
K	=	0.000419 DL, but not less than 1.0;
Q	=	0.0015 cubic feet/minute/square feet of internal surface;
D	=	Nominal pipe diameter in inches; and
L	=	Length of pipe being tested in feet.

Table 1 indicates the time required for various lengths and pipe sizes.

Table 1
SPECIFICATION TIME required for a 1.0 psig pressure drop for size and length of pipe indicated for Q = 0.0015

Pipe Diameter (inches)	Minimum Time (minutes: seconds)	Length for Minimum time (feet)	Time for Longer Length (seconds)	Specification Time for Length (L) Shown (minutes:seconds)							
				100 Feet	150 Feet	200 Feet	250 Feet	300 Feet	350 Feet	400 Feet	450 Feet
4	3:46	597	0.380 L	3:46	3:46	3:46	3:46	3:46	3:46	3:46	3:46
6	5:40	398	0.854 L	5:40	5:40	5:40	5:40	5:40	5:40	5:42	6:24
8	7:34	298	1.520 L	7:34	7:34	7:34	7:34	7:36	8:52	10:08	11:24
10	9:26	239	2.374 L	9:26	9:26	9:26	9:53	11:52	13:51	15:49	17:48
12	11:20	199	3.418 L	11:20	11:20	11:24	14:15	17:05	19:56	22:47	25:38
15	14:10	159	5.342 L	14:10	14:10	17:48	22:15	26:42	31:09	35:36	40:04
18	17:00	133	7:692 L	17:00	19:13	25:38	32:03	38:27	44:52	51:16	57:41
21	19:50	114	10.470 L	19:50	26:10	34:54	43:37	52:21	61:00	69:48	78:31
24	22:40	99	13.674 L	22:47	34:11	45:34	56:58	68:22	79:46	91:10	102:33
27	25:30	88	17.306 L	28:51	43:16	57:41	72:07	86:32	100:57	115:22	129:48

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Table 1
SPECIFICATION TIME required for a 1.0 psig pressure drop for size and length of pipe indicated for Q = 0.0015

Pipe Diameter (inches)	Minimum Time (minutes: seconds)	Length for Minimum time (feet)	Time for Longer Length (seconds)	Specification Time for Length (L) Shown (minutes:seconds)							
				100 Feet	150 Feet	200 Feet	250 Feet	300 Feet	350 Feet	400 Feet	450 Feet
30	28:20	80	21.366 L	35:37	53:25	71:13	89:02	106:50	124:38	142:26	160:15
33	33:10	72	25.852 L	43:05	64:38	86:10	107:43	129:16	150:43	172:21	193:53
36	34:00	66	30.768 L	51:17	76:55	102:34	128:12	153:50	179:29	205:07	230:46

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[4] In areas where groundwater is known to exist, the contractor shall install a 1/2-inch-diameter, capped pipe nipple, approximately 10 inches 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 3/10 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be five psig. This increases the 3.5 psig to 8.5 psig and the 2.5 psig to 7.5 psig. The allowable drop of one pound and the timing remain the same.)

[5] If the installation fails to meet this requirement, the contractor shall, at his own expense, determine the source of the leakage. He shall then repair or replace all defective materials and/or workmanship.

(4) Manholes shall be tested by plugging the pipes and filling the manholes with water for an exfiltration test or by an air vacuum test.

(a) Water exfiltration test.

[1] Fill manhole to allow for concrete absorption and leave overnight.

[2] Following morning, fill manhole to a level no less than one foot above the beginning of the manhole taper, and test for eight hours.

[3] Water level shall be carefully marked, and at end of following eight-hour period, sufficient water shall be added to bring water level back to mark. Water added shall be supplied from a metered source and quantity so added shall be converted to gallons per day lost through manhole leakage.

[4] The loss of water shall be less than one gallon per day per foot of depth of manhole.

[5] If the measured exfiltration exceeds the allowable rate, the necessary repairs shall be made by the contractor to reduce the leakage.

[6] In areas with a high groundwater table, the engineer may require a visual infiltration test rather than an exfiltration test. In this case, all leaks or weepings visible from the inside of the manhole shall be repaired and the manhole made watertight.

(b) Air vacuum test.

[1] Manholes shall be tested by a vacuum test immediately after assembly of the manhole and connecting pipes and before any backfill is placed around the manholes, and again after backfilling.

[2] All lift holes shall be plugged with nonshrink grout and all pipes entering the manhole shall be plugged, taking care to securely brace the plugs and pipe.

[3] The test shall be made using an inflatable compression band, vacuum pump and appurtenances specifically designed for vacuum testing manholes. Test procedures

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shall be in accordance with the equipment manufacturer's recommendations.

[4] After the testing equipment is in place, a vacuum of 10 inches of Hg shall be drawn on the manhole. The manhole will be considered to have passed the test if the vacuum does not drop more than one inch of Hg in one minute.

[5] If the manhole fails the initial test, the contractor shall locate the leakage and make proper repairs as directed by the engineer and retest until a satisfactory test result is obtained.

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Chapter 180

SHORT-TERM RENTALS

[HISTORY: Adopted by the Town Council of the Town of Bucksport 4-25-2024 (Appendix R of the 1978 Town Code). Amendments noted where applicable.]

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§ 180-1. Purpose.

The purpose of this chapter is to regulate the permitting and operation of short-term rental businesses operated within the Town of Bucksport. This chapter is intended to protect property owners, renters, and neighbors by ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighbors.

§ 180-2. Authority.

This chapter 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 30-A M.R.S.A. § 3001.

§ 180-3. Applicability.

A. This chapter shall apply to permitted short-term rentals. Legally existing residential dwelling units may be used as short-term rentals upon the issuance of a short-term rental license for the premises in accordance with the requirements of this chapter.

B. This chapter shall not apply to hotels, motels, bed-and-breakfasts, boardinghouses, and inns.

§ 180-4. Severability; conflict with other provisions.

A. Should any section, or part thereof, of this chapter be held by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.

B. In the event of a conflict between the provisions of this chapter and any applicable state or local law, ordinance, or regulation, the more restrictive provision shall apply. The issuance of a permit pursuant to this chapter shall not relieve the owner of the obligation to comply with all provisions of any other municipal ordinances or any other applicable laws or regulations pertaining to the use and occupancy of the property on which it is located.

C. In the event that any provision of this chapter conflicts with another provision of this chapter or any other ordinance, regulation or statute, the more restrictive provision shall govern.

§ 180-5. When effective. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. This chapter shall become effective immediately upon adoption by the Town Council.

B. Short-term rentals that were permitted after January 1, 2024, shall be allowed to continue to operate until December 31, 2024. After this date, a new application must be completed.

§ 180-6. Permit requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Permit required. A short-term rental shall not be advertised, rented, or operated without first obtaining a short-term rental permit and assigned an associated permit number.

B. Number of permits. The following short-term rental category types are required to be specified on a short-term rental permit application prior to approval. Short-term rentals are placed into two categories, either owner-occupied or non-owner-occupied.

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(1) Maximum number of short-term rentals (STRs) per property shall not be limited at this time.

(a) The Town Council may choose to place restrictions on quantity in the future.

(b) If the number of STRs is restricted in the future, any current existing permit will remain effective until December 31 of that year. Upon renewal of the permit, the new restrictions will then be enforced.

(2) "Total units" shall be defined as the total number of dwelling units on any one property whether the units are in any one building, or multiple buildings.

C. Expiration. All short-term rental permits shall expire on December 31 of each year. The property and dwelling shall remain in compliance with the short-term rental permit for the entire period the permit was issued.

D. Permit renewal. Short-term rental permit holders may renew their permit by submitting a renewal application with the Code Enforcement Officer within 90 days of permit expiration. If a renewal application is not submitted within that deadline, then an applicant will have to file a new short-term rental permit application and pay the fee for a new application.

E. Transferability. The transfer of any short-term rental permit is expressly prohibited. Short-term rental permits are not transferable to a new owner upon sale of the property. Any change in ownership or change in the officers of an owner shall require a new registration. Permits are limited to the location for which they are issued and shall not be transferable to a different location. However, if an owner dies and leaves the property to a relative(s) through inheritance, the permit shall remain effective as to the new owner of the property for the remainder of the term of the permit.

F. Permit fees. The Town Council shall establish a nonrefundable application fee for first-time short-term rental permits, and an annual permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria. Fees will be listed on the Town's Schedule of Fees.

G. Prohibited.

(1) Short-term rental permits are prohibited on lots where an existing Town ordinance or code violation exists. The Code Enforcement Officer or their designee shall ensure compliance with this subsection.

(2) Short-term rentals are not allowed in detached accessory buildings, recreational vehicles, trailers, tents, yurts, or other mobile residential equipment other than a mobile home.

§ 180-7. Application procedure.

A. All applications for short-term rental licenses shall be filed with the Town on forms provided for this purpose.

B. A proposed short-term rental may only be registered by the legal owner of the proposed short-term rental unit or an authorized representative.

C. Supplemental information required:

(1) Copy of plot plan. Showing the location of the short-term rental, the location of any other structures on the property, the location of all parking spaces, and the location of the leach field associated with the dwelling unit (if applicable). Such plot plans may be hand-drawn or created

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using the GIS data compiled and maintained by the Town.

(2) Floor plan drawing. Show the general layout of the short-term rental. This floor plan must show bedrooms, hallways, emergency exists, and the locations of carbon monoxide detectors, smoke detectors, and required fire extinguishers. Such floor plans may be hand-drawn.

(3) Evidence of primary residence. A primary residence application shall be completed if the short-term rental is owner-occupied. Application provided by the Town.

(4) Emergency contact. The owner must identify a representative for emergency contact purposes, who may be the owner. The emergency contact person must be able to respond within 60 minutes (24 hours per day) to address any emergency issues affecting the safety or operation of the short-term rental or any conduct of guests in violation of this chapter, and must be able to take such remedial action on behalf of the owner, or as otherwise allowed by law, to resolve such emergency issues.

(5) Insurance. The owner of the short-term rental must provide a certificate of insurance that expressly acknowledges the dwelling may be used for a short-term rental business activity and evidencing general liability insurance appropriate to cover the short-term rental use in the aggregate of not less than $1,000,000, or proof that the owner conducts short-term rental transactions through a hosting platform that provides equal or greater coverage. The owner must maintain such insurance coverage while renting the short-term rental to short-term rental guests.

(6) Sanitary waste disposal. The applicant shall submit information demonstrating that the dwelling is served by a functioning subsurface wastewater disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules or that the property is served by public sewer. If not serviced by public sewer, information shall include the total number of bedrooms the system was designed to support.

(a) No short-term rental permit shall be issued for a dwelling that is serviced by any alternative toilet, pit privy, vault privy, or holding tank.

§ 180-8. Review procedure. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Permit application submission; completeness. Short-term rental permit applications shall be submitted to the Town with the associated application fee by the applicant. For the purposes of processing a short-term rental application, the applicant shall be the owner of the short-term rental.

B. Review by Code Enforcement Officer. The Code Enforcement Officer or their designee shall review all submitted applications for compliance with this and other applicable Town ordinances prior to issuance of a permit.

C. Inspection. Prior to issuance of a new permit, the dwelling unit shall be inspected for compliance with all requirements by the Code Enforcement Officer or their designee.

(1) At the time of permit renewal, inspection of the dwelling unit may be requested by the Code Enforcement Officer prior to issuance.

(2) If, at any time, the Town receives complaints regarding sanitation or life safety issues, the Code Enforcement Officer may require an inspection.

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§ 180-9. Performance standards.

The following standards shall apply to all categories of short-term rentals

A. Advertising. It shall be unlawful to advertise occupancy or use of a short-term rental that has not been permitted. Permitted short-term rentals in good standing may advertise beyond the expiration date of the permit.

(1) The permit number must be included in all advertising as follows: "Licensed by the Town of Bucksport, Permit No. 12345."

B. Notice. The short-term rental permit holder must post in plain sight, in the interior of the short-term rental:

(1) A copy of the approved permit provided by the Town.

(2) Notice that identifies the following:

(a) The short-term rental permit number.

(b) The name, phone number(s), and email address of the owner of the short-term rental, or the owner's local contact person.

(c) Designated parking area, if applicable.

(d) Egress locations and paths, if applicable.

(e) Location of trash containers, if applicable.

(f) Location and instructions on use requirement for life jackets if any form of watercraft, boat, kayak, paddle board or similar is provided for the guests.

(g) Instructions on how to properly use any cooking or fire-related devices such as gas firepits, charcoal or gas grills, or similar equipment.

(h) Notice that fireworks are prohibited in the Town of Bucksport.

(i) Any other information that may be pertinent to the safety of the guests.

C. Occupancy limits. Maximum short-term rental guest occupancy limits are as follows:

(1) When the dwelling is connected to a private subsurface wastewater treatment system, there shall be no more than two short-term rental guests per bedroom for the entire dwelling unit for overnight accommodation.

(2) When the dwelling unit is connected to public sewer, the maximum occupancy of a short-term rental shall be limited to no more than two short-term rental guests per bedroom, plus two additional short-term rental guests total for the entire dwelling unit. By way of example, the maximum capacity for a three-bedroom dwelling short-term rental is eight short-term rental guests (i.e., three bedrooms multiplied by two short-term rental guests, plus an additional two short-term rental guests, for a total of eight short-term rental guests).

(3) Short-term rental guests that are children under the age of 12 are exempt from the maximum guest overnight accommodation standard listed above.

(4) A short-term rental or lot where the short-term rental is the primary use shall not be utilized for

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large events except with prior notification and permission of the Code Enforcement Officer. A "large event" is defined as any gathering whereby the total amount of adults on the lot is more than double the maximum overnight occupancy limits prescribed above.

(5) Permitted short-term rentals shall not advertise or allow an occupancy greater than that stated on the Town-issued permit.

D. Life safety. All short-term rentals shall comply with any applicable state and municipal fire safety requirements for a short-term rental use, and be certified by the owner of the short-term rental that they comply with the following minimum requirements:

(1) Dwellings shall be properly identified with their legal street number and in accordance with the Town's street number requirements.[42]

(2) At least one appropriately sized portable type A/B/C fire extinguisher mounted in a prominent location within the short-term rental.

(3) Smoke alarms shall be either hard-wired or ten-year sealed, tamper-resistant, battery-powered. Smoke detectors in operating order shall be installed in the following locations:

(a) In each bedroom.

(b) Outside each separate sleeping area in the immediate vicinity of the bedrooms.

(c) On each additional story of the dwelling, including basements and habitable attics.

(4) Carbon monoxide alarms. If a short-term rental has an attached garage or a fuel-fired appliance, a carbon monoxide alarm in operating order shall be installed outside each bedroom in the immediate vicinity of the bedrooms.

(5) Gas alarms are required per the applicable rules of the State of Maine.

(6) Egress. To the greatest extent possible, as determined by the CEO and the Fire Department, the structure shall conform to minimum egress requirements. If determined by the CEO and the Fire Department that proper egress is not possible and constitutes a risk to life and safety, the portion of the property designated as a risk to life and safety shall not be rented as a short-term rental. This information shall be present on the permit.

(7) All outdoor fires must conform to all relevant local, state, and federal regulations.

E. Trash shall be removed from the short-term rental unit on at least a weekly basis while the property is being rented as a short-term rental. The property owner of a short-term rental is responsible for ensuring that there are sufficient trash and recycling receptacles available on the property and are stored out of public view.

F. Maintained vehicle access. Anytime the dwelling is advertised to be rented or is occupied, the road or roads leading to the property shall be maintained, plowed, graded, etc., to the satisfaction of the Town of Bucksport.

§ 180-10. Complaints; suspension or revocation of permit.

Permits for short-term rentals may be conditioned, suspended, or revoked per the following process:

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42. Editor's Note: See Ch. 167, Roads and Streets, Art. V, Street Naming and Numbering.

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A. Complaints concerning short-term rentals. The Code Enforcement Officer shall establish and maintain a log of all complaints for each short-term rental received and substantiated by the Town. All complaints regarding short-term rentals shall be brought to the attention of the Code Enforcement Officer through the completion and submission of a citizen complaint form. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the short-term rental permit holder through voluntary compliance.

(1) Complaints regarding short-term rentals filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable.

B. Suspension or revocation of permit. The Code Enforcement Officer may deny any application for a short-term rental permit upon failure of the applicant to meet all regulations set forth in this section.

(1) For providing false information in the application for short-term rental permit, or for intentional violation of the maximum occupancy, the permit shall be immediately revoked.

(2) When, in the judgement of the Code Enforcement Officer, the nature and/or number of substantiated complaints warrants further review of the short-term rental permit, the Code Enforcement Officer shall provide a report of the identified violations of any Town of Bucksport ordinance to the Town Council for its consideration.

(3) The Town Council may condition, suspend, or revoke a short-term rental permit following a public hearing, on the basis of the owner's noncompliance with this chapter, any applicable law, ordinance, or regulation, or short-term rental permit certification, condition, or criteria.

(4) Applicants who have previously had a permit revoked pursuant to this chapter shall be allowed to obtain a short-term rental permit in the future only by order of the Town Council.

C. Appeal. Any person aggrieved by the decision of the Town Council to suspend or revoke a short-term rental permit may appeal the decision of the Town Council to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within 30 days of the Town Council's decision.

§ 180-11. Violations and penalties.

A. Operation without permit. Whoever operates, rents or advertises for rent a short-term rental without a license or permit therefor shall be penalized with a fine equal to the nightly rate advertised for said rental unit. The minimum fine shall be $100. Following notice by the Code Enforcement Officer, any person or entity who fails to abate such violation by immediately ceasing such rental or advertising for rent and fails to apply for a license or permit therefor, shall be penalized with a fine in accordance with this section. Each day following said notice from the Code Enforcement Officer that such violation is allowed to continue shall constitute a separate offense.

B. Violation of law, ordinance, or regulation. A short-term rental permittee who violates any applicable law, ordinance, or regulation other than the violations contained in § 180-11A above and who, following notice by the Code Enforcement Officer, fails to abate such violation within the period prescribed, shall be penalized in accordance with 30-A M.R.S.A. § 4452. Each day such violation is allowed to continue shall constitute a separate violation.

C. Any fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of this chapter. The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this chapter. In any court action, the Town may seek injunctive relief in addition to or instead of fines/

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penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

§ 180-12. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADVERTISING — Any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, email, websites or text messages.

DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating.

LONG-TERM RENTAL — A dwelling unit that is rented to renters/guests for a period of more than 30 consecutive days.

NON-OWNER-OCCUPIED SHORT-TERM RENTAL — A dwelling unit that is not the primary residence or is not occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

OWNER — An individual person or persons or an entity that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the Hancock County Registry of Deeds or Registry of Probate.

OWNER-OCCUPIED SHORT-TERM RENTAL — A dwelling unit that is the primary residence of the owner and is occupied by the owner when any part of the dwelling unit is rented as a short-term rental.

SHORT-TERM RENTAL — A dwelling unit or a portion thereof that is rented by the owner or the owner's agent for transient occupancy for fewer than 30 consecutive nights for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, boardinghouses, and inns.

SHORT-TERM RENTAL GUEST — Any person who rents, licenses, occupies or has the right to occupy a dwelling unit pursuant to a short-term rental.

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BUCKSPORT CODE

Chapter 182

SIGNS

[HISTORY: Adopted by the Town Council of the Town of Bucksport 9-12-1985, as amended through 3-10-2022 (Appendix H of the 1978 Town Code). Amendments noted where applicable.]

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§ 182-1. Authority.

This chapter has been prepared and adopted pursuant to authority granted under 30-A M.R.S.A. § 3001.

§ 182-2. Title.

This chapter shall be known and cited as "Sign Ordinance, Town of Bucksport, Maine," and is referred to herein as "this ordinance."

§ 182-3. Purpose.

The purposes of this chapter are to regulate the installation and maintenance of signs in order to protect the health, safety, and welfare of the public as they may be affected; to preserve the scenic resources of the Town and to protect the benefits derived from the use of business advertising signs.

§ 182-4. Scope.

No person may erect, alter, replace or maintain signs visible from a public way except in conformance with this chapter.

§ 182-5. Conflict with other provisions.

Should any section of this chapter be found to be in conflict with any local, state or federal law, ordinance or regulation, the more stringent shall prevail.

§ 182-6. Severability.

Should any section or provision of this chapter be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter, and to this end, the provisions of this chapter are severable.

§ 182-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AREA OF SIGNS — The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, including frames, but excluding any other structural elements outside the limits of such sign and not forming an integral part of the display.

ATTACHED SIGNS — "Attached sign" shall mean a sign attached to a building, including both framed and unframed wall signs.

BANNER SIGN — A sign made from flexible material such as vinyl, plastic or cloth, and which is typically erected for temporary use.

BUSINESS ADVERTISING SIGN — A sign which is erected and maintained either on- or off-premises, attached to or supported by the outside of a building, standing by itself or otherwise supported and which advertises products or services or conveys other commercial information, knowledge, or idea.

CHANGEABLE SIGN — A sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

DISPLAY — That portion of the surface area of a changeable sign that is, or is designed to be or is capable

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of being, periodically altered for the purpose of conveying a message.

ERECT — To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

FRAMED WALL SIGN — An attached sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display.

FREESTANDING SIGN — Any sign supported by itself or a structure other than a building.

LOGO — A single or multicolored symbol or design used by a business as a means of identifying its products or services.

MAINTAIN — To allow or continue to use.

MESSAGE — A communication conveyed by means of a visual display of text.

NUDITY — Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering, whether displayed as a photographic image or any type of artistic rendering on a sign.

OFF-PREMISES SIGN — A sign which is erected and maintained upon real property other than where the business, facility, or point of interest identified on the sign is located.

OFFICIAL BUSINESS DIRECTIONAL SIGN — A sign erected and maintained in accordance with this chapter and the Maine Traveler Information Services Act, as amended,[43] to indicate to the traveling public the route and distance to public accommodations, facilities, commercial service for the traveling public and points of scenic, historical, cultural, recreational, educational, and religious interest.

ON-PREMISES SIGN — A sign which is erected and maintained upon the same real property that the business, facility or point of interest identified on the sign is located.

PERSON — An individual, corporation, joint venture, partnership, or any other legal entity.

PREMISES — The lot or building used for a business, service, profession or other activity.

PRIVATE WAY — A private road, driveway, or public easement.

PUBLIC WAY — Any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road, or other road dedicated to the public.

RULE 80K — A rule which allows a certified and authorized enforcement officer to represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws which the official is authorized to enforce.

SIGN — A physical display, either attached to a building or freestanding, designed to attract the attention of or convey information to the public by means of letters, words, insignia, color, illumination, illustration or logo.

TIME AND TEMPERATURE SIGN — A changeable sign that electronically or mechanically displays the time and temperature by complete substitution or replacement of a display showing the time with a display showing the temperature.

TRAFFIC CONTROL SIGN OR DEVICE — An official route marker; warning sign; sign directing traffic to or from a community, bridge, ferry, or airport; or sign regulating traffic, which has been erected by officers having jurisdiction over the public way.

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43. Editor's Note: See 23 M.R.S.A. § 1901 et seq.

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UNFRAMED WALL SIGN — An attached sign comprised of individual letters, figures or elements on a wall or similar surface of the building.

VISIBLE — Capable of being seen without visual aids by a person of normal visual acuity.

§ 182-8. Permits.

A. No person may erect, alter or replace any business advertising sign without first securing a permit from the Code Enforcement Officer. The general repair and maintenance of all signs does not require a permit.

B. A permit is not required for the following types of signs:

(1) Signs bearing only property numbers, postbox numbers, names of occupants of the premises or other noncommercial identification.

(2) Flags or insignia of any municipal, county, state or federal government.

(3) Legal notices, including no hunting, no trespassing, and the like.

(4) Signs erected for the purpose of expressing a political or religious opinion, belief, or sentiment provided that they do not constitute a trespass.

(5) MDOT official business directional signs.

(6) Signs not visible from a public right-of-way.

(7) Signs painted on windows.

(8) Signs installed inside any building.

(9) Garage- or yard-sale signs.

(10) Temporary sidewalk signs.

(11) Signs erected at a recreational facility in recognition of benefactors of that facility.

(12) Signs serving as public notice of a community event.

(13) Municipal and state highway traffic control signs and street identification signs.

(14) Railroad crossing signs and signals.

(15) Real estate "for sale," "for rent" or "for lease" signs.

C. All applications for permits must be filed with the Code Enforcement Officer on forms furnished by the Town and accompanied by plans showing the dimensions and other design features of the sign, the location where the sign is to be erected, the method of illumination, if any, and such other information as the Code Enforcement Officer may require to assure full compliance with this chapter.

D. A permit fee as identified in the Town's approved Schedule of Fees is required for a sign permit.

E. The Code Enforcement Officer shall grant a permit if the proposed sign installation is in conformance with the provisions of this chapter.

F. The Code Enforcement Officer may approve the installation of Maine Department of Transportation

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official business directional signs, except signs proposed for any site on Main Street between the intersection of Bridge Street and Main Street and the intersection of Bagley Avenue and Main Street. Any legally existing business directional sign located within the above-described area may be relocated to another location within the above-described area upon approval by the Code Enforcement Officer.

G. Sign permits shall become null and void if authorized work is not completed within one year of the date of the permit.

H. Approval is required by the Code Enforcement Officer, or his or her designee, before any sign may be erected on the Town's banner poles located on Town-owned property at the intersection of Main Street and U.S. Route 1. Such signs are subject to compliance with the requirements of §§ 182-9 and 182-11. A request for approval must be submitted to the Code Enforcement Officer on forms provided by the Town. Upon approval, the Code Enforcement Officer shall notify the applicant and identify the date on which the sign may be erected.

§ 182-9. General restrictions.

All signs, whether or not a permit is required, are subject to the following restrictions:

A. No sign may, by reason of position, shape, working, color, or lighting, interfere with pedestrian or vehicular traffic or view.

B. No sign may be erected or maintained on any traffic control sign or publicly owned tree.

C. No sign may be erected or maintained which is determined to be of unsafe construction.

D. All signs and their supporting structures must be properly maintained to prevent rust, rot or similar deterioration.

E. No sign may be erected on Town-owned property at the intersection of Main Street and U.S. Route 1, or erected on any structure located thereon, except any sign erected by the Town and any sign that may be erected in accordance with state law.

§ 182-10. Standards for business advertising signs.

A. Freestanding signs:

(1) No more than two freestanding signs will be allowed.

(2) No freestanding sign per premises shall total more than 100 square feet.

(3) Maximum height for freestanding sign is 25 feet above the level of the ground prevailing around the sign.

(4) When signs are double-faced, only one display face shall be measured in computing the total surface area if the sign faces are parallel.

(5) Signs shall be set back at least five feet from any right-of-way and property line. A setback greater than five feet may be required to avoid interference with the line of sight of vehicles and pedestrian circulation.

(6) Home occupations shall be allowed one freestanding sign identifying the name, address, and profession of the home occupation, provided such sign does not exceed 12 square feet in area

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and six feet in height.

B. Attached signs:

(1) Attached signs shall be located on the front of a building or part of building that is visible from the street.

(2) No sign shall be attached so as to obstruct any window, door, stairway or other opening intended for ingress or for needed ventilation or light.

(3) Signs affixed to any wall or roof of a building or signs composed of individual letters without a background may be located on the edge of a roof or parapet wall on a flat roof or at the line of the eaves on other types of roofs. A sign affixed to any of the above locations shall not project more than three feet above the area to which it is affixed.

(4) Attached signs shall not exceed the maximum sign area of two square feet per linear foot of building or tenant frontage.

(a) Framed wall signs shall include the area and dimension of the entire portion within such background or frame.

(b) Unframed wall signs shall encompass the perimeter of all elements in the display and any applied background that is not part of the architecture of the building.

(5) The sign width cannot be greater than 80% of the length of the tenant space or the length of the building frontage for a single-tenant building.

C. Where more than one business establishment is located on a premises, such as a shopping center or industrial park, each business establishment shall be entitled to one sign, and the entire premises may have one additional, freestanding, on-premises sign identifying the businesses and services rendered on the premises in that development, and having a total area of less than 300 square feet and an elevation of less than 25 feet above the level of the ground prevailing around the sign.

D. No business advertising sign may include any type of image depicting human male or female nudity, including, but not limited to, photographs, artwork or silhouettes.

E. Lighting standards:

(1) Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.

(2) The light source shall be shielded from view.

(3) Externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

F. Clearance: Awning, marquee, projecting, suspended wall signs and other overhead signs shall conform to the following requirements:

(1) Vertical clearance. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet for all or any portions within a public right-of-way and walkway areas.

(2) Horizontal clearance. The minimum horizontal clearance between a sign and the curbline shall

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be two feet.

§ 182-11. Standards for banner signs.

A. Banner signs must be securely attached against a supporting structure or securely suspended by one or more supporting structures.

B. No banner sign may be erected across a public road, except as may be approved by the Town Council.

C. No banner sign may be erected on Town-owned property at the intersection of Main Street and U.S. Route 1, except as may be approved by the Town.

D. Banner signs may be attached to posts installed and approved by the Town for such use at the intersection of Main Street and U.S. Route 1, subject to the following restrictions:

(1) The banner material must be vinyl or nylon with a weight of at least 10 ounces per square foot. A metal grommet must be installed at each corner.

(2) Banners may be no longer than eight feet or wider than three feet.

(3) Banners may only convey information about upcoming local public events such as the event name, date, time, and location of the event.

(4) Sponsorship of an event may only be identified incidentally and secondary to the primary purpose of the banner message. The name and/or logo of the event sponsor shall not exceed in area 20% of the banner face.

(5) Banners may only be erected and removed by the Town.

(6) No banner advertising a public event may be erected more than 14 days prior to the date of the event or remain erected more than two days after the event has concluded.

(7) No more than one banner may be erected at the same time with the same or similar message.

(8) Any banner that breaks or deteriorates during its display period will be removed and returned to its owner.

§ 182-12. Changeable signs.

A. Except as provided in this section, changeable signs must comply with all requirements of state law, in particular, but not limited to, 23 M.R.S.A. § 1914, Subdivision 11-A.

B. The display on a changeable sign may be changed no more frequently than once every two seconds and must change as rapidly as technologically practicable; provided, however, that a display may change by phasing, rolling, scrolling or blending. Except for time and temperature signs, electronic or digital changeable signs may not change displays between the hours of 10:00 p.m. and 6:00 a.m.

C. Time and temperature signs are specifically permitted, provided that the display changes no more frequently than once every two seconds.

D. In no event may a display on any changeable sign flash or display continuous streaming of information or video animation.

E. The Town of Bucksport shall administer the provisions of this section, except that the portions of 23

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M.R.S.A. § 1914, Subdivision 11-A, not specifically addressed herein shall remain under the administration of the Maine Department of Transportation.

§ 182-13. Nonconforming signs.

A. Any sign lawfully in existence at the time of adoption of or amendment to this chapter that fails to meet the requirements of this chapter is a nonconforming sign.

B. Nonconforming signs may continue subject to the following conditions:

(1) Normal maintenance and repairs are permitted.

(2) Nonconforming signs may not be altered, enlarged, or rebuilt except in conformance with this chapter.

§ 182-14. Enforcement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. This chapter shall be enforced by the Code Enforcement Officer.

B. The Code Enforcement Officer shall give written notice to the owner of any sign that is in violation of the provisions of this chapter. The notice shall contain a description of the violation and a correction order.

C. The Code Enforcement Officer may enforce this chapter through a specific court action pursuant to Rule 80K of the Maine Rules of Civil Procedure upon authorization from the Town Council.

D. Any person who violates any provision of this chapter or fails to comply with any of its requirements may be punished for each specific violation by a fine of not less than $100 nor more than $5,000. Each day such violation continues shall constitute a separate offense.

E. In addition to the fine, the Town may seek legal fees and expert witness fees and cost. If the court finds that the violation was willful, the Town may ask that the violator be ordered to correct or abate the violation in accordance to 30-A M.R.S.A. § 4452.

§ 182-15. Appeal.

Any person aggrieved by a decision of the Code Enforcement Officer, may appeal said decision to the Board of Appeals within 30 days of the date of said decision. The appeal must be in writing on forms provided by the Town and returned to the Code Enforcement office. The Board may affirm, modify, or reverse the decision of the Code Enforcement Officer in accordance with the terms of this chapter.

§ 182-16. When effective.

This chapter or any amendment thereof shall become effective upon 30 days after adoption by the Town Council.

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Chapter 186

SILVER LAKE

[HISTORY: Adopted by the Town Council of the Town of Bucksport 8-9-1984 (Ch. 11, Sec. 11-101, of the 1978 Code). Amendments noted where applicable.]

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§ 186-1. Silver Lake swimming.

It shall be unlawful for any person, for the purposes of recreation, to swim, wade, or bathe in any waters of Silver Lake. Any person who willfully violates this provision shall, upon conviction, be punished by a fine of not more than $500.

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Chapter 194

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Council of the Town of Bucksport 12-11-1997, as amended through 7-5-2018 (Appendix C of the 1978 Town Code). Subsequent amendments noted where applicable.]

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§ 194-1. Purpose.

The purpose of this chapter is:

A. To assure that new development in the Town of Bucksport meets the goals and conforms to the policies of the Town's Comprehensive Plan;

B. To protect the environment and conserve the natural and cultural resources identified in the Town's Comprehensive Plan as important to the community;

C. To minimize the potential impacts of new subdivisions on neighboring properties and on the municipality;

D. To assure that an adequate level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

E. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Bucksport;

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

G. To provide for an expeditious and efficient process for the review of proposed subdivisions.

§ 194-2. Authority.

This chapter is adopted in accordance with 30-A M.R.S.A. §§ 3001 to 3006 and 30-A M.R.S.A. §§ 4401 to 4407.

§ 194-3. Applicability.

A. This chapter applies to any proposed or existing subdivision in the Town of Bucksport, except it does not apply to:

(1) Any subdivision approved by the Planning Board or the municipal officers before September 23, 1971, in accordance with laws then in effect;

(2) Any subdivision in actual existence on September 23, 1971, that did not require approval under prior law;

(3) Any subdivision, a plat of which was legally recorded in the Hancock County Registry of Deeds before September 23, 1971;

(4) Any airport with an airport layout plan that has received final approval from the airport sponsor, the Maine Department of Transportation and the Federal Aviation Administration; or

(5) Any subdivision in violation of 30-A M.R.S.A. § 4401 et seq. that has been in existence for 20 years or more; unless:

(a) The subdivision has been enjoined pursuant to § 194-12 of this chapter or 30-A M.R.S.A. § 4406;

(b) Approval of the subdivision was expressly denied by the Planning Board and record of the denial was recorded in the Hancock County Registry of Deeds;

(c) A lot owner in the subdivision was denied a building permit under § 194-12 of this chapter

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or 30-A M.R.S.A. § 4406 and record of the denial was recorded in the Hancock County Registry of Deeds; or

(d) The subdivision has been the subject of an enforcement action or order, and record of the action or order was recorded in the Hancock County Registry of Deeds.

B. Any division accomplished as described below is not a counted division in determining the establishment of a subdivision subject to Planning Board approval, unless the intent of the division is to avoid the objectives of this chapter:

(1) A division accomplished by devise.

(2) A division accomplished by condemnation.

(3) A division accomplished by order of court.

(4) A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of no less than five years prior to the division by gift. A gift to a person related to the donor may not be given for consideration that is more than one-half the assessed value of the real estate.

(5) A division accomplished by a gift that is accepted by the municipality.

(6) A division accomplished by the transfer of any interest in land to the owners of land abutting that land. Any interest in land that is transferred to an abutter may not be transferred to another person within five years without also transferring interest in all of the merged land.

C. Any division creating a lot or lots of 40 acres or larger is not a counted division, unless any portion of the parcel before division is within a shoreland zone.

D. The division of a tract or parcel of land two times in a five-year period is not a subdivision if both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the principal residence of the subdivider for a period of at least five years immediately preceding the second division.

E. The division of a tract or parcel of land into three or more lots upon each of which there is located a permanent dwelling structure that legally existed before September 23, 1971, is not a subdivision.

F. The grant of a bona fide security interest in an entire lot that has been exempted in § 194-3B, or the subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this chapter unless the intent of the transferor is to avoid the objectives of this chapter.

G. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to subdivision law, do not become subject to subdivision law by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots made in reviewing a proposed subdivision created by a subsequent dividing.

§ 194-4. Severability; conflict with other provisions.

A. If a court finds any provision of this chapter to be invalid, the court's decision will not invalidate any other provision of this chapter.

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B. If any provision of this chapter conflicts with another provision of this chapter or any other ordinance, regulation or statute, the more restrictive provision shall govern.

§ 194-5. When effective.

This chapter or any amendment thereto is effective 30 days after the date of adoption by the Bucksport Town Council.

§ 194-6. Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. This chapter shall be administered by the Planning Board. The Code Enforcement Officer shall provide administrative support to the Planning Board and shall serve as the first contact for all applicants seeking subdivision approval.

B. The Planning Board and Code Enforcement Officer shall review all proposed subdivision applications and shall maintain a permanent record of all meetings, proceedings and correspondence concerning subdivision reviews.

C. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings pertaining to the approval, revision or amendment of the subdivision application must be held jointly by the reviewing authorities from each municipality unless both reviewing authorities have waived the requirement for any joint meeting or hearing pursuant to 30-A M.R.S.A. § 4403, Subdivision 1-A.

D. When conducting reviews pursuant to the requirements of § 194-6C, the reviewing authorities must consider, in addition to other review criteria, the effect that the proposed subdivision may have on traffic congestion or unsafe conditions with respect to the use of existing public ways in the adjoining municipality in which part of the subdivision is located.

E. A subdivision review shall consist of three stages, identified as:

(1) Stage 1: Preapplication review.

(2) Stage 2: Department review.

(3) Stage 3: Planning Board review.

F. A public hearing shall be required for all subdivision applications and revision applications. Notice of any public hearing must be given to the applicant and published at least two times in a newspaper having general circulation within the municipality. The date of the first publication of the notice must be at least seven days before the hearing. Notice of the hearing must be given to the Town Manager, the Public Works, Wastewater Treatment, School and Public Safety Departments and the public water service provider if public water will be utilized.

G. In all instances during an application review, the burden of proof is upon the applicant.

H. The Planning Board may request the assistance of any qualified consultant during an application review. The applicant must be notified before the Board may retain the services of any consultant. Consultant fees are the applicant's responsibility. Fees for any consultant hired by the Town must be paid by the applicant before the Planning Board may act on the application in accordance with § 194-7E(12).

I. The Planning Board may waive nonapplicable or unnecessary application content in accordance with

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the requirements of § 194-14. Except as provided for in § 194-8Q, the Board of Appeals must grant any dimensional variance requested by the applicant and must do so before the Board may act on the application in accordance with § 194-7E.

J. The Planning Board may approve a subdivision for construction in phases in accordance with any performance guarantees meeting the requirements of § 194-10.

K. All Planning Board members who approve a subdivision application must sign and date two paper copies and one polyester film copy of the subdivision plat. One signed paper is for Town records. The second signed paper copy and the signed polyester film copy are for formal recording of the approved subdivision as required by law. The final approval will be contingent upon filing of the plat at the Hancock County Registry of Deeds by the applicant. Recording of the approved subdivision plat must take place as soon as possible after the date of approval by the Planning Board, but in no case later than 90 days from the date of approval. If an approved subdivision plat is not recorded in accordance with this section, the approval is null and void. The applicant must provide the Code Enforcement Officer with one paper copy of the approved plat that has been stamped with recording information by the registry.

L. The Planning Board may not accept or approve final plats or final documents that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in 32 M.R.S.A. § 18226.

M. No application may be approved by the Planning Board if:

(1) The applicant is in default of a court judgment concerning a subdivision previously approved by the Board;

(2) The application is not in compliance with all applicable requirements of this chapter and subdivision law;

(3) The applicant has not obtained any other permit or approval that is a prerequisite to final approval; or

(4) The parcel of land being subdivided has been subjected to excessive timber harvesting within five years of the date the applicant became owner of the land.

N. Any subsequent division of an approved subdivision lot is subject to Planning Board approval in accordance with § 194-13.

O. All applications and submissions for approval filed with the Planning Board shall include such forms as the Planning Board may from time to time approve.

§ 194-7. Application review requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Stage 1 preapplication review. The purpose of the Stage 1 preapplication review is to provide a landowner and the Code Enforcement Officer an opportunity to conduct a mutually informative introductory discussion about the proposed subdivision and the subdivision ordinance requirements in general. The preapplication review shall be conducted in accordance with the following procedures:

(1) Upon receiving a notification of intent to subdivide property and other documents as required by § 194-7B, the Code Enforcement Officer shall arrange one or more meetings with the

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landowner to discuss the proposed subdivision and the general requirements of this chapter.

(2) The Code Enforcement Officer shall conduct a site inspection to document conditions of the property to be subdivided. The documentation shall be in a format that is approved by the Planning Board.

(3) The landowner or an authorized representative must be present during the site inspection. Prior to the site inspection, the landowner must place marks to identify the course of any proposed streets and to identify the approximate front corners of each lot.

(4) Site inspections may not be conducted during periods of snow cover.

(5) Upon completion of the site inspection, the Code Enforcement Officer shall provide the landowner with relevant information concerning the preparation of the application for Stage 2 department review.

(6) The requirements of the Stage 1 preapplication review shall be completed within 30 days of receipt of all required submissions as described in § 194-7B, or within any other time frame agreed upon by the Code Enforcement Officer and landowner.

(7) The Stage 1 preapplication review may not be considered the initiation of the subdivision review process for the purposes of bringing the application under the protection of 1 M.R.S.A. § 302.

B. Stage 1 preapplication review submissions. The following submissions are required for a Stage 1 preapplication review:

(1) A completed notice of intent to subdivide form.

(2) Evidence of the landowner's right, title or interest in the parcel being subdivided.

(3) A copy of the Assessor's Tax Map showing the parcel to be subdivided.

(4) A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision.

(5) A basic description of existing and proposed public facilities and utilities, existing and proposed protective covenants and any proposed street improvements.

(6) A drawing showing the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The drawing may be a freehand, penciled sketch and must include general information to describe or outline the existing conditions of the site such as ledge outcroppings, steep slopes, wet areas and vegetative cover.

C. Stage 2 department review. The purpose of the Stage 2 department review is to provide an opportunity for municipal department officials to review an application before it is submitted to the Planning Board and to identify any potential impact the development may have on municipal services, natural resources, abutters or the public health, safety or welfare. The intent of this preliminary review is to inform the applicant of any potential issues that should be addressed in the application prior to submittal to the Planning Board, as well as to provide the applicant with general information about the Stage 3 application requirements. Abutters and other parties of interest are also provided an opportunity to preview the application before its formal submission to the Planning Board and required public hearing.

(1) A subdivision application for Stage 2 department review must be submitted to the Code

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Enforcement office within 12 months of the end of Stage 1 review or Stage 2 review may not be conducted. The Code Enforcement Officer may extend the application submission deadline if the applicant demonstrates that the delay is due to circumstances beyond his control. If the deadline cannot be extended, the application review shall be terminated. Any application failing to comply with submission deadlines may be resubmitted for Stage 1 review.

(2) A nonrefundable administrative fee as provided in the Schedule of Fees must be submitted with a Stage 2 application.

(3) Within one week of receipt of a Stage 2 subdivision application, the Code Enforcement Officer shall mail a notice describing the proposed subdivision and its location to the following parties:

(a) All abutters to the parcel of land containing the proposed subdivision and nonabutters within 100 feet of the parcel.

(b) The Town Clerk and the reviewing authority of any municipality that abuts or includes any portion of the parcel of land containing the subdivision.

(c) Any public water supplier if the subdivision is within its source water protection area.

(4) A waiver request must be submitted with the application for any submission required by § 194-7D that is not included with the application, unless such submission is clearly not applicable.

(5) The Code Enforcement Officer shall submit six copies of the subdivision application to the Town Manager for distribution to municipal department directors, and the public water supplier if public water is required by the subdivision. Written comments concerning the proposed subdivision must be submitted to the Town Manager within one week of receiving the application for review. The Town Manager shall forward all received comments to the Code Enforcement Officer.

(6) The Code Enforcement Officer shall provide the applicant with a copy of any written comments received during Stage 2 department review and any relevant information concerning the preparation of the application for Stage 3 Planning Board review.

(7) The requirements of Stage 2 department review shall be completed within 30 days of receipt of a subdivision application, or within any other time frame agreed upon by the Code Enforcement Officer and applicant.

(8) The Stage 2 department review may not be considered the initiation of the subdivision review process for the purposes of bringing the application under the protection of 1 M.R.S.A. § 302.

D. Stage 2 department review submissions. Stage 2 applications must comply with the following requirements, as applicable:

(1) Basic format of subdivision plats:

(a) Black ink on white paper at a scale of one inch equals not more than 100 feet. Eight copies must be provided.

(b) Paper size no larger than 24 inches by 36 inches, with a margin of at least one inch and two inches on the left side for binding purposes.

(c) A North point arrow and a graphic scale.

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(2) Basic identifying information:

(a) The subdivision name, the name of the municipality, name and address of the record owner of the parcel to be subdivided, and the name and address of the subdivision developer.

(b) The Registry of Deeds book and page number of any current deed involving the parcel to be subdivided and of all contiguous lots.

(c) The names of adjacent subdivisions, if any, and the names and mailing addresses of owners of record of contiguous lots.

(d) Zoning districts affecting the subdivision parcel and contiguous lots.

(e) Name, address, license number, seal and signature of the surveyor providing surveying data.

(f) Name, address, license number, seal and signature of the engineer providing engineering data, if any.

(g) Numerical identification of each proposed lot.

(h) A location map based on a USGS topographic map.

(i) Date of the plat.

(3) Basic dimensional information:

(a) Size, in acres, of the parcel to be subdivided.

(b) Size, in acres, of each proposed lot.

(c) Bearings and lengths of the boundary lines of the existing parcel and proposed lots, as identified by a standard boundary survey.

(d) Width of street frontage and shore frontage, if applicable.

(4) Identification of the natural features of the parcel to be subdivided:

(a) Topography, shown as contour lines at intervals determined by the Planning Board.

(b) Approximate locations of timber harvesting subject to Maine Forest Service liquidation harvesting standards, if any.

(c) Water bodies, including ponds, rivers, streams and freshwater wetlands, if any.

(d) Any location on or adjacent to the parcel to be divided that has been identified in the Comprehensive Plan as an essential habitat for rare, threatened or endangered plants or animals.

(e) Approximate locations of ledge outcroppings, if any.

(f) Existing surface water drainage flow patterns.

(g) The location of significant sand and gravel aquifers, if any.

(h) The location of any other natural features or unique site elements.

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(5) Site development information, existing and proposed:

(a) The location and size of sewer and water utilities, including manholes and hydrants.

(b) The location of public water and sewer service connections for each lot.

(c) The location of soil test pits.

(d) A stormwater management plan, including erosion and sedimentation control measures, and the location and dimensions of culverts, ditches, catch basins and curbing.

(e) The location and right-of-way width of any public or private street providing direct access to lots in the subdivision or providing general access to the subdivision development.

(f) Construction drawings showing a plan view, profile, and typical cross section of any proposed street. The plan view must be at a scale of one inch equals no more than 40 feet. The vertical scale of the profile must be one inch equals no more than five feet.

(g) The location and width of any sidewalk providing access to lots in the subdivision.

(h) The location and width of any easement.

(i) The location and dimensions of any buildings, driveways, parking spaces or other impervious surfaces.

(j) The location of any park or other public space.

(k) The location and description of any private water supply for firefighting purposes.

(l) The preliminary design of any bridge that may be required.

E. Stage 3 Planning Board review. The purpose of Stage 3 Planning Board review is to fulfill the Board's statutory obligation as the municipal reviewing authority to review proposed subdivisions and to issue approval for those that meet the requirements of this chapter and 30-A M.R.S.A. § 4401 et seq.

(1) A subdivision application for Stage 3 Planning Board review must be submitted to the Code Enforcement office no less than three weeks prior to the date of review by the Planning Board.

(2) If a subdivision application for Stage 3 review is not submitted within 12 months of the end of Stage 2 review, the application review shall be terminated. Any application failing to comply with submission deadlines may be resubmitted for Stage 1 review.

(3) Upon submission of a subdivision application for Stage 3 review, the Code Enforcement Officer shall provide the applicant with a receipt documenting the application submittal date and the date upon which the Planning Board will receive the application for review.

(4) Before the Planning Board may begin a Stage 3 review, the applicant must submit a nonrefundable review fee to the Town during regular business hours. The fee shall be as provided in the Schedule of Fees.

(5) The applicant or an authorized representative must attend all meetings of the Planning Board that pertain to the application review.

(6) The Planning Board shall take the following actions during Stage 3 review of a subdivision application:

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(a) Consider the Code Enforcement Officer's report on the application.

(b) Consider waiver requests, if any.

(c) Consider any issues concerning the application's compliance with § 194-8 development standards.

(d) Conduct a site visit, if required.

(e) Determine if the application is complete.

(f) Conduct a public hearing on the application in accordance with the requirements of § 194-7E(11).

(g) Conduct a compliance review of the § 194-11 criteria.

(h) Approve, approve subject to conditions or deny the application.

(7) The Code Enforcement Officer shall submit a report on the proposed subdivision to the Planning Board at the commencement of Stage 3 review. The report shall contain the following information:

(a) Observations made during the Stage 1 site visit.

(b) Any written comments received from municipal department officials, abutters and other parties of interest during Stage 2 review of the application.

(c) Documentation of any issued variance.

(d) Comments on application content requirements.

(e) Comments on the application's compliance with applicable development standards.

(f) Any waiver request submitted by the applicant.

(8) The Planning Board shall consider waiver requests in accordance with the requirements of § 194-14. In the event a waiver request is denied, review of the application may be tabled until such time the required application item is provided.

(9) The Planning Board may conduct a site inspection at any point during Stage 3 review if deemed necessary to address any question involving submitted information or to strengthen familiarity with the subdivision site.

(10) The Planning Board must notify the applicant, in writing, that the application is complete or incomplete within 30 days of beginning Stage 3 review. If deemed incomplete, the Planning Board must notify the applicant, in writing, of the specific additional material needed to complete the application.

(11) The Planning Board shall conduct a public hearing during the initial Stage 3 review of the application. In the event the application is deemed to be incomplete during the initial review, the public hearing shall be continued after the application is deemed complete.

(12) The Planning Board must, within 30 days of a public hearing or within any other time limit agreed upon by the applicant and the Board, determine if the application meets the criteria described in § 194-9 and decide to:

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(a) Approve the application;

(b) Approve the application subject to any terms and conditions that it considers advisable to satisfy the criteria standards of § 194-9, satisfy any other regulation adopted by the Planning Board and protect and preserve the public's health, safety and general welfare; or

(c) Deny the application.

(13) A decision made in accordance with § 194-7E(12) must be documented in writing and a copy given to the applicant within 10 days of the date of the decision. In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed application does or does not meet the criteria standards in § 194-9. The decision constitutes the conclusion of the subdivision review.

F. Stage 3 application content. A Stage 3 application plat must contain the following information, in addition to the required Stage 2 submissions and any other requirements identified by the Planning Board:

(1) A statement that a variance has been granted from a subdivision standard and a description of the variance, if applicable.

(2) A statement that a waiver has been granted from a subdivision standard and a description of the variance, if applicable.

(3) A statement that the subdivision is exempt from site location of development review by the Maine Department of Environmental Protection, if applicable.

(4) A statement that the lowest floor, including basements, for principal structures in a floodplain must be located no less than one foot above the 100-year flood elevation, if applicable.

(5) A statement that any driveway or entrance onto a state or state-aid highway conforms to 23 M.R.S.A. § 704 and any rules adopted under that section, if applicable.

(6) A statement that any private street within the subdivision must be maintained by the developer or a road maintenance association, if applicable.

(7) A statement that Planning Board approval is required for any subsequent revision or amendment to the approved subdivision plat, in accordance with 30-A M.R.S.A. § 4407 and § 194-13 of this chapter.[44]

(8) A statement of approval on the final plat, which shall be worded: "The Town of Bucksport Planning Board has conducted a review of this subdivision plat and found it and supporting documents on file in the Bucksport Town office to be in compliance with the applicable provisions of the Bucksport Town Code, Chapter 194, Subdivision of Land, and 30-A M.R.S.A. § 4401 et seq. The Planning Board hereby approves this plat and, upon recording of the approved plat at the Hancock County Registry of Deeds, the construction of improvements and the conveyance of lots as shown may commence, subject to any conditions stated on the approved plat. No buildings may be constructed or installed in this subdivision before all required permits have been issued."

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44. Editor's Note: Original Sec. 7.6, eighth bullet point, regarding the inclusion of a statement that lots are for single-family dwellings and accessory structures only, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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(9) A signature block for seven Planning Board signatures and additional lineage for hand-written conditions of approval.

(10) Eight paper copies of the subdivision plat and one polyester film copy must be provided for Stage 3 review.

G. The following documents must be submitted with the application, as applicable:

(1) Written offers of cession to the municipality of all public open space shown on the plat and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the applicant, are to be maintained.

(2) Written evidence that the municipal officers are satisfied with the legal sufficiency of the documents referred to above.

(3) A list of the construction items that will be completed by the developer prior to the sale of lots and a list of construction and maintenance items that must be borne by the municipality.

(4) Written evidence of any performance guarantee provided in accordance with § 194-10.

(5) Documentation of any required dimensional variance from the Board of Appeals.

(6) A copy of any required entrance permit from the Maine Department of Transportation.

H. The applicant or a road association must maintain all required improvements and provide for snow removal on streets and sidewalks within the approved subdivision until acceptance of the improvements by the municipal officers.

§ 194-8. Development standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. All subdivisions must comply with the applicable development standards in this section, except as may be waived or varied in accordance with § 194-14. The development standards applicable to mobile home parks are described in § 194-8R.

B. Lots and blocks.

(1) Lots and blocks must comply with the standards in this section as may be applicable.

(2) The minimum lot size and frontage dimensions must conform to the dimensional requirements of the zoning district in which the lots are located. In the event a lot is in more than one zoning district, the most restrictive dimensional requirements will apply to the entire lot. Minimum lot dimensional requirements and zoning district boundaries are identified in Chapter 100, Land Use (see § 194-16B for additional requirements).

(3) Double frontage lots and reverse frontage lots must be avoided except where required to separate a residential development from an arterial street or to overcome specific disadvantages of topography and orientation.

(4) Side lot lines must be substantially at right angles to straight street lines and radial to curved street lines.

(5) Lots with more than twice the required minimum size must be laid out so that future divisions will comply with dimensional requirements, unless a deed restriction or a note on the plat states

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that future divisions are prohibited. If future divisions are allowed, a deed restriction or note on the plat must state that any future division is subject to the conditions placed on the original approval.

(6) Any subdivision lot with shore frontage on a river, stream, great pond or wetland may not exceed a lot width to depth ratio of 1:5.

(7) Any subdivision lot with frontage on that portion of Penobscot River within the resource protection district and which is designated as an outstanding river segment (30-A M.R.S.A. § 4401, Subdivision 7M) must be configured so that the combined shore frontage and structure setback will be no less than 500 feet.

(a) For the purposes of compliance with § 194-8B(7), any proposed subdivision lot that may be separated from the Penobscot River with a strip of land less than 250 feet wide must be reviewed as if lot lines extend to the shore.

(8) The following land may not be included when calculating the minimum lot size:

(a) Land located in areas of a special flood hazard, which are identified as Zones A, AE and V in a report published by the Federal Emergency Management Agency entitled "Flood Insurance Study – Hancock County, Maine," dated July 20, 2016, with accompanying Flood Insurance Rate Map dated July 20, 2016.

(b) Land located below the upland edge of a freshwater wetland or below the normal high-water line of a water body. Freshwater wetlands may be identified utilizing the 1995 National Wetland Inventory Map or the Town's Official Shoreland Zoning Map, and may also be delineated in the field by a qualified professional.

(c) Land of two contiguous acres or more with sustained slopes of 20% or greater.

(d) Land subject to a legal right-of-way or easement.

(9) All corners of individual lots must be marked with permanent monuments, which may be made of concrete, stone or iron. Monuments must be installed by a licensed surveyor and easily located.

(10) The length, width and shape of blocks must be based on:

(a) Minimum lot size requirements;

(b) Any special needs of the type of use contemplated;

(c) The need for convenient access, circulation, control and safety of street traffic;

(d) Limitations and opportunities of topography; and

(e) Vegetation, exposure, and geological character of land.

(11) In blocks exceeding 800 feet in length along a street, a twenty-foot-wide easement through the block may be required by the Planning Board for the crossing of underground utilities and pedestrian traffic where needed or desirable. The Planning Board may further specify that a five-foot-wide paved footpath or sidewalk be included within the easement.

C. Streets.

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(1) Proposed streets must comply with the requirements of Chapter 167, Roads and Streets, the rules and regulations of the Maine Department of Transportation, and this subsection, as applicable.

(a) The Board may approve the use of a mineral surface for a proposed street, provided that the street design will comply with an approved stormwater management plan for the subdivision, and that it is constructed in accordance with the applicable design and construction standards in Chapter 167 of the Bucksport Town Code. Asphalt pavement shall be required before any street constructed for a subdivision may be accepted by the Town as a public street.

(b) The Board may approve the use of an existing private street finished with a mineral surface to provide access to a proposed subdivision, provided that the street is improved to the extent necessary to comply with the requirements of Chapter 167, Roads and Streets, and to comply with an approved stormwater management plan for the subdivision. Asphalt pavement shall be required before any existing private street approved for access to a subdivision may be accepted by the Town as a public street.

(2) Proposed improvements to existing public streets must be approved, in writing, by the Bucksport Town Council, the Bucksport Public Works Director or the Maine Department of Transportation, as appropriate.

(3) Approval of any subdivision plat on which a proposed street or public easement is shown does not constitute or acknowledge acceptance by the municipality of the street or easement.

(4) Any private subdivision street must be maintained by the applicant or a road maintenance association established by the applicant or lot owners in the subdivision.

(5) All streets must be constructed according to specifications overseen by the Public Works Director or Town Engineer.

(6) The arrangement, character, extent, width, grade, and location of all streets must be considered in relation to existing or planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by such streets.

(7) Reserve strips controlling access to streets are prohibited except where the control is placed with the municipality under conditions approved by the Planning Board.

(8) The Planning Board may require a subdivision plat to show reserved areas for widening or realigning any existing street that does not meet minimum dimensional requirements. The area must be identified on the plat as "Reserved for Road Realignment or Widening Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of Chapter 100, Land Use.

(9) The Planning Board may require the reservation of a twenty-foot-wide easement to extend from the end of a dead-end street for pedestrian traffic or utilities.

(10) The Board may require the reservation of a fifty- or sixty-six-foot-wide easement to extend from the end of a dead-end street to provide continuation of the road for future development.

(11) Any new street in a subdivision must be named. Proposed names must be approved by the addressing officer.

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(12) Street name and traffic signs must be furnished and installed by the applicant for streets within the subdivision. The design and location of the signs must be approved by the Public Works Director and the Planning Board. Streetlighting and crosswalk striping must be installed as required and approved by the Board.

(13) A sidewalk must be installed on any subdivision street that intersects with a street on which a sidewalk is located at or near the point of intersection, or when otherwise required by the Planning Board for public safety purposes.

(14) All costs involved in the installation of any required sidewalk are the responsibility of the applicant.

(15) Following street construction, the applicant must conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site must be indicated on the plat and be suitably covered with fill and topsoil and limed, fertilized, and seeded.

D. Traffic and access management.

(1) Traffic management, driveways and entrances on roads that are not subject to rules established by the Maine Department of Transportation must comply with the requirements of this subsection. Traffic management, driveways and entrances on state and state-aid roads must comply with rules established by the Maine Department of Transportation and any requirements of this subsection that may be more restrictive.

(2) Any street within a subdivision development and any intersection that provides a direct entrance to the development from a public or private street must be designed to minimize traffic congestion and safety hazards.

(3) The Planning Board may require turning lanes, traffic directional islands, traffic controls or other traffic management features to safeguard against hazards to traffic and pedestrians.

(4) Subdivision developments may be required to have two or more entrances to the development.

(5) Where a subdivision abuts an arterial street, the Board must limit access to lots within the subdivision from the arterial street in accordance with Maine Department of Transportation access management requirements.

(6) In areas zoned for commercial use, the street right-of-way and pavement width must allow traffic to flow freely without interference from parked or parking vehicles.

(7) Streets must be designed to minimize wait time for turning vehicles at intersections. The Planning Board may require a study or analysis to determine the need for a left-turn storage lane. Left-lane storage capacity must be designed to meet anticipated demand.

(8) Where topographic and other site conditions allow, the Planning Board may require a driveway access between adjoining lots with existing or potential commercial uses if such access will facilitate fire protection services or enable the public to travel between two existing or potential uses without traveling on a public street.

(9) Accesses must be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances must be measured from the driver's seat of a vehicle parked at the exit with the front of the vehicle a minimum of 10 feet behind the

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curbline or edge of shoulder. The driver's eye must be 3 1/2 feet above the ground. The measured sight distance is determined by measuring the maximum distance that the top of a 4 1/4-foot-tall object located on the center line of the street is visible to the driver's eye. This measurement must be taken from both directions.

(10) A minimum sight distance must be maintained or provided. The required sight distances for various posted speed limits are as follows:

Operating Speed (mph)	Safe Sight Distance, Left (feet)	Safe Sight Distance, Right (feet)
20	130	130
30	220	260
40	380	440
50	620	700

(11) Street intersections and curves must be designed to provide adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot within 25 feet of an intersection must be cleared of all growth (except isolated trees) and other obstructions preventing adequate visibility.

(12) Driveways on existing or proposed collector streets may be limited by the Planning Board to a frequency of one per 400 feet of street frontage.

(13) Driveways on existing or proposed arterial streets may be limited by the Planning Board to a frequency of one per 1,000 feet of street frontage.

(14) If a lot has frontage on two or more streets, the entrance to the lot must be on the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians, as determined by the Planning Board.

(15) If a proposed subdivision includes a development plan or involves existing buildings, parking areas must comply with the parking standards in Chapter 100, Land Use.

E. Utilities.

(1) Any subdivision within an area designated in the Comprehensive Plan as a growth area must make provisions for connection to existing public utilities, except as may be waived in accordance with the requirements of § 194-14.

(2) Any proposed public water system must be reviewed and approved, in writing, by the servicing water company and the Fire Department, and comply with the applicable provisions of the State of Maine Rules Relating to Drinking Water, 10-144 CMR 231.

(3) Any proposed public sewer system must be reviewed and approved by the superintendent of wastewater treatment.

(4) The Planning Board may require underground electrical, cable and telephone transmission lines for subdivisions within a growth area designated by the Comprehensive Plan.

F. Groundwater.

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(1) A public water supply system with fire hydrants is required for any subdivision located within the existing service area of the municipal water service provider or an area designated in the Comprehensive Plan as a growth area. The location of fire hydrants must be approved by the Fire Department and the water service provider.

(2) The applicant shall be responsible for paying the costs of required improvements to the public water supply system, including treatment and distribution facilities that are necessary to meet the expected demand for water in a fully developed subdivision.

(3) A private water supply must be provided for any subdivision that is exempt from meeting the requirements of § 194-8F(1). The water must be supplied by wells installed on each lot or supplied by a private central water supply system.

(4) If a private central water supply system is proposed, the location and protection of the source and the design, construction, and operation of the distribution system and appurtenances and treatment facilities must conform to the applicable standards of the Maine Drinking Water Program.

(5) The Planning Board may require a civil engineer or geologist licensed in the State of Maine to approve the design and location of any private water supply. The Board may also require water quality testing to be performed by a qualified water-testing laboratory.

(6) Individual wells must be sited and constructed to prevent the infiltration of surface water, subsurface wastewater and other sources of potential contamination. Wells may not be constructed within 100 feet of the traveled way of any street if located downhill from the street, or within 50 feet of the traveled way of any street if located uphill of the street.

(7) The Planning Board may require a hydrogeology assessment. The assessment must 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 subdivision.

(c) Drainage conditions throughout the subdivision.

(d) Data on the existing groundwater quality from test wells in the subdivision or from existing wells on neighboring properties.

(e) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation must, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is the shortest distance.

(f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

(8) Projections of groundwater quality must be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

(9) Subsurface wastewater disposal systems and water wells must be constructed as shown on the map submitted with the assessment. Any other measures recommended in the assessment to reduce groundwater contamination and protect drinking water supplies must be included as a

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note on the final plat and as restrictions in the deeds to the affected lots.

(10) In areas where the Fire Department has identified the need for additional water storage capacity for firefighting purposes, the Planning Board must require the applicant to provide adequate water storage facilities, except as provided for in § 194-8F(12). Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the Fire Chief. An easement must be granted to the municipality for access to and maintenance of dry hydrants or reservoirs where necessary. A suitable access to the hydrant or other water source must be constructed by the applicant.

(11) If required by the Planning Board, the minimum water storage capacity for a subdivision must be 10,000 gallons, plus 2,000 gallons per lot or principal building. The Board may require additional storage capacity upon recommendation from the Fire Department. If ponds are proposed for water storage, the capacity of the pond must be calculated based on the lowest water, level less an equivalent of three feet of ice.

(12) The Board may waive the requirement for water storage in accordance with the provisions of § 194-14.

G. Wastewater.

(1) A public sewage disposal system is required for any subdivision located within the existing service area of the municipal sewage disposal system and may be required within an area designated in the Comprehensive Plan as a growth area. The system must be installed in accordance with the requirements of Chapter 175, Sewers.

(2) Public sewage disposal system proposals shown on the subdivision plat must be approved, in writing, by the superintendent of wastewater treatment. The approval must be obtained before the Board may complete the final review of the subdivision application.

(3) The superintendent must certify that service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or that capacity improvements are planned to be completed in conjunction with the development of the subdivision.

(4) Sewage disposal for any subdivision located outside the public sewage disposal service area must be provided by private subsurface wastewater disposal systems or a private treatment facility.

(5) The applicant must submit evidence of suitable soils for new subsurface wastewater disposal systems. Evidence must be provided by a Maine licensed site evaluator or other qualified professional in the form of a soils analysis report based on soils sampled at no less than two separate locations on each lot, or an HHE-200 septic system design may be provided for each lot prepared in accordance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

(6) In no instance may a disposal area be on a site that requires a new system variance from the Subsurface Wastewater Disposal Rules.

(7) Subsurface wastewater disposal systems must comply with the State Subsurface Wastewater Disposal Rules.

H. Solid waste.

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(1) Solid waste disposal from a proposed subdivision may not exceed the capacity of the municipal solid waste facility, as determined by the Town Manager, nor cause the facility to be noncompliant with its license from the Maine Department of Environmental Protection.

(2) To assure compliance with the requirements of § 194-8H(1), the Planning Board may require the applicant to directly contract for the disposal of solid waste with a licensed disposal facility.

(3) On-site disposal of demolition, construction and clearing debris must comply with applicable Maine Solid Waste Management Regulations.

I. Erosion control.

(1) An erosion and sedimentation control plan that includes best management practices as described in the 2003 Maine Erosion and Sedimentation Control Best Management Practices, or most recent edition, published by the Maine Department of Environmental Protection, must be included with the application if the subdivision includes road construction or other development activities resulting in soil disturbance.

(2) A stormwater management plan designed by a Maine licensed engineer must be submitted to the Planning Board for any subdivision subject to the Maine Stormwater Management Law.[45]

(3) An easement must be granted to the municipality for any watercourse or drainageway that passes through a subdivision lot if such watercourse or drainageway is identified in a stormwater management plan as a key component of a stormwater drainage system for a public road. Such easement widths must be sufficient to allow access for maintenance and repairs to the drainageway or any structures therein.

(4) Stormwater management within the direct watershed of a great pond must be designed to minimize phosphorous export in accordance with the requirements of § 194-8K.

(5) Topsoil may not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

J. Buffers.

(1) The Planning Board may require corner lots of a subdivision located in a rural district to contain a vegetated buffer to minimize the visual impact of development. This requirement applies to lots located at the intersection of a subdivision street and a public street.

(2) Street trees, esplanades, and open green spaces may be required by the Planning Board and must be shown on the subdivision plat and executed by the applicant as construction of the subdivision progresses.

(3) All esplanade or planting strip areas at sides of streets must receive at least two inches of compacted topsoil free of stones over one inch in diameter. Planting strips are to be limed and fertilized, and seeded with suitable grass seed to provide a suitable stand of grass.

(4) In any subdivision, vegetated buffers adjacent to a great pond, river, brook, stream or freshwater wetland must comply with applicable regulations of the Maine Natural Resources Protection Act[46] and applicable regulations of the Town's shoreland zoning standards.

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45. Editor's Note: See 38 M.R.S.A. § 420-D.

46. Editor's Note: See 38 M.R.S.A. § 480-A et seq.

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K. Natural resources.

(1) If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the subdivision plat must include appropriate measures for the preservation of the values that qualify the site for such designation.

(2) If any portion of a proposed subdivision lies within any of the wildlife habitat areas identified below, the Planning Board must require an impact assessment report prepared by a wildlife biologist. This report must assess the potential impact of the subdivision on the habitat and adjacent areas that are important to the maintenance of the affected species and describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts. The wildlife habitat areas include:

(a) Habitat for species appearing on the official state or federal lists of endangered or threatened species.

(b) High- and moderate-value waterfowl and wading bird habitats, including nesting and feeding areas.

(c) Shorebird nesting, feeding and staging areas and seabird nesting islands.

(d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority.

(e) High- or moderate-value deer wintering area or travel corridor.

(f) Other important habitat areas identified in the Comprehensive Plan.

(3) Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist. Written comments by the Department or biologist pertaining to any identified resources must be submitted to the Board. The following guidelines apply to those subdivisions that include significant wildlife habitat or resources identified in § 194-8K(2):

(a) Habitats of species appearing on the official state or federal lists of endangered or threatened species must be placed in areas protected through conservation easements or deed restrictions.

(b) Deed restrictions and notes on the plat must reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species, unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation, in writing.

(4) There may be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:

(a) Shorebird nesting, feeding and staging areas and seabird nesting islands.

(b) High- and moderate-value waterfowl and wading bird habitats, including nesting and feeding areas.

(c) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority.

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(d) Other important habitat areas identified in the Comprehensive Plan.

(5) The report prepared by a wildlife biologist must include a management plan for deer wintering areas, if applicable.

(6) If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Comprehensive Plan, the restrictions on activities in and around these areas must be reviewed by the department or a qualified wildlife biologist and their comments presented, in writing, to the Board.

(7) If any portion of a proposed subdivision is within the direct watershed of a great pond, phosphorus control measures must be required and must meet applicable requirements of the Maine Stormwater Management Design Manual, most recent edition, published by the Maine Department of Environmental Protection, hereafter referred to as the "MSMD Manual."

(8) The maximum phosphorus export per acre of developed land for each great pond in Bucksport shall be as follows, expressed as pounds per acre:

(a) Brewer Lake: 0.058.

(b) Hancock Pond: 0.031.

(c) Jacob Buck Pond: 0.034.

(d) Long Pond: 0.037.

(e) McGann Bog: 0.04.

(f) Moulton Pond: 0.066.

(g) Mud Pond: 0.05.

(h) Silver Lake: 0.041.

(i) Thurston Pond: 0.054.

(j) Williams Pond: 0.041.

(9) Any subdivision within the watershed of a great pond may not exceed the applicable phosphorus export standard contained in § 194-8K(8). Section 194-8K(8) must be updated as required by amendments to the Comprehensive Plan, reflecting changes in expected development rates.

(10) If a proposed subdivision creates lots that are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant must calculate phosphorus loading and design phosphorus controls measures based on the maximum feasible number of lots, or reserve a portion of the permitted phosphorus export for future divisions.

(11) Provisions for monitoring, inspections, and maintenance of phosphorus control measures must be described in the application and must comply with the applicable provisions in the Technical Guide.

L. Historic and scenic areas.

(1) If any site of historic or prehistoric importance identified by the Maine Historic Preservation

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Commission is within or abutting a proposed subdivision, the subdivision application must be submitted to the Commission for review. The Planning Board may require any measures for the protection of the historic or prehistoric resources recommended by the Commission to be included in the subdivision application.

(2) Development of lots in scenic areas that have been identified in the 2003 Bucksport Comprehensive Plan must provide for the preservation of trees and other vegetation in landscaping designs. The Planning Board may require a buffer in accordance with the requirements of § 194-8J to minimize the visual impact of the development on nearby scenic resources.

M. Flood hazard areas.

(1) When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the following requirements must be met:

(a) Any public utilities and facilities, such as sewer, gas, electrical and water systems, that must be located in a floodplain must be constructed to minimize the risk of flood damages to any structure.

(b) Adequate drainage must be provided so as to reduce exposure to flood hazards.

(c) The subdivision plat must include a statement that structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation and that the municipality may enforce any violation of the construction requirement.

(2) The above information must be included in any deed, lease, purchase and sale agreement, or in any document transferring or expressing intent to transfer any interest in real estate or structure.

N. Reserved land.

(1) The Planning Board may require any subdivision to reserve up to 10% of the total parcel for open space or recreational use. The Board must require a subdivision of more than four lots to reserve up to 10% of the total parcel for open space or recreational use, except as provided for in § 194-8N(2).

(2) In determining the need for open space, the Board must consider:

(a) The needs identified in the Comprehensive Plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs;

(b) The proximity of the subdivision to other reserved open space or recreation facilities;

(c) The type of development and the demographic characteristics of potential residents in the subdivision; and

(d) The density or lot sizes of the development.

(3) Land set aside for open space or recreational use must be of a character, configuration and location suitable for the subdivision. Sites for such uses must preserve the scenic attributes of the location and provide trails for access and other improvements for the use and enjoyment of the area as may be necessary and appropriate.

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(4) A site intended for active recreation purposes, such as a playground or a playfield, must be relatively level and dry, have a total frontage of at least 200 feet on one or more streets, and have no major dimensions of less than 200 feet.

(5) Sites selected primarily for scenic or passive recreation purposes must have suitable access and no less than 25 feet of road frontage. The configuration of these sites must be adequate with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.

(6) If the proposed subdivision is located on a great pond, river or coastal waters, a portion of the parcel located within the waterfront area must be included in the reserved land. Any existing public rights of access to the shoreline of a water body must be maintained by means of easements or rights-of-way or should be included in the open space with provisions made for continued public access.

(7) The Board may require the applicant to provide space for future municipal uses, in accordance with the Town's Comprehensive Plan, on a reimbursable basis with a five-year option, after which the space may be sold for other development.

(8) The inclusion of any park, playground, or other recreation area on an approved subdivision plat may not be interpreted to mean that the park, playground or recreation is accepted by the municipality.

(9) The Planning Board shall require the filing of a written agreement between the applicant and the municipal officers, covering future deed and title, dedication, and provisions for the cost of development and maintenance of any proposed park, playground or recreation area.

(10) All open space, common land, and recreational facilities must be owned by the applicant, the owners of the lots or dwelling units by means of a lot owners' association, or the municipality. If open space is owned by an entity other than the municipality, a conservation easement must be deeded to the municipality, prohibiting future development.

(11) Further subdivision of the common land or open space may not be allowed. No use other than noncommercial recreation, agriculture, conservation purposes, and easements for utilities may be allowed. Structures and buildings accessory to noncommercial recreational or conservation uses may be permitted on the common land.

O. Financial and technical capacity.

(1) The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria of subdivision law and the standards of these regulations. In making this determination, the Planning Board must consider the proposed time frame for construction and the effects of inflation.

(2) The applicant must demonstrate adequate technical ability to supervise and construct the required improvements in the proposed subdivision. In determining the applicant's technical ability, the Board must consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors and the existence of violations of previous approvals granted to the applicant.

P. Zoning and land use.

(1) Any proposed subdivision must comply with all applicable zoning and land use standards in

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Chapter 100, Land Use.

(2) Any proposed subdivision must be consistent with the applicable goals of the Town's Comprehensive Plan.

(3) Any proposed subdivision must be reviewed by the Planning Board with respect to its effect upon existing services and facilities, including, but not limited to, schools, busing, road maintenance, snow removal, police and fire protection, and recreational facilities. The Board may require the applicant to provide an accurate estimate of the cost for increases to municipal services and facilities that will be required and the expected tax revenue of the subdivision.

Q. Clustered development.

(1) The Planning Board may approve a subdivision designed for a greater density of development if such type of development is compatible with the character of the surrounding area and provides areas of open space for wildlife habitat, natural or cultural resources and public recreation. A clustered development may also feature a flexibility of road design, diversity of housing types and creativity of housing placement to minimize impact to the natural features of the land, to protect scenic vistas and to assure adequate privacy to homeowners.

(2) An application for a subdivision designed for clustered development must include a comparison to nonclustered development in terms of impacts upon the municipality. Examples of impacts are municipal costs for roads, school busing, and utilities. The application must describe the natural and cultural features that will be preserved or enhanced by the cluster approach. These features include, but are not limited to, wildlife and waterfowl habitats, important agricultural soils, moderate-to-high-yield aquifers and important historic sites identified by the Comprehensive Plan as worthy of preservation.

(3) Only developments having a total site plan for structures may be considered. The application must illustrate the placement of structures, roads, parking and landscaping and the location of open spaces and recreational areas. No building may be located on slopes greater than 25%, within 100 feet of the normal high-water line of any water body or upland edge of a freshwater wetland, or on soil classified as very poorly drained.

(4) To determine the maximum number of lots, the net acreage must be divided by the minimum lot size required for the zoning district in which the parcel is located. The maximum number of lots may not exceed the maximum number allowed for a nonclustered development on the same parcel. The net acreage must be determined in accordance with § 194-8B(8).

(5) Unless a community sewage collection and treatment system is provided, no lot may be smaller in area than 20,000 square feet.

(6) No more than two lots in a cluster development may have frontage on a public road.

(7) Reserved open space must be provided within the development, and such space must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by Chapter 100. No less than 30% of the reserved open space must be available for recreational use.

(8) All land reserved for open space must be dedicated for public use or use by property owners within the development and must be protected with conservation easements or deed restrictions.

(9) If a cluster development abuts a body of water, a usable portion of the shoreline, and reasonable

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access to it, must be a part of the common land.

(10) In addition to reduced lot size, the Planning Board may allow other dimensional changes that do not comply with the dimensional standards of Chapter 100 when necessary to support the clustered scheme of development. Such a change is not considered a variance and does not require approval from the Board of Appeals.

(11) Shore frontage may not be reduced below the minimum normally required by Chapter 100, Land Use.

R. Mobile home parks.

(1) Mobile home parks are required to comply with the development standards as described in this section.

(2) Lot and block design must comply with § 194-8B, except:

(a) The minimum required size of a mobile home park must also include areas for street rights-of-way, buffer strips if any and setback areas required within a shoreland zone. Areas for open space, storage or recreational use may be required in accordance with § 194-8R(14); and

(b) Minimum lot size shall be in accordance with § 194-8R(17).

(3) Street design and construction within a mobile home park must meet the following requirements:

(a) The design and construction must comply with the recommended standards of the Maine Manufactured Housing Board.

(b) The street design plan must be prepared by a professional engineer who has affixed his seal to the plan.

(c) The street right-of-way must be 23 feet wide, of which 20 feet must be paved.

(d) The street design must conform to reasonable safety standards applicable to intersections with public ways as described in § 194-8C.

(4) Traffic and access management must comply with § 194-8D.

(5) Utility installations must comply with § 194-8E, except:

(a) The Planning Board may not require electrical or telephone lines to be installed underground within a mobile home park.

(6) Source water supply must meet the requirements of § 194-8F.

(7) Wastewater disposal must meet the requirements of § 194-8G.

(8) Solid waste disposal must meet the requirements of § 194-8H.

(9) Erosion control measures must meet the requirements of § 194-8I.

(10) Buffers must meet the requirements of § 194-8J, except:

(a) A buffer strip between a mobile home park and an adjacent residential development may

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not be required unless the per-acre density of homes in the mobile home park is at least two times greater than that on the adjacent parcels or, if the adjacent parcels are undeveloped, at least two times greater than that allowed within the applicable zoning district;

(b) No structure, street or utility may be placed in a buffer strip, except utilities may cross a buffer strip to provide services to a mobile home park; and

(c) Natural screening may be required within the first 25 feet of a buffer strip as measured from the exterior boundaries of the mobile home park if the requirements are no greater than those for other residential developments.

(11) Protection of natural resources must meet the requirements of § 194-8K.

(12) Protection of historic and scenic areas must meet the requirements of § 194-8L.

(13) Mobile home parks located within a flood hazard area must meet the requirements of § 194-8M.

(14) Land reserved for open space or recreational use must meet the requirements of § 194-8N, except:

(a) Areas for open space, storage or recreational use may not exceed 10% of the combined area of the individual lots in the mobile home park.

(15) Mobile home parks are not subject to the requirements of § 194-8Q for cluster developments.

(16) The applicant must demonstrate financial and technical capacity in accordance with § 194-8O.

(17) Mobile home parks must meet the zoning and land use requirements of Chapter 100, Land Use, except:

(a) The minimum lot size per mobile home is 6,500 square feet when served by public sewer;

(b) The minimum lot size per mobile home is 20,000 square feet when served by individual subsurface wastewater disposal systems;

(c) The minimum lot size per mobile home is 12,000 square feet when served by an on-site central subsurface wastewater disposal system, provided that the overall density of the mobile home park is no more than one mobile home per 20,000 square feet; and

(d) The minimum front yard is 25 feet.

§ 194-9. Criteria review.

A. Before approving any subdivision application, the Planning Board must determine that the proposed subdivision complies with the criteria contained in § 194-9B to P and § 194-9Q or R if applicable. The Board's determination must be based on the review of § 194-8 and other requirements of this chapter and state law.

B. Lots and blocks. The proposed subdivision:

(1) Contains lots that are appropriately laid out and are of adequate size to support the intended use and, if required to be arranged in blocks, such lots are arranged to fit the topographical and geological character of the land and are safe and convenient to access.

C. Streets. The proposed subdivision:

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(1) Will comply with the minimum construction requirements for any new street that is proposed for the subdivision; and

(2) Will comply with the minimum construction requirements for any structural improvements the applicant is required to perform on any public street or public easement utilized for access to the subdivision.

D. Traffic and access management. The proposed subdivision:

(1) 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;

(2) Has received approval from the Department of Transportation for driveways or entrances subject to 23 M.R.S.A. § 704 and any rules adopted under that section, if applicable; and

(3) Will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality if any part of the subdivision is located in that municipality.

E. Utilities. The proposed subdivision:

(1) Will be provided with required utilities for each lot.

F. Groundwater. The proposed subdivision:

(1) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(2) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; and

(3) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

G. Wastewater. The proposed subdivision:

(1) Will provide for adequate wastewater disposal; and

(2) Will not cause an unreasonable burden on the municipal wastewater disposal system, if it is utilized.

H. Solid waste. The proposed subdivision:

(1) Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

I. Erosion control. The proposed subdivision:

(1) 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; and

(2) Will provide for adequate stormwater management.

J. Buffers. The proposed subdivision:

(1) Will have adequate buffers to minimize the impact of development on adjacent properties and the natural resources.

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K. Natural resources. The proposed subdivision:

(1) Will not result in undue water or air pollution. In making this determination, the Board has considered:

(a) The elevation of the land above sea level and its relation to the floodplains;

(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; and

(e) The applicable state and local health and water resource rules and regulations.

(2) Will not adversely affect the quality of any pond or lake or unreasonably affect the shoreline of any pond or lake whenever the subdivision is situated entirely or partially within the watershed of that pond or lake or within 250 feet of any wetland, great pond or river as defined in 38 M.R.S.A. Ch. 3, Subch. 1, Article 2-B;

(3) Has identified on any maps submitted as part of the application all potential freshwater wetlands within the subdivision, regardless of the size of those wetlands;

(4) Has identified on any maps submitted as part of the application any river, stream or brook within or abutting the proposed subdivision;

(5) Will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the subdivision;

(6) Is not located on a parcel of land that has been owned by the applicant for less than five years and which has been harvested in violation of Maine Forest Service Rules pertaining to liquidation harvesting; and

(7) Will have no lot with a lot-depth-to-shore-frontage ratio greater than five to one for any lots in the proposed subdivision that have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S.A. § 480-B.

L. Scenic and historic areas. The proposed subdivision:

(1) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

M. Floodplain management. The proposed subdivision:

(1) Includes a condition on the plat that requires principal structures in the subdivision to be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. The plat also identifies the 100-year flood elevation and flood hazard boundaries within the subdivision. These requirements are applicable if any part of the subdivision is in a flood hazard area as identified on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.

N. Reserved land. The proposed subdivision:

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(1) Includes an appropriately sized area dedicated to open space or recreational use and an area designated for municipal use, as may be required.

O. Financial and technical capacity. The proposed subdivision:

(1) Will be developed by an applicant who has adequate financial and technical capacity to meet the standards of this chapter.

P. Zoning and land use. The proposed subdivision:

(1) Conforms with all applicable provisions of the Bucksport Town Code and the Town's adopted Comprehensive Plan.

Q. Cluster developments. The proposed subdivision, if reviewed as a cluster development:

(1) Conforms with all applicable provisions of the Bucksport Town Code and the Town's adopted Comprehensive Plan.

R. Mobile home parks. The proposed subdivision, if reviewed as a mobile home park:

(1) Conforms with all applicable provisions of the Bucksport Town Code and the Town's adopted Comprehensive Plan.

§ 194-10. Performance guarantees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Performance guarantees must be given by the applicant for all improvements and inspections required to meet the standards of these regulations, including the construction of the streets, sidewalks, landscaping, stormwater management facilities, public sewage collection or disposal facilities, public water systems, other utilities, and erosion and sedimentation control measures.

B. Before the Planning Board may grant final approval of a subdivision application, the applicant must provide one of the following performance guarantees:

(1) A performance bond payable to the municipality, issued by a surety company, and approved by the municipal officers or Town Manager; or

(2) An irrevocable letter of credit from a financial institution, establishing funding for the construction of the subdivision, from which the municipality may draw if construction is inadequate. The letter of credit must be approved by the municipal officers or Town Manager.

C. The conditions and amount of the performance guarantee must be determined by the Board with the advice of the Municipal Engineer, Department of Public Works, municipal officers, or Municipal Attorney. The amount must be adequate to cover the total construction costs of all required improvements, as specified in § 194-10A, taking into account the time span of the construction schedule and the inflation rate for construction costs.

D. The performance guarantee must contain a construction schedule, cost estimates for each major phase of construction (factored for 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 will have access to the funds to finish construction.

E. A performance bond must detail the conditions of the bond, the method for release of the bond or

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portions of the bond and the procedures for collection by the municipality. The bond documents must specifically reference the subdivision for which approval is sought.

F. An irrevocable letter of credit from a bank or other lending institution must indicate that funds have been set aside for the construction of the subdivision and that they may not be used for any other project or loan.

G. The Board may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement must provide for approval of the final plat on the condition that no more than four lots may be sold or built upon until it is certified by the Board, or its agent, and that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities. Notice of the agreement and any conditions must be on the final plat recorded at the Registry of Deeds. Release from the agreement must follow the procedures for release of performance guarantees contained in § 194-10I.

H. The Board may approve plans to develop a subdivision of more than four lots in separate and distinct phases by limiting final approval to those lots within the section of the proposed subdivision street covered by a performance guarantee. When development is phased, road construction must commence from an existing public way, public easement or private way. Final approval of lots in subsequent phases may be given only upon satisfactory completion of all requirements pertaining to previous phases.

I. Prior to the release of any part of the performance guarantee, the Board must determine that the improvements subject to the guarantee meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The Board's determination must be based on the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments that may be involved.

§ 194-11. Inspections.

A. At least five days prior to commencing construction of required improvements, the applicant must notify the Code Enforcement Officer of the time when he proposes to commence construction of required improvements so arrangements may be made for inspections by a qualified inspector. The purpose of the inspections is to assure the satisfactory completion of improvements and utilities as required by the Planning Board. The inspector shall be selected by the Town Council. Any fees incurred for inspections are the responsibility of the applicant. A deposit equal to the estimated cost of inspections must be made to the Town prior to the start of construction.

B. If it is demonstrated to the satisfaction of the appointed inspector at any time before or during the construction of the required improvements that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the appointed inspector may authorize modifications. These modifications must be within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The appointed inspector must issue any authorization under this section, in writing, and transmit a copy of such authorization to the Planning Board at its next regular meeting.

§ 194-12. Enforcement.

A. The Attorney General, Planning Board or the municipal officers may institute proceedings to enjoin a violation of this chapter or 30-A M.R.S.A. § 4401 et seq.

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B. No land may be sold, leased, developed, built upon or conveyed for consideration or offered for sale, lease, development, building upon or conveying for consideration in any subdivision that has not been approved by the Planning Board, has been approved by the Planning Board but not been recorded in the Hancock County Registry of Deeds as required, or does not comply with all the applicable requirements of this chapter.

(1) Development includes grading or construction of roads, grading of land or lots and construction of buildings.

(2) A contract for sale of a lot in a subdivision under review shall not be considered a violation of § 194-12B, provided the contract contains a provision that the sale is contingent upon subdivision approval.

C. No plat of a subdivision of land within the municipal boundaries that is subject to Planning Board approval may be filed or recorded in the Hancock County Registry of Deeds until such plat has been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in this chapter.

D. No revision or amendment subject to Planning Board approval in accordance with § 194-13 may be made to any previously approved plat until the Planning Board approves the revision or amendment.

E. Any person, firm, corporation or other legal entity who sells, leases, develops, builds upon or conveys for consideration any land in a subdivision that has not been approved as required by this chapter must be penalized in accordance with 30-A M.R.S.A. § 4452.

F. No public utility, water district, sanitary district or utility company of any kind may install services to any lot in a subdivision unless the subdivision is approved as required by this chapter.

G. The Code Enforcement Officer may not issue a permit for a building or use within a subdivision unless the subdivision is approved as required by this chapter.

H. Any person who, after receiving subdivision approval from the Planning Board, constructs or develops a subdivision or transfers any lot in a manner other than as depicted on the approved subdivision plat must be penalized in accordance with 30-A M.R.S.A. § 4452.

I. No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one corner of the lot to be sold or conveyed. A permanent marker may be a monument of stone or concrete, an iron pin, or a drill hole in ledge.

§ 194-13. Amendment and revision.

A. This section applies to proposed amendments or revisions to any subdivision approved by the Planning Board on or after September 23, 1971.

B. An "amendment" is a correction or change to a subdivision plat, including, but not limited to, the relocation of a boundary line between lots, or the single division of a lot.

C. The Planning Board shall review any proposed amendment of an approved subdivision in accordance with the procedures described in this section.

D. A "revision" is a redesign of the overall form or scheme of a subdivision or the addition of two or more lots to a subdivision within a five-year period.

E. The Planning Board shall review any proposed revision of an approved subdivision in accordance

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with the application review procedures for new subdivisions.[47]

F. An amendment application must be received in the Code Enforcement office no less than two weeks before the application is submitted to the Planning Board. Within one week of receipt of the application, the CEO must mail a notice to all owners of lots in the subdivision. Notice must also be sent to any public water supplier if the subdivision is within its source water protection area. The notice must include a description of the proposed amendment and the date and time the application will be submitted to the Planning Board.

G. The applicant must submit eight paper copies of the proposed amended subdivision plat to the Planning Board. The plat must indicate that it is an amendment of a previously approved plat and must show the title of the subdivision. The amended plat must reference the file and plan number of the original plat as recorded at the Hancock County Registry of Deeds.

H. The Planning Board may conduct a site inspection if necessary to assist with review of the application. Notice of the site inspection must be provided to the public in accordance with 1 M.R.S.A. § 406.

I. The Planning Board must determine if the application is complete. The Board may require any additional information it deems appropriate to assist in review of the § 194-8 development standards that are relevant to the proposed amendment before finding the application to be complete.

J. The Planning Board may require a public hearing. Notice of the hearing must be given in accordance with the requirements of § 194-6F.

K. Any proposed amendment must be reviewed for compliance with the applicable development standards of § 194-8 and the applicable criteria of § 194-9.

L. Within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has a complete application, the Planning Board shall complete its review and issue an order to approve, approve with conditions, or deny the application.

M. The Planning Board shall make written findings of fact establishing that the proposed application does or does not meet the applicable criteria of § 194-9.

N. Upon approval of an amended subdivision plat, the applicant must submit a polyester film copy and two paper copies for Planning Board signatures and registry recording in accordance with the requirements of § 194-6K.

§ 194-14. Waivers and appeals.

A. Waivers.

(1) The Planning Board may grant waivers from the requirements of this chapter if:

(a) No waiver has the effect of nullifying the intent and purpose of the Comprehensive Plan and this chapter;

(b) Extraordinary and unnecessary hardships may result from strict compliance with this chapter or there are special circumstances of a particular plan;

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47. Editor's Note: Original Sec. 13.6, requiring agreement by all lot owners before the Planning Board may approve a proposed revision to a subdivision, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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(c) The development and criteria standards have been or will be met by the propose subdivision; and

(d) The health, safety and welfare of the public are protected.

(2) The Planning Board may not grant waivers for the following requirements:

(a) Surveys.

(b) Minimum depth and width of pavement and gravel required for street construction and minimum right-of-way dimensions of streets, except as may be required to allow for flexibility of street design in clustered developments.

(c) Minimum lot area and minimum frontage requirements for any nonclustered development. These requirements may only be changed with a variance granted by the Board of Appeals.

(d) The reserved land requirements for subdivisions of more than four lots as described in § 194-8N, unless the subdivision applicant deposits a cash payment in a trust fund established for the Town to acquire nearby land to be preserved for parks, playgrounds or other recreational uses. The payment amount may not be more than 10% of the total appraised value of the subdivision lots, including required improvements.

(3) The Planning Board shall set conditions to any granted waiver as necessary to protect the purposes of this chapter.

(4) All waivers are revocable up to the date of final approval. The approved subdivision plat must include a description of any granted waiver or variance and its date of approval.

B. Appeals. An appeal from any decision of the Planning Board made in accordance with the requirements of this chapter may be taken to Superior Court within 45 days of the date of the decision to be appealed.

§ 194-15. Definitions.

In general, words and terms used in this chapter have their customary dictionary meanings. Certain words and terms used in this chapter are defined as follows:

ABUTTER — The owner of any property that shares a boundary line with the parcel subject to subdivision approval.

AMENDMENT — A correction or change to a subdivision plat or document, including, but not limited to, the relocation of a boundary line between lots or the division of a lot into two new lots.

APPLICANT — The person applying for subdivision approval under these regulations.

BLOCK — A lot or groups of lots bounded on sides by lot lines, streets, Town lines or other rights-of-way.

BOARD — The Town of Bucksport Planning Board.

BUFFER — A part of a property or an entire property that is not built upon and is specifically intended to minimize the effects of a land use activity on adjacent properties.

CLUSTERED SUBDIVISION — A subdivision in which lot sizes are reduced below the minimum size normally required in the zoning district in which the development is located in return for the provision of permanent open space.

COMPLETE APPLICATION — An application determined by the Planning Board to include the required

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fee and all information required by these regulations, except as may be waived.

COMPREHENSIVE PLAN — A document or interrelated documents containing an inventory and analysis of existing conditions in a community, a compilation of goals for the development of the community, an expression of policies for achieving these goals and a strategy for implementation of the policies. The Town of Bucksport current adopted Comprehensive Plan, prepared in accordance with 30-A M.R.S.A. § 4321 et seq.

CONSERVATION EASEMENT — A nonpossessory interest in real property, imposing limitations or affirmative obligations to retain and protect land areas for agricultural, forestry, recreational, scenic, cultural or open space use and to protect natural resources.

DIRECT WATERSHED — The land area that drains natural or man-made drainage systems or water bodies or wetlands via overland flow to a given water body or wetland without first passing through an upstream water body classified as GPA.

DRIVEWAY — A vehicular accessway serving two dwelling units or fewer.

DWELLING UNIT — A structure or part of a structure intended for seasonal or year-round human habitation.

EASEMENT — Written authorization granted by a property owner for the use of a designated portion of his property by another for a specific purpose.

FORESTED WETLAND — A freshwater wetland dominated by woody vegetation that is six meters tall or taller.

FRESHWATER WETLAND — Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

A. Of 10 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

B. Inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support a prevalence of wetland vegetation typically adapted for life in saturated soils and, which under normal circumstances, do support such vegetation.

(1) Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has surface area in excess of 30 acres except, for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

LEGISLATIVE BODY — The Bucksport Town Council.

LIQUIDATION HARVEST — The purchase or other acquisition of forest land followed by a timber harvest that does not comply with the harvesting standards of the Maine Forest Service, and the subsequent sale, offer for sale, or other conveyance of the harvested land, or any portion of it, within five years of the purchase.

LOT — An area, plot, or parcel of land with ascertainable boundaries established by deed or instrument of record.

MUNICIPALITY — Town of Bucksport.

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NEW STRUCTURE — Any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this chapter.

OFFICIAL MAP — The Zoning Map adopted by the municipality showing the Town boundaries, the location of zoning districts, parcels of land, and public and private streets.

OPEN SPACE — Land within or related to a subdivision which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements typically used for maintenance and operation of the open space.

PERMANENT MONUMENT — A granite monument, concrete monument, an iron pin or a drill hole in ledge.

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

PERSON RELATED TO THE DONOR — A spouse, parent, grandparent, brother, sister, child or grandchild related to the donor by blood, marriage or adoption.

PLANNING BOARD — The Town of Bucksport Planning Board established pursuant to Chapter 23, Boards, Commissions and Offices, Article V, of the Bucksport Town Code.

PRINCIPAL STRUCTURE — Any building or structure in which the primary use of the premises takes place.

PROFESSIONAL ENGINEER — A professional engineer, licensed in the State of Maine.

PROFESSIONAL LAND SURVEYOR — A professional land surveyor, licensed in the State of Maine.

REVISION — A redesign of the overall form or scheme of a subdivision or the addition of two or more lots to a subdivision within a five-year period.

STREET — Includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-ways.

SUBDIVISION —

A. The division of a tract or parcel of land into three or more lots within any five-year period that begins on or after September 23, 1971, whether the division is accomplished by sale, lease, development, buildings or otherwise.

B. The division of a new structure or structures on a tract or parcel of land into three or more dwelling units within a five-year period.

C. The construction or placement of three or more dwelling units on a single tract or parcel of land.

D. The division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five-year period.

SUBDIVISION APPLICATION — A plat or plan prepared in recordable form and any supplemental documents submitted in accordance with the application requirements of this chapter.

TRACT OR PARCEL OF LAND — All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

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§ 194-16. Repealer.

This chapter repeals and replaces the current Appendix C, Subdivision Ordinance, which was originally adopted on March 9, 1978, and last amended on December 11, 1997, when it was repealed and replaced.[48]

48. **Editor's Note: Original Sec. 16.2, regarding effective dates for lot frontage requirements in Chapter 100, Land Use, of the 1978 Town Code, which immediately followed, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

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Chapter 207

TRAFFIC AND SAFETY

[HISTORY: Adopted by the Town Council of the Town of Bucksport 6-14-1990, as amended through 9-6-2018 (Ch. 12 of the 1978 Town Code). Subsequent amendments noted where applicable.]

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ARTICLE I
General Regulations

§ 207-1. Definition of words and phrases.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates another meaning:

AUTHORIZED EMERGENCY VEHICLES — Vehicles of the Fire Department, Highway Department, Police Department, ambulances, and emergency vehicles operated for municipal business.

BUSINESS DISTRICT — The territory contiguous to and including that section of Main Street from Hincks Street to Third Street.

CONSUMER FIREWORKS — "Consumer fireworks" has the same meaning as in 27 CFR 555.11 or subsequent provision, but includes only products that are tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 U.S.C. Ch. 47.

CROSSWALK — Any portion of roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DISPLAY — "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects. "Display" includes a special effects display.

DRIVER — Every person who drives or is actually in control of a vehicle.

DRIVEWAY or PRIVATE ROAD — Every way or place in private ownership and used by the owner and those having express or implied permission from the owner.

FIREARMS — "Firearms" shall include all instruments used in the propulsion of pellets, shot, shells, or bullets by the action of gunpowder or compressed air or gas exploded or released within it.

FIREWORKS —

A. "Fireworks" means any:

(1) Combustible or explosive composition or substance;

(2) Combination of explosive compositions or substances;

(3) Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

(4) Fireworks containing any explosive or flammable compound; or

(5) Tablets or other device containing any explosive substance or flammable compound.

B. The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion; toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture; sparklers that do not contain magnesium chlorates or

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perchlorates; or signal, antique or replica cannons if no projectile is fired.

INTERSECTION — The area embraced within the prolongation or continuation of the lateral sidelines of two streets or highways which join one another.

MOTOR VEHICLE — Every vehicle which is self-propelled but not operated on rails.

OFFICIAL TRAFFIC SIGNS — All signs, signals, markings and devices placed or erected by officials having jurisdiction over the regulating, warning or guiding of traffic.

OVERNIGHT PARKING — Parking between the hours of 11:00 p.m. and 8:00 a.m.

PARKING — When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually loading or unloading passengers or property.

PEDAL VEHICLE — A mechanical device that is typically comprised of a lightweight tubular frame mounted on two, three or four wheels, and which is designed to be ridden and propelled by the pedaling action of one or more riders. The device is equipped with seating, steering controls and brakes. A small motor may be included for power assistance. A bicycle, tricycle, or quadcycle. A pedicab. (See also "toy vehicle.")

PEDESTRIAN — Any person afoot.

RIGHT-OF-WAY — The privilege of immediate use of the roadway.

SIDEWALK — That portion of a street between the curb or ditch line and the adjacent property lines, intended for the use of pedestrians.

STANDING OR STOPPING — When prohibited, means the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a police officer, sign or signal.

STOP — Complete cessation of movement.

STREET, HIGHWAY OR ROADWAY — That portion of a public way open to the public for the use of vehicular traffic.

THROUGH STREETS AND HIGHWAYS — Every street or highway protected by STOP or YIELD signs at the intersection of other streets or highways.

TOY VEHICLE — Skateboards, roller skates, in-line skates, wagons, coasters, unicycles, electric-motor-powered mini vehicles, and nonmotorized scooters. "Toy vehicles" also include pedal vehicles with a wheel diameter of 16 inches or less and which are not designed, approved or intended for use on a road or street.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any public way for purpose of travel.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices designed to be moved by human power.

§ 207-2. Authority of police. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. It shall be the duty of the officers of the Police Department, or such officers as are assigned by the Deputy Police Chief, to enforce all traffic laws of this Town, all of the Maine State motor vehicle laws applicable to street traffic in this Town, and all provisions of this chapter.

B. The Police Department is hereby authorized, empowered and ordered to direct, control, restrict and

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regulate and, when necessary, temporarily divert or exclude the movement of traffic of every kind on any street or highway in the interest of public safety, health or convenience to or meet special needs or emergencies. The Department is also authorized to post STOP or YIELD signs on Town ways wherever they may be deemed essential to promote public safety.

C. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

D. The Deputy Police Chief is authorized to represent the Town of Bucksport in District Court in the prosecution of alleged violations of those ordinances which the Police Department is empowered to enforce, if duly certified in accordance with 25 M.R.S.A. § 2803, Subdivision 3, or successor statute. The Deputy Police Chief may designate any officer under his command, if so certified, to perform this prosecutorial function.

§ 207-3. Animal-drawn vehicles.

Persons riding or driving any animal-drawn vehicle are to obey traffic regulations. Every person riding an animal shall be subject to the provisions of this chapter.

§ 207-4. Exemption for authorized emergency vehicles.

The provisions of this chapter shall not apply to authorized emergency vehicles as defined in this chapter while the driver of such vehicle is operating the same in the necessary performance of his duties. This exemption does not, however, protect the driver of any such vehicle from the consequence of reckless or wanton disregard for the safety of others.

§ 207-5. Approach of emergency vehicles.

Upon the sounding of a siren, bell, or whistle, the driver of any other vehicle shall yield the right-of-way to the emergency vehicle.

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ARTICLE II
One-Way Streets and Turns

§ 207-6. Signs to be placed on one-way streets.

When any street or section of a street has been designated as one-way within the provisions of this chapter, suitable signs giving notice thereof shall be placed and maintained.

§ 207-7. One-way streets designated.

Upon the following streets, or sections thereof, traffic shall move only in the specified direction:

Name of Street	Direction of Travel	Location
Bagley Avenue	Northerly	Between Main Street and the southerly driveway entrance to the Seaboard Federal Credit Union
Franklin Street	Westerly	Between Pine Street and Mill Street

§ 207-8. Turns.

A. No left-hand turns will be allowed:

Intersection
From Hincks Street onto Main Street
From Intersection Franklin Street onto Mill Street

B. Right turn only:

Intersection
From Bridge Street onto Main Street

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ARTICLE III
Town Recreation Areas

§ 207-9. Motorized vehicles prohibited.

No motorized vehicle of any kind may be operated in Town-maintained recreation areas, except in areas designated for motor vehicle use.

§ 207-10. Exceptions.

A. Town-owned vehicles.

B. Vehicles granted permission by the Town.

C. Electric personal assistive mobility devices.

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ARTICLE IV
Miscellaneous Driving Regulations

§ 207-11. Fire hoses.

No vehicle shall be driven over any unprotected fire hose of the Fire Department or Highway Department except with the permission of the police or the Department official in command.

§ 207-12. Sidewalk areas.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway or crossing.

§ 207-13. Backing of vehicles.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with the safety of others.

§ 207-14. Observance of speed limits required.

No vehicle shall be operated on any street or way except in a careful and prudent manner and at a speed not greater than the posted speed limit for the particular area in which the vehicle is being operated.

§ 207-15. Pedestrians in crosswalks.

When traffic control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a marked crosswalk

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ARTICLE V
Parking Regulations

§ 207-16. General parking regulations.

A. No person may park a vehicle in such a manner that will hamper the free flow of traffic.

B. No person may park a vehicle at any time in a manner that will interfere with snowplowing or snow removal on any public street or in any parking lot regulated by this article.

C. No person may park a vehicle overnight on any public street from November 15 to April 15, inclusive, except when conducting professional services or loading or unloading passengers or goods.

D. No person may stop, stand or park a vehicle on any public street so as to be facing oncoming traffic or the travel lane opposite its own direction of travel.

E. No person may stop, stand or park a vehicle so as to occupy more than one designated parking space, except for delivery vehicles making deliveries.

F. No person may stop, stand or park a vehicle in violation of the directions of any official signs or markings that apply to the place where the vehicle is located.

G. No abandoned, unregistered, uninspected, or disabled vehicle may be parked on any public street or in any parking lot regulated by this article.

§ 207-17. Parking regulations for specific places.

A. No person may stop, stand or park a vehicle in any of the following places, except as may be allowed in accordance with § 207-20:

(1) On or over a sidewalk.

(2) Within 10 feet of any entrance.

(3) On or within yellow markings.

(4) Within 15 feet of any crosswalk, except in a marked parking space.

(5) Alongside or opposite a street or highway excavation.

(6) On the roadway side of any vehicle stopped or parked parallel to the curb or ditch.

(7) Upon a bridge.

(8) Within 15 feet of any hydrant.

(9) Upon any place where official signs or markings prohibit stopping or parking.

(10) Within 15 feet of a street intersection unless otherwise marked.

(11) On or straddling a curb.

(12) On a Town-owned public boat launch ramp, except to load or unload watercraft.

B. The driver of a bus or taxicab may not stop, stand or park on any street at any place other than a bus stop or taxicab stand, except that this provision does not prevent the driver of any such vehicle from

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stopping temporarily to load or unload passengers or goods.

C. No person may stop, stand or park a vehicle other than a bus in a bus stop or a taxicab in a taxicab stand when any such stop has been officially designated and marked by property signs, except to temporarily stop therein when such stopping does not interfere with any bus or taxicab waiting or about to enter such zone, and no vehicle stopping therein by virtue of this subsection may be left unattended while so stopped.

§ 207-18. Parking regulations for public streets.

Parking on the following public streets is restricted as described, except as may otherwise be allowed in accordance with § 207-20:

Bagley Avenue

Parking is prohibited on Bagley Avenue between Main Street and Franklin Street

Bridge Street

Parking is prohibited on the odd-numbered (easterly) side of Bridge Street between the driveway serving 63 Bridge Street and Broadway

Parking is prohibited on the even-numbered (westerly) side of Bridge Street between the driveway serving 66 Bridge Street and Broadway

The parking prohibition on Bridge Street does not apply to school buses

BROADWAY

When school is in session, parking is prohibited on Broadway between Central Street and Nicholson Avenue each year from September 1 to June 30, Monday through Friday, 7:00 a.m. to 4:00 p.m., except for temporary parking to load or unload passengers in a designated area on the odd-numbered (southerly) side of Broadway between Pine Street and Bridge Street

Central Street

Parking is prohibited on Central Street between Main Street and Broadway

Elm Street

Parking is prohibited on the odd-numbered (easterly) side of Elm Street between Main Street and Franklin Street

Parking is restricted to two hours from 7:00 a.m. to 5:00 p.m. on the even-numbered (westerly) side of Elm Street between Main Street and Franklin Street

Federal Street

Parking is prohibited on the odd-numbered (easterly) side of Federal Street

Parking is prohibited on the even-numbered (westerly) side of Federal Street between the driveway serving 60 Franklin Street and Franklin Street

Franklin Street

Parking is prohibited on the odd-numbered (northerly) side of Franklin Street between Mill Street and a point 150 feet westerly of Mill Street

Parking is prohibited on the even-numbered (southerly) side of Franklin Street between School Street and Federal Street

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Parking is prohibited on Franklin Street between Federal Street and Central Street

Parking is prohibited on the even-numbered (southerly) side of Franklin Street between Central Street and Elm Street, except for church-related functions

Parking is prohibited on the even-numbered (southerly) side of Franklin Street between Elm Street and Mechanic Street

Parking is prohibited on Franklin Street between Mechanic Street and Second Street

Parking is restricted to two hours from 7:00 a.m. to 5:00 p.m. on Franklin Street between Third Street and Spofford Avenue

Parking is prohibited on Franklin Street between Spofford Avenue and Bagley Avenue

Parking is prohibited on the odd-numbered (northerly) side of Franklin Street between Bagley Avenue and Main Street

Main Street

Parking on Main Street is restricted to striped public parking spaces

Parking is restricted to two hours from 7:00 a.m. to 5:00 p.m. on Main Street in designated areas

Mechanic Street

Parking is prohibited on the odd-numbered (easterly) side of Mechanic Street between Main Street and Franklin Street.

Miles Lane

Parking is prohibited on the even-numbered (westerly) side of Miles Lane between the two entrances serving 28 Miles Lane

Parking is prohibited from 11:00 p.m. to 7:00 a.m. on Miles Lane

Mill Street

Parking is prohibited on Mill Street

Nicholson Avenue

When school is in session, parking is prohibited on Nicholson Avenue from September 1 to June 30, Monday through Friday, 7:00 a.m. to 4:00 p.m.

River Road

Parking is prohibited on River Road between Franklin Street and the entrance to 110 River Road

School Street

Parking is prohibited on School Street on the odd-numbered (easterly) side between Buck Street and Central Street

Parking is prohibited on School Street on the even-numbered (westerly) side between Main Street and Buck Street

Parking is prohibited on School Street between Central Street and Silver Lake Road

US Route 1

Parking is prohibited on US Route 1 on the even-numbered (northerly) side

Parking is prohibited on US Route 1 on the odd-numbered (southerly) side between the Bucksport/ Verona Island municipal boundary line and the easterly property line of 205 US Route 1

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§ 207-19. Parking lot regulations.

Parking in the following public and privately owned parking lots is restricted as described, except as may otherwise be allowed in accordance with § 207-20. Some parking lots listed in this section have no described parking restrictions and are included for identification purposes.

The Alamo parking lot, the upper section of a privately owned parking lot located behind the building at 85 Main Street and accessed on Elm Street; the parking lot is accessible to the public by agreement with the Town

Overnight parking is prohibited

The Bridge Street parking lot, a public parking lot located on the corner of Broadway and Bridge Street, and accessed on Bridge Street

The Buck Cemetery parking lot, a public parking lot located at the intersection of Hinks Street and US Route 1, next to the Buck Cemetery

Overnight parking is prohibited

Parking is restricted to two hours from 7:00 a.m. to 5:00 p.m.

The Buck Library parking lot, a private parking lot located behind the Buck Memorial Library and accessed on School Street; the parking lot is accessible to the public by agreement with the Town

The Catholic Church parking lot, a private parking lot located between 57 Franklin Street and 63 Franklin Street, and accessed on Franklin Street; the parking lot is accessible to the public by agreement with the Town

The Central Street parking lot, a public parking lot located behind the building at 63 Main Street and accessed on Central Street

Overnight parking from November 15 to April 15 is restricted to the westerly side of the lot on even-numbered days, and the easterly side of the lot on odd-numbered days

The Colby Wharf parking lot, a public parking lot located to the left of the building at 132 Main Street

Overnight parking is prohibited

The Ferry Landing parking lot, a public parking lot located between 104 Main Street and 108 Main Street

Overnight parking from November 15 to April 15 is restricted to the easterly side of the lot on even-numbered days, and the westerly side of the lot on odd-numbered days

The Franklin Street parking lot, a portion of which is a public parking lot, and a portion of which is a privately owned parking lot accessible to the public by agreement with the Town; the parking lot is accessed on Elm Street and Franklin Street

The Ian's Playground parking lot, a public parking lot located on the corner of Elm Street and Summer Street, and accessed on Elm Street

The Jacob Buck Pond Boat Launch parking lot, a state-owned public parking lot serving the public boat launch at Jacob Buck Pond; the parking lot is accessed from Barbour Drive or Eagle Lane

The Main Street parking lot, a public parking lot located next to the building at 6 Mechanic Street and accessed on Main Street

Overnight parking is prohibited

The Marina parking lot, a public parking lot located at 88 Main Street

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The Marina parking lot shall be reserved for patrons of the Bucksport Marina from June 1 to September 30 of each year, with the exception of four spaces which shall be clearly marked in the parking lot which shall also be available for the general public, one of which shall be for handicapped parking; the remainder of the year, the parking lot is open for use by the general public

The Masonic Lodge parking lot, a privately owned parking lot located on the corner of Franklin Street and Elm Street, in front of the building at 83 Franklin Street; the parking lot is accessible to the public by agreement with the Town

Overnight parking is prohibited, except for public safety personnel

The Museum parking lot, a public parking lot located at 92 Main Street, and accessed from the entrance to the Town dock at 94 Main Street

The Peary's Landing parking lot, a public parking lot located behind 12 Main Street

Overnight parking is prohibited

The Skating Rink parking lot, a public parking lot located at 29 Miles Lane

The Pharmacy parking lot, a privately owned parking lot located next to the building at 75 Main Street; the parking lot is accessible to the public by agreement with the Town

Overnight parking is prohibited, except on the easterly side of the parking lot where overnight parking is allowed for apartment tenants at 73 Main Street

Parking next to the building at 75 Main Street is restricted to two hours from 7:00 a.m. to 5:00 p.m.

The Reggie Ginn Field parking lot, a public parking lot on Spofford Avenue

The Silver Lake Boat Launch parking lot, a public parking lot on Silver Lake Road, serving the public boat launch at Silver Lake

The Silver Lake Canoe and Kayak Launch parking lot, a public parking lot on Silver Lake Road, serving the canoe and kayak launch at Silver Lake

Parking is reserved for the use of canoeists and kayakers while recreating on Silver Lake

Parking in the lower section of the parking lot is limited to the loading and unloading of equipment and passengers, and handicapped parking

The Town dock parking lot, a public parking lot located at 94 Main Street

Overnight parking is prohibited

The Town office parking lots, public parking lots, including the public parking lot fronting on Main Street next to the Town office at 50 Main Street, and the public parking lot next to the Town office that is accessed by an entrance between 60 Main Street and 64 Main Street

Overnight parking is prohibited, except in designated areas

§ 207-20. Observance of regulations required, exceptions.

A. No person may stop, stand or park a vehicle in violation of any provision of Article V, unless a violation occurs incidentally as a result of complying with the direction of a public safety official or construction site flagger, as a result of complying with motor vehicle laws, or as a result of unsafe driving conditions.

B. The Police Department is authorized to enforce temporary parking regulations that may conflict with the regulations in Article V, when such temporary regulations are deemed necessary to address a

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short-term increased demand for public parking, or when deemed necessary for public safety purposes.

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ARTICLE VI
Regulation of Pedal Vehicles and Toy Vehicles

§ 207-21. Applicability to pedal vehicles.

A. Every person operating a pedal vehicle upon a Town way shall be subject to the provisions of the statutes of the State of Maine and the provisions of this chapter applicable to the driver of a vehicle.

B. Any person operating a pedal vehicle shall obey all traffic signals and signs applicable to vehicles unless otherwise directed by an officer.

C. A person operating a pedal vehicle shall not ride other than upon or astride the regular seat attached thereto nor carry any other person or persons upon such pedal vehicle other than upon a regular seat which is firmly attached thereon.

§ 207-22. Operation of pedal vehicles.

A. No person shall ride or propel a pedal vehicle on any sidewalk on Main Street, between School Street and McDonald Street. No person shall ride or propel a pedal vehicle on any portion of the Town's riverfront walkway. No person shall ride or propel a pedal vehicle on any sidewalk except in a prudent manner and at a reasonable rate of speed, yielding the right-of-way to pedestrians and giving audible signal of approach.

B. Persons operating pedal vehicles upon a roadway shall not ride abreast but shall ride in single file.

C. An on-duty law enforcement officer may operate a pedal vehicle on any public property without restriction.

§ 207-23. Lamps, reflectors, signal devices and brakes.

A. No person shall operate, drive or ride a pedal vehicle in the Town of Bucksport between the hours of one-half hour after sunset and one-half hour before sunrise without a light on the front of said pedal vehicle capable of being observed at a reasonable distance from said pedal vehicle, and also a red reflector or taillight on the rear thereof capable of being observed at a reasonable distance.

B. No person shall operate a pedal vehicle unless it is equipped with a bell or other device capable of giving audible signal that can be heard for a distance of at least 100 feet.

C. Every pedal vehicle shall be equipped with a brake which shall enable the operator to make the braked wheel skid on dry pavement.

§ 207-24. Operation of toy vehicles.

No person shall operate a skateboard, scooter, roller skates or in-line skates on any portion of the Town's waterfront walkway.

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ARTICLE VII
Miscellaneous Safety Regulations

§ 207-25. Discharge of firearms.

The discharge of firearms is prohibited within the following boundaries:

A. Beginning at a point on the North shore of the Easterly branch of the Penobscot River, such point being where the Bucksport/Orland Town line intersects with the Penobscot River, then in a Northeasterly direction along the Town line to a point on the Westerly side of Route 46 where it intercepts with Central Maine Power Company's right-of-way, then along the right-of-way in a southwesterly direction to a point along the right-of-way where it intersects the northeasterly corner of land owned by Penobscot Nursing Home and referred to as "Lot 37 of Map 2" on the Bucksport Tax Maps, then in a northwesterly direction along the easterly line of Lot 37 to a point where it intercepts with "Donavan Road," so-called, thence continuing in a southwesterly directions along the northerly side of the Donavan Road and Race Course Road rights-of-way to Central Street.

B. Beginning at a point on the westerly side of Central Street at the intersection of Central Street and Race Course Road thence extending along the westerly side of Central Street right-of-way in a southwesterly direction to a gravel road located on lot of land owned by International Paper and referred to as "Lot 5 of Map 2" of the Bucksport Tax Maps, thence following the road in a northeasterly direction to a point on the South shore of Silver Lake, thence following the southerly shore to a point where it intercepts with the easterly side of Silver Lake Road.

C. Beginning at a point on the westerly side of the Silver Lake Road such point being where the Silver Lake Road right-of-way intercepts with Central Maine Power's right-of-way and extending along the southerly side of the right-of-way in a westerly direction to a Central Maine Power Company right-of way which runs generally in a north-south direction, thence following the easterly side of such right-of-way in a southwesterly direction to the Penobscot River, thence following the North shore of the Penobscot River in a northeasterly direction to the Bucksport/Orland town line.

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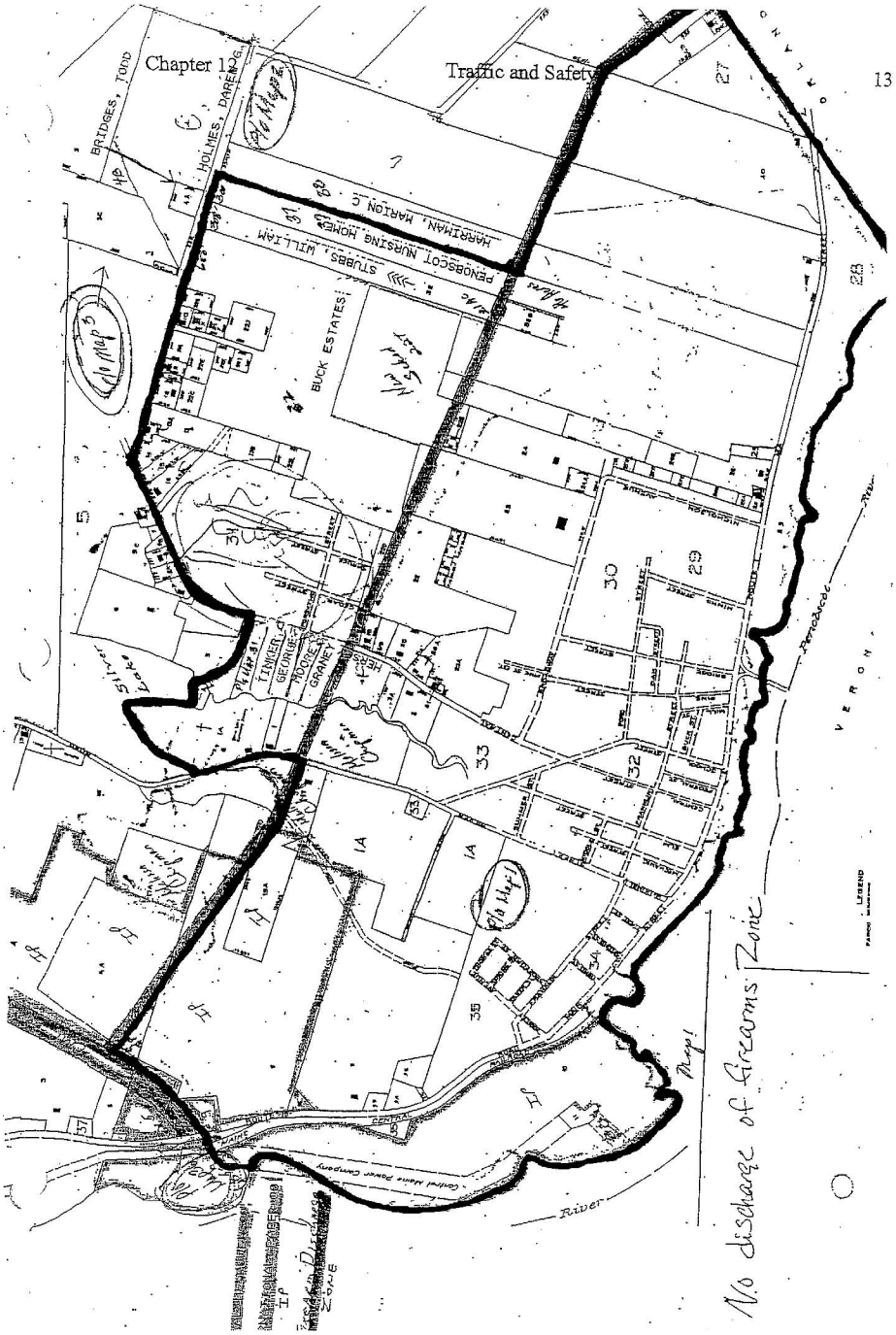

§ 207-26. Exceptions.

School and/or organization sponsored contests or instructional programs involving the discharge of air-powered weapons shall be exempt from the provisions of § 207-25.

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§ 207-27. Recreation in right-of-way.

No person shall use any public right-of-way or portion thereof for the purpose of as play area or to locate any play or recreation equipment.

§ 207-28. Discharge of fireworks.

The discharge or display of any consumer fireworks or any other fireworks in the Town of Bucksport is prohibited, except for any such fireworks that may be included in a fireworks display permitted by the State of Maine pursuant to 8 M.R.S.A. § 227-A, and except for the following devices which may be used without any permit or approval:

A. Toy pistols, toy canes, toy guns, or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion.

B. Toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture.

C. Sparklers that do not contain magnesium chlorates or perchlorates.

D. Signal, antique, or replica cannons if no projectile is fired.

§ 207-29. Selling of fireworks.

The sale, or offer for sale, of consumer fireworks in the Town of Bucksport is prohibited.

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ARTICLE VIII
Enforcement

§ 207-30. Violations and penalties.

A. Persons found to be in violation of any provisions of this chapter, except any provision of § 207-28 or 207-29, shall be subject to a fine of not less than $25 nor more than $50.

B. The municipal officers may by resolution establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within stated periods of time, except that such court action may not be waived in any case where the municipal officers consider the offense to be of a repetitious or aggravated nature.

C. Persons found to be in violation of any provision of § 207-28 or 207-29 shall be subject to a fine of not less than $50 and not more than $500, plus court costs for any one offense.

§ 207-31. Impoundment of vehicles.

Members of the Police Department and Highway Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety under circumstances hereinafter enumerated, at the expense and risk of the owner of such vehicle:

A. Any vehicle left unattended upon any bridge when such vehicle constitutes an obstruction to traffic.

B. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are, by reason of physical disability, incapacitated to such an extent as to be unable to provide for its custody or removal.

C. When any vehicle is left unattended upon a street or highway and is parked so as to constitute a violation of this chapter or constitute a definite hazard or obstruction to the normal movement of traffic.

§ 207-32. Additional penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The specified fines will be charged for the following violations:

A. Winter parking ban (snow removal): $25.

B. Parked facing traffic: $25.

C. Handicapped parking space: $50.

D. All other parking violations: $25.

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BUCKSPORT CODE

Chapter 216

WASTE DISPOSAL FACILITIES

[HISTORY: Adopted by the Town Council of the Town of Bucksport effective 7-13-2023 (Appendix Q of the 1978 Town Code). Amendments noted where applicable.]

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§ 216-1. Purpose.

A. To provide the Town of Bucksport with a means of overseeing the activities of waste disposal facilities to ensure that they comply with regulations the Town deems essential to protect the health, safety, and welfare of its residents, pursuant to 30-A M.R.S.A. § 3001 and 38 M.R.S.A. § 1310-U.

B. To protect air, surface and groundwater and land resources of Bucksport from contaminants which can reasonably be expected to accompany the activities of waste disposal facilities and thereby to preserve the quantity and quality of these resources for present and future use.

§ 216-2. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

DISPOSAL — The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste in or on any land or water, except for subsurface wastewater disposal systems regulated under the State of Maine Subsurface Wastewater Disposal Rules.

HAZARDOUS WASTE — As defined in 38 M.R.S.A. § 1303-C, Subdivision 15, means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. § 1319-O. It does not include waste resulting from normal household or agricultural activities.

LIQUID WASTE — Any waste that is determined to contain free liquids according to the Paint Filter Liquids Test (Method 9095 of EPA SW-846, 3rd Edition).

LIQUID WASTE LAGOON — A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, which is designed to hold an accumulation of liquid wastes, special wastes, or wastes containing free liquids.

SOLID WASTE — Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse. The term shall not include septic tank sludge, agricultural wastes, hazardous waste or biomedical waste.

SOLID WASTE DISPOSAL FACILITY — Any land area, structure, location, equipment or combination thereof used for the incineration or landfilling of solid waste or refuse derived fuel.

SPECIAL WASTE — Any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten public health, human safety or the environment and requires special handling, transportation and disposal procedures. Such waste shall include, but not be limited to, those wastes set forth in 38 M.R.S.A. § 1303-C, Subdivison 34.

B. Undefined terms. Any undefined term used in this chapter shall be given the definition used by the State of Maine in any statutes or regulations applicable to solid waste disposal facilities. Absent any such definition, terms not defined shall have their customary dictionary definition.

§ 216-3. Licensing.

A. No person, firm, or corporation shall locate, establish, construct, expand disposal capacity of or operate any solid waste disposal facility within the Town of Bucksport without obtaining a license from the Town. Therefore, the disposal of any solid waste, liquid waste, hazardous waste, or special

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waste (hereafter referred to as "waste") is strictly prohibited within the Town except at the site of a solid waste disposal facility which has secured all necessary state and local licenses and/or permits.

B. Said license shall not be transferable without the prior written approval of the Town Council (hereafter "Council"), where the purpose and consequence of the transfer is to transfer any of the obligations of the developer as incorporated in the license. Such approval shall be granted only if the applicant or transferee demonstrates to the Council that the transferee has the technical capacity and financial ability to comply with conditions of the license and with all proposals, plans, and supporting documents contained in the application for license.

C. The license shall be posted on the premises.

D. A license issued pursuant to this chapter remains in effect unless modified, or unless revoked or suspended pursuant to § 216-11 of this chapter.

E. The Council may impose any requirement as a license condition to assure compliance with this chapter.

§ 216-4. Applications. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The applicant shall have the burden of proof to demonstrate that the facility will be in full compliance with the requirements of this chapter.

B. License application submission.

(1) An application for a license to locate, establish, or construct a new solid waste disposal facility or to expand the disposal capacity of an existing, duly licensed, solid waste disposal facility shall be submitted to the Council, including the following information:

(a) The name and address of the applicant.

(b) A complete copy of the application(s) and supporting documentation submitted to the Maine Department of Environmental Protection under the requirements of DEP's Solid Waste Management Rules (06-096 CMR Ch. 400 et seq.), and any amendments thereto or substitutions therefore. This copy shall include all submissions required under Chapters 400 to 409 of the Solid Waste Management Rules.

(c) Copies of any other applications for state or federal permits required for the proposed new or expanded facility, and a report on the status of any such applications. A copy of all federal or state permits issued for the facility shall also be provided to the Council.

(d) If not included in § 216-4B(1)(b), a description of methods to control leachate generation and movement.

(e) Although in order to obtain approval, design plans for the facility must ensure that off-site wells and groundwater are not impacted, in order to address unforeseen system failures, as part of the application, plans shall be made for an alternate water supply to replace private wells which could be affected by the solid waste disposal facility, including proof of the availability of an alternate source of supply, and estimates of the cost to develop this alternate source of supply (as outlined in § 216-8B).

(f) General characterization of wastes proposed for disposal; estimate of the proportions of

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different types of waste proposed for disposal; compatibility of different wastes with each other; compatibility of wastes with the liner. Due to the proximity to the Penobscot River and surrounding residential neighborhood, all waste disposal cells shall have an engineered liner system.

(g) For good cause shown, the Council may, in its sole discretion, waive any or all of the submittal requirements of this chapter, or accept other documentation in lieu thereof.

(2) The Council shall, within 30 days of the first regular Council meeting following the receipt of a license application, notify the applicant whether the application is complete. This time period may be extended by the Council for up to an additional 21 days if it is still waiting for a report from its consultant or the Landfill Oversight Committee. If the application is determined to be incomplete, the Council shall notify the applicant, in writing, of the specific information necessary to complete it. In reviewing applications determined to be complete, the Council may require additional relevant information which is necessary to determine whether the proposed facility fulfills the purpose of this chapter and its specific standards of review as listed in §§ 216-5 and 216-6.

C. An application for a license to locate, establish or construct a new solid waste disposal facility, or for a license to expand disposal capacity (area or volume) of an existing facility beyond that duly licensed by the State of Maine as of the effective date of this chapter, shall be accompanied by a fee paid in accordance with the Town of Bucksport Schedule of Fees. Such fee shall be deposited in a special account designated for that application, to be used by the Council for hiring independent engineering, geological, planning, legal or other consulting services necessary to review the proposal. If the balance in this special account is drawn down to $10,000, the Council shall notify the applicant and the applicant shall deposit with the Town an additional fee in accordance with the Town of Bucksport Schedule of Fees. The Council shall continue to notify the applicant and the applicant shall deposit an additional fee in accordance with the Town of Bucksport Schedule of Fees with the Town whenever the balance is drawn down to $10,000. If the applicant fails to deposit the required amounts with the Town in a timely fashion, the Council may suspend its review of the application until such time as the amounts are deposited. Town shall notify the applicant, in writing, of any such suspension of review. The unexpended balance in the account shall be returned to the applicant after a final decision on the application is rendered. If the Council and the applicant mutually agree upon the qualifications and acceptability of all technical experts employed in the design and construction of the facility, the Council may waive all or part of this requirement, provided the public health, safety, and welfare are protected and the purposes of these regulations are met.

§ 216-5. Standards and requirements.

A. Setbacks.

(1) Standards.

(a) The solid waste handling area of the landfill shall meet the following setbacks:

[1] Three hundred feet to an adjoining property line or public street;

[2] Two hundred fifty feet from a brook or stream; and

[3] Seventy-five feet from a freshwater wetlands greater than one acre.

(b) The setback standard shall not apply to electrical transmission lines, railroad tracks or

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underground pipelines, whether these are held in fee or easement. However, activities in close proximity to these facilities shall not have an adverse impact on the ability to use and maintain these facilities.

(c) The Council may reduce the required setbacks under Subsection A(1)(a)[1] for solid waste handling areas where the applicant has demonstrated no other alternative exists and the existing or proposed setback will allow for an effective buffer by virtue of the limited height, mass, and visibility to the abutters or general public of the proposed expansion. In no instance shall the setback be less than 100 feet in width.

(d) The Council may reduce the required setbacks for wetlands greater than one acre where the applicant has demonstrated no other alternative exists and the proposed design will effectively mitigate any adverse impact on the wetlands and their related habitat by virtue of the proposed gradient, surface water runoff flow, and existing and/or proposed vegetation or other methods. In no instance shall the setback be less than 25 feet.

(2) Submissions. Recent aerial photos taken of the site within the last year. Aerial photos shall provide complete stereo coverage within a minimum of 1,000 feet of the property boundary of the proposed landfill facility. The scale of the photographs shall be one inch equal to or less than 500 feet. The proposed solid waste boundary and the property boundary shall be clearly outlined on one photo. Required setback distances shall be included in appropriate site plan drawings.

B. Buffers.

(1) Standards. Vegetated buffers for the landfill shall meet the following standards, at a minimum:

(a) All buffers, whether existing, planted or constructed, shall be reviewed by a licensed landscape architect to ensure they meet the intended purpose, both immediately as well as over the long term.

(b) From all adjacent properties and public street(s): Provide a 200-foot buffer of natural vegetation consisting of predominantly native trees that will attain a mature height of at least 60 feet. At least 50% of the buffer vegetation shall be evergreen trees which will provide year-round screening. Cleared openings in the buffer area to accommodate access, accessory structures, and other elements shall be kept to a minimum. Where existing vegetation does not exist or does not meet the standards above, a planting plan must be submitted to provide a buffer not less than 10 feet in height at the time of planting, to a width of 100 feet, provided that in no event shall said buffer be less than 50 feet if such location is reasonably necessary to serve the landfill, and provided the applicant demonstrates that the buffer will provide adequate screening despite the location of the roadway. The foregoing buffer requirements shall not apply to adjacent properties that are used for railroad purposes; provided, however, that the landfill shall be screened from public streets to the greatest extent practicable, using a combination of vegetation, fences, berms, and other screening devices.

(c) From brooks and streams: Provide a 100-foot buffer of natural vegetation consisting of predominantly native trees and shrubs. Where existing vegetation does not exist, an appropriate planting plan shall be submitted to provide for improvement in stormwater quantity as well as wildlife habitat. Disturbance of stream banks is to be avoided.

(2) Submissions.

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(a) A plan of the site which identifies the various elements which require buffers and indicates the location and quality of the existing buffers. Where existing vegetation does not meet the standards above, a planting plan shall be submitted to provide buffers that meet the standards. This plan shall detail the species type, size, designations of number of units and proposed locations.

(b) A narrative by a landscape architect, or similarly qualified professional, describing the existing vegetation. The description shall include growth rates, physical characteristics, and ability to provide the required buffer. Where additional plantings are required, the narrative shall detail how the proposed plantings will meet the intended buffer purpose, anticipated growth rates, and other relevant details.

C. Site analysis. The applicant must provide a predevelopment site analysis which describes the natural characteristics of the site to be developed and its surroundings. The analysis shall be prepared by professionals qualified in the respective field of evaluation. The analysis, covering the following areas, will highlight the elements of the proposed site and vicinity which are conducive to the proposed project, as well as those which are limitations that will require special consideration in the development of the project. The analysis must describe how the design will compensate for the described limitations. The analysis should include adjacent features within at least 1/2 mile from the project site.

D. Effect on existing uses and scenic character.

(1) Standards. The facility may not unreasonable adversely affect existing uses and scenic character. Specifically, the facility may not:

(a) Present a bird hazard to aircraft;

(b) Have an unreasonable adverse effect on the preservation of historical sites;

(c) Unreasonably interfere with views from established public viewing areas;

(d) Generate excessive noise at the property boundary or at any protected location; or

(e) Unreasonably adversely affect existing uses of property neighboring the proposed solid waste facility.

(2) Submissions.

(a) An analysis of the visual impact of the proposed project on the vicinity. This analysis shall include presentation of site layout, operations methodology and sequencing options considered during the design process.

(b) The analysis shall include presentation of vistas and views to illustrate the analysis.

(c) A description of the existing condition of the site and the vicinity around it, covering the area within 1,000 feet of the property boundary. This description shall include, at a minimum, terrain, vegetation, habitations, existing land uses, and natural resources.

E. Geology.

(1) Standards.

(a) The site selected for the project must have suitable geological, geotechnical and

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groundwater and surface water characteristics, and the applicant must assess the potential impacts of the project and show that the engineering of the project will appropriately protect the site and compensate for any limiting existing conditions.

(b) The facility site and design must provide adequate stability, both static and seismic, and account for settlement.

(2) Submissions.

(a) A summary of the geological, groundwater and surface water, and geotechnical investigations conducted for the MDEP application. The discussion should describe the investigations conducted and the conclusions, including the limitations they present for the project, and the engineering proposed to overcome these limitations.

(b) A summary of the time of travel calculations required by the MDEP application.

(c) Cross sections of the landfill and the leachate collection and leak detection system showing the most critical areas for each of the following: bedrock, groundwater (both seasonal high and low conditions), and overburden soils.

(d) A summary of the stability and settlement assessments, and a description of the key elements of the stability and settlement monitoring plan. This summary must clearly indicate how the monitoring will be accomplished and by whom, and how results will be analyzed, presented and mitigated. In particular, the plan must demonstrate how the Town of Bucksport will be made aware when settlement and/or stability issues arise, and how it will be made aware of the proposed mitigations.

F. Natural environment.

(1) Standards. The facility development and operations may not unreasonably adversely affect protected natural resources and rare, threatened or endangered plant and animal species or habitats in the vicinity of the facility.

(2) Submissions.

(a) A narrative by qualified professionals, describing wildlife habitat in the development area, including nesting, foraging, and feeding areas. Wildlife habitats in wetlands and streams should be included. Mitigation for any adverse impact on those habitats should be specifically described.

(b) The narrative should also include descriptions of the flora and fauna of the existing site and the potential for and nature of impact by the proposed project. The assessment must determine if any rare, threatened or endangered species or habitats will be impacted or are threatened by the project.

G. Traffic.

(1) Standards.

(a) The applicant must demonstrate that the traffic generated and impacted by the facility, both on- and off-site, will be safe and uncongested.

(b) Haul routes must be on roads that can accommodate the number, weight, and types of vehicles proposed to use them.

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(c) On-site roads must provide safe and clearly defined traffic circulation.

(d) Facility entrances and exits must have safe sight distances and provisions for safe turning.

(e) Analyses must include traffic from both regular operations and construction activity.

(2) Submissions.

(a) A map clearly indicating the anticipated major haul routes both to and from the facility by vehicles serving or using the facility, as well as a description of the characteristics of each road, including dimensions, condition, existing usage, weight limits and restrictions.

(b) Any sections of roads or intersections on these routes that are congested locations, not rated to handle the weights or types of vehicles anticipated, or are high-accident areas (based on MDOT inventory and analysis over the most recent three-year period) must be identified on the map and in the description. Actions to mitigate potential problems posed by these restrictions should be discussed.

(c) A description of the traffic to be generated by the facility, including an estimate of the number, type, weight and schedule (i.e., distribution and time of day) of all vehicles. This discussion should include the same data for existing uses of the facility and should compare existing and proposed conditions.

(d) Evidence must be provided that sight distances at the facility's proposed (and existing) entrances and exits are safe. This can include a description of the sight distances and a copy of the DOT entrance permit if applicable, or certification by a qualified professional. This review must be in conformance with Transportation and Land Development ITE, 1988, A Policy on Geometric Design of Highways and Streets (AASHTO, 1990), and the Highway Design Guide (Maine Department of Transportation, 1990).

(e) If a full traffic study is required for the project by MDEP, a copy of the study must be submitted, as well as an explanation for the issue which necessitated the full study.

H. If alternative haul routes are utilized more than occasionally (once per month), these additional routes must be submitted for review and approval by the Town (public safety, fire and security).

(1) Standards.

(a) The proposed landfill shall provide for adequate prevention of fire and unauthorized access.

(b) The proposed facility shall provide an adequate plan (equipment, methodologies, and personnel) to deal with accidental fire or arson as well as unauthorized entry and disposal of unauthorized materials.

(2) Submissions.

(a) The applicant must submit a fire safety plan that evaluates the potential ignition sources, their relative hazard potential, and the on-site means of controlling a fire. The plan should discuss the availability of on-site equipment, water supply, and warning systems, as well as the planned coordination with the local Fire Department. The applicant must obtain and submit a letter from the Public Safety Director that the proposed fire safety plan is acceptable to the Department. Existing landfills shall provide a fire suppression system utilizing the public water supply consistent with the fire suppression system that existed at

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the time of the closure of the VERSO mill, including, but not limited to, fire hydrants and water lines that run to the actual landfill location.

(b) The applicant shall provide provisions for on-site security adequate to prevent unauthorized access to the facility. This plan may include gatehouse personnel, fencing, security patrols, alarm systems and limited vehicle access points.

I. Nuisance control. The proposed solid waste disposal facility shall not create a nuisance to properties in the immediate area by way of noise, dust, litter, or odors.

(1) Noise.

(a) Standards.

[1] Sound level limits. The following hourly sound levels from routine operation of a solid waste disposal facility must be less than or equal to:

[a] Seventy-five dBA for daytime and nighttime hours at the facility property boundary;

[b] Sixty dBA for daytime hours and 50 dBA for nighttime hours at any protected location in an area for which the zoning or, if unzoned, the existing use or use contemplated under a Comprehensive Plan is not predominantly commercial or industrial; or

[c] Seventy dBA for daytime hours and 60 dBA for nighttime hours in an area for which the zoning or, if unzoned, the existing use or use contemplated under a Comprehensive Plan is predominantly commercial or industrial.

[2] Alternative levels. If the applicant chooses to demonstrate by measurement that the daytime or nighttime predevelopment ambient sound environment at any protected location exceeds the daytime or nighttime limits above by at least five dBA, then the daytime or nighttime limits are five dBA more than the measured daytime or nighttime predevelopment ambient hourly sound level at the location of the measurement for the corresponding time period.

[3] Existing facilities. For any protected location near an existing solid waste disposal facility, the hourly sound level limit for routine operation of the existing facility and all future expansions of that facility is the hourly sound level written above or, at the applicant's election, the existing hourly sound level from routine operation of the facility before any expansions, plus three dBA.

[4] All equipment used in the construction of and maintenance activities at the solid waste facility must comply with applicable local and federal noise regulations and include environmental noise control devices in proper working condition and maintained as originally provided with the equipment by its manufacturer.

[5] Sounds associated with the following are exempt from the sound level limits of this subsection:

[a] Routine engine sounds from registered and inspected motor vehicles:

[i] While operating on public ways; or

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[ii] That enter the facility to make a delivery or pickup and that are moving, starting or stopping, but not when they are parked with the engine running for over 60 minutes in the facility.

[b] The unamplified human voice and other sounds of natural origin.

[c] Emergency maintenance and repairs.

[d] Facility and vehicle warning signals and alarms so long as used in appropriate circumstances.

[e] Safety and protective devices installed in accordance with the devices' installation instructions.

[f] Boiler start-up, testing and maintenance operations occurring no more frequently than once per month.

[g] Major concrete pours that must extend after 7:00 p.m., when started before 3:00 p.m.

[h] Test operations of emergency equipment occurring in the daytime and no more frequently than once per week.

[i] Snow removal, landscaping and street-sweeping activities.

[j] Sound from a regulated development received at a protected location when the generator of the sound has been conveyed a noise easement for that location. This exemption shall only be for the specific noise, land and term covered by the easement.

[6] For the purposes hereof, "protected locations" shall only include those for which the hourly sound levels from the facility will be greater than 45 dBA.

(b) Submissions.

[1] Sufficient evidence, including but not limited to the submissions below, which demonstrates that the proposed facility will not exceed the specified noise standard.

[2] A narrative description, with associated plans, of all noise-generating activities on the site both during construction and during routine operations, including description of the source, frequency, duration, and hours of occurrence. The magnitude of these noise sources should be described at the source, at the property line and at any protected location.

[3] A description of all mechanisms used to mitigate the noise generated by these sources, and an analysis of the effect of each mechanism, and all mechanisms combined, on the noise level generation at the source, at the property line and at any protected location. These mechanisms may include, but are not limited to, physical barriers, additional setbacks, vegetative buffers, limitations on operational hours of certain equipment and deliveries.

(2) Odor.

(a) Standards.

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[1] The facility must control nuisance odors.

[2] Proposed controls will be included in the operations manual, as appropriate.

[3] The response plan {see Subsection I(2)(b)[6] below} shall be included in the operations manual and shall require the elimination or reduction to an acceptable level of nuisance odors at the property line within 48 hours of receipt of the complaint.

(b) Submissions.

[1] The applicant shall evaluate all potential odor sources and shall provide an effective means of reducing the off-site impact of odors generated.

[2] The information provided shall include a list of potential landfill materials which have been known to produce offensive odors and the methodologies used to eliminate the odors.

[3] The identification of any possible sources of nuisance odors at the facility, including frequency and duration of the presence of these sources.

[4] An estimation of the area affected by the odor, based on experience in dealing with the material or process that is the source of the odor.

[5] Proposed systems to control, reduce, or eliminate odors. ASTM E 679-79 can be used for guidance for control of nuisance odors. The effectiveness of these methodologies should be discussed based on experience. These methods may include prohibitions on accepting certain materials or seasonal limits.

[6] Response plan for handling complaints about nuisance odors.

(3) Lighting.

(a) Standards.

[1] Lighting at the facility shall not unreasonably alter the lighting conditions in the vicinity of the facility.

[2] Proposed lighting shall be the minimum necessary to illuminate only those areas which would be adversely impacted without such illumination. Hours of lighting operation shall be minimized and all fixtures shall be shielded to allow lighting to be directed toward the desired targets and away from the surrounding properties or the sky.

[3] Light levels at the property lines shall not exceed 0.5 footcandle.

(b) Submissions. Location, bulb type, wattage, luminaire type, hours of operation and lighting diagrams for each proposed fixture in footcandles. The cumulative effect of all on-site fixtures (existing and proposed) should be analyzed and discussed as well.

(4) Litter, debris and dust.

(a) Standards.

[1] The facility operations will not create litter, debris or dust on the public roads or on

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the properties in the vicinity of the proposed facility.

[2] Proposed controls will be included in the operations manual, as appropriate.

[3] The response plan {see Subsection I(4)(b)[4] below} will be included in the operations manual and will require cleanup or control action within 24 hours of receipt of the complaint.

(b) Submissions.

[1] The identification of any possible sources of litter, dust and debris at the facility.

[2] Proposed specific systems to control, reduce, or eliminate litter, debris and dust. These must control litter blowing from vehicles or from the facility, debris tracked by vehicles into or out of the facility and dust generated anywhere on the site or by vehicles associated with the site, both during construction and during regular site operations.

[3] Provisions for prompt cleanup of accidental spills and stray cargo.

[4] Response plan for handling complaints about litter, debris and dust.

J. Design standards.

(1) General standards.

(a) Standards.

[1] The height of the landfill, inclusive of final closure systems, shall not exceed 230 feet in elevation, based on United States Geological Survey National Geodetic Vertical Datum of 1929.

[2] Expansions outside existing disturbed areas shall utilize appropriate grades to transition from existing landforms to man-made landforms.

[3] The working area of the landfill shall utilize the smallest possible working face.

(b) Submissions.

[1] An analysis of the visual impact of the proposed project on the vicinity. This analysis shall include presentation of site layout, operations methodology and sequencing options considered during the design process, and a discussion of how the proposed design minimizes the visual impact to the maximum extent possible.

[2] The analysis shall include presentation of vistas and views to illustrate the analysis.

[3] A description of the existing condition of the site and the vicinity around it, covering the area within 1,000 feet of the property boundary. This description shall include, at a minimum, terrain, vegetation, habitations, land use, development patterns, transportation systems, natural resources, character, etc.

(2) Leachate management and groundwater protection.

(a) Standards.

[1] Landfills may not contaminate groundwater beyond the solid waste boundary.

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[2] Contamination control requirements and options.

[a] Time of travel to sensitive receptors must be greater than six years as demonstrated by the time of travel calculations required for the MDEP application. Contaminant releases from the area within the solid waste boundary must not pose an unreasonable threat to sensitive receptors.

[b] As an alternative, the applicant may propose, and the Town Council may consider at its sole discretion, utilization of the Improvement Allowance System set forth in Chapter 401 of MDEP's Solid Waste Management Rules; subject, however, to the following requirements:

[i] The applicant shall identify potential sensitive receptors using travel times calculated for the existing site conditions.

[ii] The total number of offsets under the system shall not exceed three.

[iii] The allowable offsets shall be subtracted from the six-year criteria set forth in Subsection J(2)(a)[2][a] above to determine the travel time to sensitive receptors that must be provided by site conditions and imported soil.

[iv] Additional soil may be imported onto the site to augment the existing site travel times, as long as one or more of the improvement allowances set forth in the rules are utilized.

[3] Liner systems.

[a] The liner, leachate collection and leak detection systems must meet the design standards in Chapter 401 of MDEP's Solid Waste Management Rules. Due to the proximity to the Penobscot River and surrounding residential neighborhood, all waste disposal cells shall have an engineered liner system.

[b] The applicant may propose, and the Town Council may consider in its sole discretion, alternatives to the minimum design standards; provided, however, that the applicant shall submit to the Town the documentation required by said MDEP rules for consideration of alternatives to the minimum design standards, which documentation must demonstrate the verified and tested scientific/ engineering technical equivalency of the proposed alternative.

[4] Secondary treatment shall be required for any leachate prior to discharge to the Penobscot River.

(b) Submissions.

[1] If not included in the submissions required under § 216-4, the application must show the following elements of the site design:

[a] Leachate collection system.

[b] Containment ponds.

[c] Storage tanks.

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[d] Connection to public sewer system, if applicable, or connection to an on-site secondary treatment facility.

[e] Cross sections (sufficient to illustrate landfill design and phase development).

[2] The following site grading plans must be submitted:

[a] Existing topography.

[b] Proposed stages or phases.

[c] Final conditions.

[3] Details of the following must also be provided:

[a] Liners. Due to the proximity to the Penobscot River and surrounding residential neighborhood, all waste disposal cells shall have an engineered liner system.

[b] Cover materials.

[4] A detailed description of the each component of the base, liner, leachate collection and leak detection systems, including the specifications proposed for the materials and their installation.

[a] A detailed discussion of how the proposed design meets or exceeds the standards in Chapter 401 of the MDEP Solid Waste Management Rules.

[b] A summary discussion of the leachate management system, including leachate generation rate estimates, conveyance and storage system design and capacity, leachate quality estimates and resultant limitations on disposal options, and contingency plans for significant failure modes (which can result in the direct discharge of leachate to the environment).

[c] The leachate management plan submitted under Chapter 401 of the MDEP Solid Waste Management Rules.

[d] A summary of the contaminant transport analysis required under Chapter 401 of the MDEP Solid Waste Management Rules.

(3) Stormwater management.

(a) Standards.

[1] The proposed landfill will not increase stormwater runoff rates or create adverse stormwater impacts down stream from the proposed project.

[2] The stormwater plan shall be designed so that there will be no increase in the peak flow in the post-development condition during any storm, up to and including the twenty-five-year, twenty-four-hour storm.

[3] The development may not cause or increase the extent, frequency, or duration of flooding at any downstream control structures (i.e., culverts, bridges, dams, etc.).

(b) Submissions.

[1] A predevelopment/post-development stormwater impact analysis prepared by a

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professional engineer. The applicant shall demonstrate that the rate, volume, and velocity of post-development stormwater flows will not create erosion on- or off-site or cause flooding or increased peak flows from the watershed.

[2] All detailed engineering analyses, including drainage areas, flow paths, hydraulic calculations, etc., shall be provided to the Town's consulting engineers. All assumptions made in determining Curve Numbers, travel times, etc., must be discussed.

[3] The analysis shall include the twenty-four-hour, two-, ten-, and twenty-five-year storm events. The analysis shall evaluate the site within the watershed as well to ensure overall flow from the watershed is not increased, nor is any flooding caused or increased. The stormwater system must be sized to accommodate temporary conditions such as bare ground, stockpiled materials, and temporary service roads.

[4] All capacity calculations for any existing and proposed drainage structures.

[5] Any retention or detention structures shall be evaluated for stability based on construction methodology and materials used.

(4) Soils and erosion control.

(a) Standards.

[1] The construction and operation of the facility shall not cause erosion, sedimentation or other adverse impacts to adjacent surface waters or wetlands.

[2] The soils on the facility site shall be suitable for the proposed project to avoid causing unreasonable sedimentation or erosion impacts.

[3] The design and implementation of erosion control measures shall be done in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (March 1991), or any amendments thereto or replacements thereof.

(b) Submissions.

[1] A plan showing the locations, calculations, dimensions and installation and removal schedules for all erosion control measures, both permanent and temporary. Maintenance of all measures must be specified, as well as identification of an individual who will be responsible for ensuring all erosion control measures are functioning properly.

[2] A maintenance plan for all permanent measures which includes measures to ensure that sediment collected by structures do not become a source of contaminants which can impact water quality.

(5) Solid wastes.

(a) Standards.

[1] The design and operation of the landfill must be consistent with the intended waste stream to be disposed of at the facility. These wastes must be of types which will not cause nuisances such as those set forth at § 216-5I. For existing landfills, waste

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disposal types shall be limited to those permitted under the original license of the landfill and shall not include municipal solid waste, front-end process residue, or other putrescible wastes.

(b) Submissions.

[1] A description of all waste types to be disposed of at the facility, including the source; estimated volume from each source; chemical analysis of each waste, including variability and potential hazard; compatibility with engineered systems and a discussion on the composition of the leachate to be generated, including the potential for unreasonable threat to sensitive receptors from the wastes or the leachate. The leachate quality analysis must account for the potential reaction products and consequences when wastes are mixed.

(6) Operations manual.

(a) Standards.

[1] The operations manual must meet all the requirements of Chapter 401 of the MDEP Solid Waste Management Rules.

[2] The manual must adequately describe all procedures and mechanisms incorporated in the design to monitor, mitigate or improve the performance of the facility and the site and should include measures to ensure that all such procedures and mechanisms are actually utilized and maintained by the operations staff.

[3] The manual must provide a mechanism to allow the Town to easily assess the status of required inspections, monitoring, submissions, etc.

[4] The operations manual must clarify the portions of the site's operations to which it applies, updating the operations procedures as necessary for existing facilities on the site that will be incorporated into the operations of any proposed expansion (including but not limited to such elements as roads, security, scales, leachate collection, monitoring etc.).

(b) Submissions.

[1] The Town of Bucksport must be the recipient of one of the certified copies of the operations manual. This copy must be maintained along with all other certified copies throughout the operational lifetime of the facility.

(7) Water quality monitoring.

(a) Standards.

[1] The water quality monitoring plan must be sufficient to ensure that any contamination which enters the environment from the facility will be identified in a timely manner so mitigation methods can be implemented.

(b) Submissions.

[1] A proposed water quality monitoring plan that meets the requirements of the MDEP Solid Waste Management Rules.

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[2] All water quality monitoring reports must be submitted to the Town when they are submitted to MDEP, as well as all correspondence concerning the water quality monitoring program.

[3] Identification of potential sensitive receptors, based on a six-year travel time for the existing site conditions.

(8) Final elevations.

(a) Standards.

[1] In addition to compliance with the requirements of § 216-5J(1), the solid waste disposal facility shall be designed and constructed in such a manner so as to minimize the visual impact of the final landform by creating an undulating final terrain with subtle, rolling peaks and valleys; provided, however, that the final terrain of the facility shall not cause or permit the impoundment or ponding of surface water. The final elevation and shape of the facility shall conform to the following design parameters:

[a] No waste placement shall exceed the licensed 230-foot currently licensed height.

[2] The Council may grant a variance to the foregoing parameters if the applicant can demonstrate to the satisfaction of the Council that the site-specific design provides a shape that blends naturally with the existing landforms and environment of the area and promotes runoff.

(b) Submissions.

[1] Plans showing the final elevations of the solid waste disposal facility, along with sufficient visual simulation materials from a variety of viewing areas, to permit the Council to evaluate the effectiveness of the undulating design in minimizing the visual impact of the proposed final landform of the facility.

(9) Closure.

(a) Standards.

[1] Approval from the Council is required to close a solid waste disposal facility. The applicant must demonstrate that the closure will be designed, constructed, monitored, and maintained to:

[a] Mitigate hazards posed by the facility to public health and safety or to the environment;

[b] Monitor the effectiveness of the closure system; and

[c] Function with a minimum of maintenance.

(b) Submissions.

[1] The applicant shall submit to the Town a complete copy of all applications, plans, studies, reports, or other documentation submitted to MDEP concerning the closure of the facility. The foregoing materials shall be submitted to the Town

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contemporaneous with their submission to MDEP. If not included in the foregoing submissions, the applicant shall submit plans for the final closure of the facility and post-closure monitoring, care and maintenance of the site, including information on the timing of closure; cover materials to be used; frequency and methods for groundwater, surface water, gas leachate, and cover maintenance and monitoring; and methods to control methane generation and movement post-closure.

§ 216-6. Procedures.

A. Landfill Oversight Committee.

(1) Any application to locate, establish, construct, expand disposal capacity of or operate any solid waste disposal facility within the Town of Bucksport shall be reviewed by a Landfill Oversight Committee ("LOC") consisting of three members. One member shall be appointed by the applicant, one member shall be appointed by the Town Council, and one neutral member shall be appointed by the mutual agreement of the applicant and the Town Council. The LOC shall have the authority to engage the services of such professional consultants as it deems necessary or appropriate to assist it in the review and evaluation of any application. Upon referral by the Council, the LOC shall review any application for completeness and issue a written recommendation to the Council on the issue of whether the application is complete. The LOC shall review and evaluate any complete application and may formulate any comments and/or suggestions concerning the application with regards to its compliance with the requirements of this chapter. Upon the completion of its review and evaluation of a completed application, the LOC shall issue a written report to the Town Council wherein the LOC shall make recommendations to the Town Council as to whether the application should be approved, denied, or approved with modifications or conditions. Any such report shall be based on the licensing requirements of this chapter, and the recommendations contained in the report shall set forth, with reference to the applicable licensing requirement(s), the rationale and reasons for the LOC's recommendations.

(2) In addition to reviewing and evaluating applications, the LOC shall also have the authority to monitor and evaluate the construction and operation of any solid waste disposal facility licensed under this chapter to ensure that any such facility is constructed and operated in accordance with the requirements of this chapter and the requirements of any license issued by the Town Council. In carrying out its duties hereunder, the LOC shall be authorized to engage the services of such professional consultants as it deems necessary or appropriate.

(3) The applicant shall bear the costs of the member appointed by the applicant, and the Town shall bear the costs of the member appointed by the Town Council. The costs of the neutral member and the costs of the professional consultants retained by LOC shall be borne equally by the applicant and the Town, and the Town may pay its share of said costs related to the review and evaluation of an application from the application fee paid under § 206-4C of this chapter; provided, however, that nothing contained herein shall prohibit the applicant and the Town from reaching an alternative financing mechanism by agreement.

B. A hearing shall be held by the Council within 90 working days of its determination that an application is complete for a new license (i.e., a license to locate, establish or construct a new solid waste disposal facility or to expand the disposal capacity of an existing facility) or 30 working days for a license renewal. The Council shall have a hearing on an application for an original license for an existing facility. When considering an application for a new license or a renewal license, the Council may extend this period to no more than 180 days for a new license and 60 days for a renewal license if

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more time is necessary to conduct a thorough review of the application, or if the LOC has not issued its written report to the Town Council. At the hearing, the Council shall receive evidence on the location and operation of the proposed facility, including but not limited to location and design; volume of traffic generated; condition of screening; proximity of residences to the site; proximity of drinking water wells; proximity of aquifers, freshwater wetlands, rivers, streams or brooks as defined in 38 M.R.S.A. § 480-B, Subdivision 9; adequacy of methods to control leachate and other factors relevant to the proposed facility and its operation.

C. Within 30 working days of the hearing, or within 30 working days after the application is determined to be complete if there is no hearing, the Council shall issue a license only if it finds, based on substantial evidence in the record, that:

(1) The proposed facility is in compliance with all applicable regulations and ordinances of the Town of Bucksport.

(2) The proposed facility meets the specific requirements set forth in this chapter.

(3) The applicant has sufficient right, title or interest in the property for which a license is sought.

(4) The applicant has sufficient financial ability to design, construct, operate, maintain, close and accomplish post-closure care of the solid waste disposal facility.

(5) The applicant has sufficient technical ability to design, construct, operate, maintain, close and accomplish post-closure care of the solid waste disposal facility.

(6) Adequate provision has been made for the containment and treatment of leachate so as to prevent groundwater or surface water contamination.

(7) Wastes proposed for disposal are compatible with each other and the liner(s).

(8) The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other nuisances which could be avoided by reasonable modification of the plan.

(9) The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements.

(10) The facility will not have an unreasonable adverse effect on air quality.

(11) The facility will not have an unreasonable adverse effect on surface water quality.

(12) Adequate provision has been made for the transportation, storage, and disposal of hazardous materials as defined by state law.

(13) The facility will not have an unreasonable adverse effect on other natural resources in the Town.

(14) The facility will not create an unreasonable risk that a discharge to a significant groundwater aquifer will occur.

(15) The proposed facility will not have an adverse impact upon a classified surface water body, river, stream or brook as defined in 38 M.R.S.A. § 480-B;

(16) The closure and post-closure monitoring and maintenance plans shall provide adequate protection that the solid waste disposal facility will not create future health or safety hazards, and will meet the minimum standards contained in Chapters 400 to 401 of the State Solid Waste

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Management Rules of the DEP.

(17) Adequate provision has been made for utilities, and the facility will not have an unreasonable adverse effect on existing or proposed utilities.

(18) The applicant and the Town Council have negotiated a host community agreement satisfactory to the Town Council which, based upon the nature, size and projected impacts of the proposed facility, must include, as a minimum, provisions regarding the following:

(a) Improvement, maintenance and repair of local roads directly affected by traffic to and from the facility and of other infrastructural elements directly affected by the facility;

(b) Development and maintenance of adequate local emergency response capacity to accommodate the facility;

(c) Financial support for personnel or other means to provide technical assistance to the Town in interpreting data and to advise the Town on other technical issues concerning the facility; and

(d) Other issues determined on a case-specific basis by the applicant and the Town of Bucksport to be appropriate given the nature of the proposed facility.

D. A license for a new solid waste disposal facility or to expand the disposal capacity of an existing, duly licensed, solid waste disposal facility shall be subject to the condition precedent that said facility receive approval from the Town's Planning Board under Chapter 100, Land Use. Licenses are subject to the condition that the applicant secure and comply with all applicable federal, state, and local licenses and permits prior to and during construction and operation of the waste disposal facility.

(1) The license is subject to the condition precedent that the applicant actually enter into a host community agreement with the Town.

(2) The Council shall issue a written report stating its findings of fact and its decision and, if a license is issued, any conditions attached to the license which the Council finds necessary to fulfill the purposes of this chapter.

§ 216-7. Performance standards and supplemental requirements.

A. The facility shall comply with all operational and performance standards included in the Maine Department of Environmental Protection's Solid Waste Management Rules (06-096 CMR Ch. 400 et seq.), and any amendments thereto or substitutions therefor.

B. Access to the disposal site shall be strictly controlled, and all access roads to public or private ways shall be secured when the facility is not open for operation to ensure that unauthorized or unsupervised dumping does not occur.

C. The operator shall continuously supervise the unloading of waste to ensure that only permitted wastes are handled at the facility. The operator shall maintain a record of every vehicle which brings waste to the facility, including the following information: name of driver; name of person, firm, or corporation which owns the vehicle; license plate of vehicle; type-characterization of waste; source and origin of waste.

D. The owner or operator of the facility shall provide the Town with copies of all reports or other documentation provided to MDEP pursuant to MDEP's Solid Waste Management Rules during the

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construction, operation, closure, and post-closure period of the facility, including but not limited to any annual report required by said rules, and also including, on a monthly basis provided to the Town of Bucksport, a record of the information gathered pursuant to § 216-7C. The foregoing materials shall be submitted to the Town contemporaneous with its submission to MDEP. In addition, along with the submission of a copy of the annual report, the owner or operator of the facility shall also provide the Town with updated as-built plans of the facility prepared by a professional engineer or a professional land surveyor, which plans shall depict all construction activity that occurred at the facility from the date of the prior annual as-built plans submitted to the Town.

E. The owner or operator of the facility shall provide the Town with copies of all applications to dispose of special wastes at the facility, which copies shall be submitted to the Town contemporaneous with its submission to MDEP. Facilities existing at the time of the adoption of this chapter shall not accept special wastes.

§ 216-8. Performance guarantees.

A. Requirements by Town Council.

(1) The Council may, as a condition of the license, establish any reasonable requirements to ensure that the owner has the ongoing technical ability to meet state air, water, and land pollution control standards, such as:

(a) Requiring the owner to employ a capable engineer or other professional who is sufficiently knowledgeable and experienced in the disciplines necessary to ensure that state air, water, and land pollution control standards are met.

(b) Requiring a training program for the appropriate personnel to ensure proper installation, operation, and maintenance of pollution control equipment, and proper operation of the facility.

(c) Requiring on-site inspection during construction by an independent consultant, at the developer's expense, to ensure proper execution of plans as approved, including any conditions imposed by the Council.

(2) If an independent consultant is required by the Council, the developer shall establish an account, in an amount to be determined by the Council, to provide for the hiring of engineering, geological, or other expertise to monitor and inspect construction of the facility. The unexpended balance on the account shall be returned to the applicant. As an alternative, the Council and the applicant may agree upon who the applicant will use to monitor construction.

B. Liability insurance. All applicants for a new or expanded solid waste disposal facility license shall submit with the application, and annually thereafter, proof of liability insurance for sudden and accidental occurrences for the solid waste disposal facility. Coverage must be provided for bodily injury and property damage and must be provided for the active life and closure of the solid waste disposal facility. The policy and the coverage afforded thereby shall comply with the requirements of any applicable State of Maine statute or regulations, as may be amended.

C. Financial assurance for closure and post-closure care. An owner or operator of a solid waste disposal facility shall provide financial assurance sufficient to ensure that funds are available to pay for the anticipated costs of compliance with all facility closure, post-closure maintenance, and post-closure monitoring requirements of any applicable State of Maine statute or regulation, as may be amended. The financial assurance shall comply with the provisions or requirements of any applicable State of

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Maine statute or regulation, as may be amended. The owner or operator shall provide the Town with copies of all documentation concerning the financial assurance, including but not limited to cost computations for the amount of financial assurance required by the Department of Environmental Protection (or its successor), the mechanism(s) used to provide the financial assurance, the annual calculations of the amount of the amount of the financial assurance, and the calculations for any annual inflation adjustment.

D. Financial assurance for corrective action. In the event that the Maine Department of Environmental Protection requires and/or approves a corrective action plan for any known releases, violations, or environmental damage, the owner or operator of the solid waste disposal facility subject to such a plan shall provide a copy thereof to the Town and shall also provide the Town with a copy of the financial assurance documentation submitted to MDEP for the corrective action activities required under the corrective action plan.

§ 216-9. Right of entry.

A. Any duly authorized representative or agent of the Town may, upon presentation of appropriate credentials, at any reasonable time enter and inspect the facility; obtain samples of any waste; inspect and copy any records, reports, information, or test results relating to the disposal of solid waste; take photographs; or take other actions necessary to ensure compliance with the license.

B. An agent or representative of the Town shall be permitted to independently sample monitoring wells installed around the waste disposal facility and shall be able to obtain independent sampling of on-site monitoring wells, with the costs of said on-site testing to be the responsibility of the Town of Bucksport.

§ 216-10. Enforcement.

A. All provisions of this chapter are enforceable by the Code Enforcement Officer, the Council or its agent.

B. Any person who violates any provision of this chapter is subject to fines, if convicted, as provided in § 216-12.

§ 216-11. Revocation or suspension of license.

A. Any license issued hereunder may be suspended or revoked subsequent to procedures hereafter set forth by order of the Council for the following causes:

(1) Violation of this chapter.

(2) Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this chapter.

(3) Violation of any license conditions.

(4) Falsehoods, misrepresentations, or omissions in the license application.

(5) Failure to construct or operate the facility in accordance with the plans.

(6) Failure to meet air, water and land pollution control standards.

B. Whenever the Council or Code Enforcement Officer determine that there has been a violation by

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virtue of one of the conditions listed in § 216-11A(1) to (6), they shall give written notice of such violation to the person, firm or corporation responsible.

(1) The citation shall include a description of the violation and shall allow reasonable time for remedial action.

(2) The citation may contain an outline of remedial action which, if taken, will effect compliance.

(3) The citation shall state that unless corrections are made within the allotted time, the violator is subject to prosecution and/or license suspension or revocation pursuant to the provisions of this chapter.

C. The Council or the Code Enforcement Officer may institute, or cause to be instituted, any and all proceedings, either legal or equitable, that may be necessary or appropriate to enforce the provisions of this chapter.

D. If the Violator does not meet the terms of the citation issued under § 216-11B, the Council may, after written notice and an opportunity for a hearing, suspend or revoke the license. The Council shall notify the license holder, in writing, of any such suspension or revocation, setting forth the reasons therefor.

E. Whenever it appears to the Council, after investigation, that there is a violation of this chapter or a condition of the license which is creating or is likely to create a substantial and immediate danger to public health or safety, the Council may suspend or revoke the license and shall notify the license holder, in writing, of any such suspension or revocation, setting forth the reasons therefor. In the event of such an emergency suspension or revocation, the person, firm or corporation whose license has been revoked/suspended is entitled to a public hearing conducted by the Council if the licensee requests a hearing within seven days of the revocation/suspension. The Council shall schedule the hearing within 14 days of receiving the request. At least seven days prior public notice of the hearing shall be given.

§ 216-12. Violations and penalties.

Civil penalties. Any person, firm, or corporation violating any of the provisions of this chapter or any conditions of the license shall, upon conviction, be subject to a civil penalty of not less than $100 nor more than $10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than $25,000 for each day of violation. The maximum civil penalty may exceed $10,000 for each day of that violation, but shall not exceed $25,000 for each day of that violation, if there has been a previous violation by the same party within the preceding five years. All civil penalties shall inure to the benefit of the Town of Bucksport. Reasonable attorneys' fees and court costs incurred by the Town in prosecuting a violation shall be awarded to the Town if the Town is the prevailing party.

§ 216-13. Severability.

The provisions of this chapter shall be severable, and if any portion of it shall be held invalid, the remainder of this chapter and its application thereof shall not be affected.

§ 216-14. Conflict with other provisions.

If any provision of this chapter conflicts with any provisions in another municipal ordinance or state statute, the stricter provision shall apply.

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§ 216-15. Appeals.

An aggrieved party may appeal any decision under these regulations to Superior Court within 30 days after the decision is rendered.

§ 216-16. Waiver for existing facilities.

A. The Council may waive any provision of this chapter as it relates to the issuance of an original license to an existing facility that was duly licensed by the State of Maine as of the effective date of this chapter.

B. In the event that a waiver is granted under § 216-16A, the Council may attach reasonable conditions to the license to ensure compliance with the intents and purposes of this chapter

§ 216-17. Construal of provisions.

A. This chapter shall not abrogate the application of any other law, ordinance, or regulation (including, but not limited to, Chapter 100, Land Use, of Bucksport Town Code, and any amendments thereto or replacements therefor) to a waste disposal facility.

B. It is the intent of this chapter that the provisions hereof be construed, to the extent absolutely necessary, consistent with the provisions of 38 M.R.S.A. § 1310-U. At the time of application, the applicant shall submit a detailed list identifying any requirements of this chapter that the applicant believes are inconsistent with the provisions of 38 M.R.S.A. § 1310-U, and stating the grounds therefor. If the Council determines that any requirement of this chapter is inconsistent with the provisions of 38 M.R.S.A. § 1310-U, it shall have the authority to waive any such requirements to the extent necessary to eliminate the inconsistency.

§ 216-18. Applicability of amendments.

Any amendments to this chapter adopted by the Town Council shall apply to any license, expansion request, or license transfer request for any solid waste disposal facility in the Town of Bucksport.

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Chapter 220

WASTE MANAGEMENT

[HISTORY: Adopted by the Town Council of the Town of Bucksport as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I
Hazardous Waste
[Adopted 9-13-1984 (Appendix F of the 1978 Town Code)]

§ 220-1. Title.

This article shall be known as the "Hazardous Waste Ordinance of the Town of Bucksport."

§ 220-2. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

This article is adopted pursuant to the home rule power granted to all municipalities under the Constitution, Article VIII-A; and 30-A M.R.S.A. § 3001.

§ 220-3. Purpose.

The purpose of this article is to protect the health, safety, and general community well-being and to protect the natural resources of the Town.

§ 220-4. Storage and disposal prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The disposal or storage of hazardous waste as designated under the U.S. Clean Water Act, Section 311, Public Law 92-500,[49] and/or the disposal or storage of low-level or high-level radioactive waste materials, as defined by 38 M.R.S.A. § 1451, within the boundaries of the Town of Bucksport, County of Hancock, Maine, is prohibited.

§ 220-5. Exceptions.

Any request for an exception to this prohibition shall be submitted, in writing, to the Town Council. Within 30 days of the receipt of such a written request, the Council will hold a public hearing. Within 30 days following the public hearing, the Town Council will vote on the requested variance.

§ 220-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person found in violation of this article shall be subject to a fine in accordance with 30-A M.R.S.A. § 4452. The minimum fine is $100 per violation. Each day in which a violation occurs shall constitute a separate offense. Fines will be in addition to the restitution of all costs required to mitigate the violation.

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49. Editor's Note: See 33 U.S.C. § 1311.

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ARTICLE II
Solid Waste Flow Control
[Adopted 11-9-2017 (Appendix I of the 1978 Town Code)]

§ 220-7. Purpose.

The purpose of this article is to provide for the control of solid waste disposal at the solid waste disposal facility in the Town of Bucksport.

§ 220-8. Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 et seq. and 38 M.R.S.A. Ch. 13.

§ 220-9. Applicability.

This article shall apply to the disposal of solid waste at the Town's solid waste disposal facility, also referred to in this article as the "Transfer Station."

§ 220-10. Severability; conflict with other provisions.

A. If a court finds any provision of this article to be invalid, the court's decision may not invalidate any other provision of this chapter.

B. If any provision of this article conflicts with another provision of this article or any other ordinance, regulation or statute, the more restrictive provision governs.

§ 220-11. Administration.

A. This article shall be administered by the Bucksport Public Works Director, who shall be responsible for ensuring that all requirements of this article are met.

B. The Town Manager or designee shall endeavor to keep this article in compliance with federal and state solid waste regulations and laws, and shall prepare amendments to this article for the Town Council's consideration, when necessary.

§ 220-12. Transfer Station rules and regulations.

A. Use of facility.

(1) Solid waste generated in the Town of Bucksport may be disposed of at the Transfer Station in accordance with the requirements of this article.

(2) Solid waste generated in another municipality may be disposed of at the Transfer Station in accordance with the requirements of this article, provided that the municipality has entered a contractual agreement with the Town for use of the facility.

B. Hours of operation.

(1) The Town Council shall set the business hours of the Transfer Station and make those hours available to the public.

(2) The Transfer Station shall be closed on every holiday observed by the Bucksport Town office.

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Observed holidays occurring on Saturday or Sunday will be observed by the Transfer Station on the Saturday or Sunday date of the holiday, rather than the Friday before or Monday after the holiday as observed by the Town office.

C. Permit required.

(1) No person may dispose of solid waste at the Transfer Station without first obtaining a disposal permit from the Town in accordance with the requirements of this article.

(a) A disposal permit is not required for any Bucksport Town department to dispose of waste at the Transfer Station, or for any town department of a participating community.

(2) Resident waste disposal permit. A resident in the Town of Bucksport or in a participating community must obtain a resident waste disposal permit before they may dispose of waste at the Transfer Station. Resident waste disposal permits may be obtained at the Transfer Station during regular business hours either before or on the day that waste is brought to the facility.

(a) A resident waste disposal permit may not be issued unless evidence of permanent residency has been demonstrated to the satisfaction of Transfer Station staff.

(b) A resident waste disposal permit is valid until such time the permit holder is no longer a permanent resident of the Town of Bucksport or a participating community. Validation of residency may be required by Transfer Station staff if the status of a permit holder's residency is brought into question.

(c) No resident waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.

(d) A resident waste disposal permit must be displayed on the vehicle for easy identification by staff.

(e) The Town Council may establish a fee for a resident waste disposal permit and change the fee without notice.

(3) Seasonal resident waste disposal permit. A seasonal resident in the Town of Bucksport or in a participating community must obtain a seasonal resident waste disposal permit before they may dispose of waste at the Transfer Station. Seasonal resident waste disposal permits may be obtained at the Transfer Station during regular business hours either before or on the day that waste is brought to the facility.

(a) A seasonal resident waste disposal permit may not be issued unless evidence of seasonal residency has been demonstrated to the satisfaction of Transfer Station staff.

(b) A seasonal resident waste disposal permit is valid until such time the permit holder is no longer a seasonal resident of the Town of Bucksport or a participating community. Validation of residency may be required by Transfer Station staff if the status of a permit holder's residency is brought into question.

(c) No seasonal resident waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the resident.

(d) A seasonal resident waste disposal permit must be displayed on the vehicle for easy identification by staff.

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(e) The Town Council may establish a fee for a seasonal resident waste disposal permit and change the fee without notice.

(4) Business waste disposal permit. A business generating solid waste at their business location in the Town of Bucksport or in a participating community must obtain a business waste disposal permit before they may dispose of the waste at the Transfer Station.

(a) Business waste disposal permits shall be issued at the Bucksport Town office. A copy of every business waste disposal permit issued shall be provided to the Code Enforcement Officer.

(b) A business waste disposal permit is valid until such time the business is no longer operating in the Town of Bucksport or a participating community.

(c) A business waste disposal permit may contain conditions that apply to quantity of waste, type of waste and disposal of waste, as determined by Transfer Station staff.

(d) A business waste disposal permit may not be used to dispose of demolition or construction waste, except any such waste generated at the business location.

(e) No business waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address of the business.

(f) A business waste disposal permit must be kept in the vehicle used to transport waste to the facility. Multiple permit copies may be issued if more than one vehicle is used to transport waste from the business.

(g) The Town Council may establish a fee for a business waste disposal permit and change the fee without notice.

(5) Contractor waste disposal permit. A contractor generating solid waste at a work site in the Town of Bucksport or in a participating community must obtain a contractor waste disposal permit before they may dispose of the waste at the Transfer Station.

(a) Contractor waste disposal permits shall be issued at the Bucksport Town office. A copy of every contractor waste disposal permit issued shall be provided to the Code Enforcement Officer.

(b) A contractor waste disposal permit may contain conditions that apply to quantity of waste, type of waste and disposal of waste, as determined by Transfer Station staff.

(c) A contractor waste disposal permit shall be limited to the disposal of waste from one worksite and shall specify the number of trips needed to dispose of all waste. A current contractor disposal permit may be amended with the approval of staff if disposal of additional waste from the worksite is needed.

(d) No contractor waste disposal permit may be transferred to another person or used to dispose of waste from an address other than the address identified on the permit.

(e) A contractor waste disposal permit must be kept in the vehicle used to transport waste to the facility. Multiple permit copies may be issued if more than one vehicle is used to transport waste from a worksite.

(f) The Town Council may establish a fee for a contractor waste disposal permit and change

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the fee without notice.

D. Control of waste disposal.

(1) Transfer Station staff shall be responsible for ensuring that the volume and type of solid waste accepted at the facility on any day will not have an adverse impact on the operation of the facility.

(2) If any solid waste disposal is denied, the staff person shall document the name of the person denied, the date of the denial, and reason for the denial. A photographic record of the denied waste shall be made. The staff person must also provide information to the person denied on any alternate means of disposal that may be available to them.

(3) A report on waste accepted and denied at the Transfer Station must be provided to the Town Manager on a monthly basis.

(4) All solid waste will be sorted and disposed of in the manner and areas so designated by the staff on duty.

(5) Commercial haulers and compactors and hazardous waste generators will not be allowed to dump at the facility.

(6) Solid waste transported to the Transfer Station must be properly secured in the vehicle to avoid the possibility of waste falling free from the load.

(7) The Town Council shall approve rules for the use of the Transfer Station. The rules shall identify items that are allowed and prohibited for disposal at the Transfer Station, and the conditions under which solid waste may be disposed of. The rules shall be made available to the public.

(8) No prohibited waste may be accepted at the Transfer Station unless an exception has been granted by the Town Manager and the waste is disposed of in accordance with all applicable laws and regulations.

§ 220-13. Fees.

A. The Town Council shall approve a list of fees required for the disposal of solid waste at the Transfer Station and make that list available to the public.

B. Transfer Station staff shall be responsible for calculating disposal fees for each load of solid waste subject to fees that is brought to the facility.

C. No fee shall be charged for the disposal of solid waste from any Bucksport Town department or any town department of a participating community.

D. Any fee determined by volume measurement shall be calculated as accurately as possible by staff, and rounded to the closest whole-dollar amount. Items that may project from the bulk of the load will be disregarded when calculating volume.

E. The fees determined for each load brought to the facility shall be final.

§ 220-14. Appeals.

A. Any person that has been denied a permit or permission to dispose of waste at the Transfer Station

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may appeal the denial to the Town Manager within one week of the date of the denial.

B. The Town Manager shall investigate the action taken and, within one week of the date of the appeal, either support the denial or overturn the denial and order the issuance of a permit or permission to dispose of the waste.

C. The decision of the Town Manager on an appeal shall be final.

§ 220-15. Enforcement; violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Bucksport Police Department shall investigate any complaint received concerning the disposal of waste at the Transfer Station. Upon determining that a violation of this article has occurred, the Police Department shall take appropriate actions to address the violation, including, but not limited to, the issuance of a summons and the request for fines upon conviction, in accordance with 30-A M.R.S.A. § 4452. The minimum fine is $100 per violation. A separate fine will be assessed for each day a violation continues. Fines will be in addition to the restitution of all costs required to mitigate the violation.

§ 220-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONTRACTOR — A person offering one or more of the following services to the public: construction, improvements, renovation, property maintenance or demolition.

DISPOSAL — The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste at the waste facility.

HAZARDOUS WASTE — A waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

PARTICIPATING COMMUNITY — Any community that has entered into a contract with the Town of Bucksport to use the Bucksport solid waste facility.

RESIDENT — A person that maintains their primary home in the Town of Bucksport or in a participating community, as demonstrated by a vehicle registration or other proof of occupancy.

SEASONAL RESIDENT — A person that maintains their primary home outside of Bucksport or a participating community, as demonstrated by a vehicle registration or other proof of occupancy, and resides in Bucksport or a participating community on a temporary basis.

SOLID WASTE — Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, by way of example and not by limitation, rubbish, garbage, scrap materials, junk refuse, landscape refuse; but shall not include septic tank sludge or agricultural waste.

SOLID WASTE FACILITY — The land area or structure or combination of land area and structures which includes the Bucksport Transfer Station, wood-waste disposal area and metal storage area, which are used for storing, transferring, salvaging, processing, reducing or disposing solid waste in Bucksport.

SPECIAL WASTE — Any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures.

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Special waste includes, but is not limited to:

A. Oil, coal, wood and multifuel boiler and incinerator ash;

B. Industrial and industrial process waste;

C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;

D. Debris and residuals from nonhazardous chemical spills and cleanup of those spills;

E. Contaminated soils and dredge spoils;

F. Asbestos and asbestos-containing waste;

G. Sandblast grit and nonliquid paint waste;

H. High and low pH waste;

I. Spent filter media and residue; and

J. Other waste designated by the Board of Environmental Protection.

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Appendix

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Chapter A250

COUNCIL RULES

[HISTORY: Adopted by the Town Council of the Town of Bucksport 12-9-2010, as amended through 10-14-2021 (Appendix B of the 1978 Town Code). Amendments noted where applicable.]

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§ A250-1. Regular meetings.

A. The regular meetings of the Town Council shall be held in the Town office Council Chamber, or a place to be announced, at 7:00 p.m. current time on the second and fourth Thursday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the following Thursday at the same time and place.

B. The date of any regular meetings may be changed by an order or resolve passed at the previous meeting upon the vote of a majority of the Town Council; provided, however, that said change in date will provide for one regular meeting in each month.

§ A250-2. Special meetings.

Special meetings may be called by the Chair and, in case of his/her absence, disability, or refusal, may be called by three members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least 12 hours before the time for holding said special meeting, unless all members of the Town Council sign a waiver of said notice. Local media shall also be notified of the meeting. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting.

§ A250-3. Workshops.

The Town Council may meet in workshop session to discuss any matter. A workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a nonbinding vote on any matter under discussion may be taken.

§ A250-4. Executive sessions.

An executive session may be called only by a vote of 3/5 of the members of the Town Council present and voting. No ordinances, orders, rules, resolutions, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of 1 M.R.S.A. § 401.

§ A250-5. Quorum.

A majority of the members of the Town Council shall constitute a quorum for the transaction of business.

§ A250-6. Enactmental form.

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title.

§ A250-7. Ordinance style.

All bylaws passed by the Town Council shall be termed "ordinances," and the enacting style shall be: "Be it ordained by the Town Council of the Town of Bucksport, Maine, in Town Council assembled."

§ A250-8. Order and resolve: style.

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts, or purposes, the form shall be "resolved."

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§ A250-9. First reading.

Every ordinance, order or resolve shall be introduced by title only unless, by a majority vote of those present, a full reading is requested

§ A250-10. Yeas and nays taken: when.

The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of four members of the Town Council. In case of a tie in votes on any item, the item shall be declared lost.

§ A250-11. Ordinances: effective date.

No ordinance shall take effect and be in full force until seven days after adoption by the Town Council unless deemed to be an emergency ordinance or unless a different effective date is required by law or by ordinance.

§ A250-12. Order, resolve: effective date.

Orders or resolves shall take effect immediately upon passage.

§ A250-13. Agenda items.

A detailed agenda shall be prepared by the Town Manager, approved by the Town Council Chair or, in his/her absence, the Chair of the Ordinance Committee and distributed by the Town Clerk for each meeting. Item(s) of business may be placed on the agenda by any member of the Town Council by contacting the Town Clerk or Town Manager and indicating the item or items to be placed on the next scheduled meeting agenda. If the agenda has been released, the item may be discussed under Discussion Items, but no action may be taken by the Town Council, but the item shall be referred to the next scheduled Town Council meeting for consideration. Any citizen may place an item on a meeting agenda by making a written request to the Town Manager or Town Clerk, noting the item of business to be included. The item will be placed on the next scheduled Town Council agenda upon approval by the Town Council Chair or, in his/her absence, by the Ordinance Committee Chair. The item will be placed on the agenda only if it is deemed by the Chair to be appropriate for Town Council business, but the Town Council's decision will be final.

§ A250-14. Agenda order.

The order of the agenda for meetings shall be as follows:

A. Chair calls meeting to order.

B. Roll call by the Town Clerk.

C. Presentations of any Town Council recognitions.

D. Consider minutes of the previous meeting(s).

E. Reports, documents and correspondence to the Town Council.

F. Public hearings.

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G. New ordinances to consider.

H. Agenda items.

I. Town Manager's report.

J. Discussions of items not on the agenda for council and public.

K. Agenda items requiring executive sessions.

L. Adjournment.

§ A250-15. Chair calling meeting to order.

Immediately after the call to order, the Chair will welcome the public and provide instruction on decorum as well as to let the public know if the meeting is being recorded.

§ A250-16. Dispensing with agenda items or ordinances.

A. The Chair will read the title of the agenda item or ordinance being considered. A majority of the Town Council may request that the resolve, order or ordinance be read in its entirety.

B. Once the agenda item has been read, any Town Council member who has or may have a conflict of interest or may want the Chair to determine whether a conflict of interest exists will so state. The Chair will dispense with any item of conflict unless appealed to the full Council.

C. The Chair will then direct the Town Manager, Committee Chair or other appropriate designee to provide information regarding the agenda item or ordinance under consideration.

D. Upon receiving information, the Chair will allow members of the Town Council to ask questions relating to the agenda item or proposed ordinance.

E. Once the agenda item or proposed ordinance has been explained and questions from the Town Council have been addressed, the Chair will seek a motion and second. The agenda item or ordinance will fail for lack of a motion and second.

F. Once a motion and second has been received, the Chair will open the item for public comment.

G. Once all public comments are received, the Chair will open the item for discussion by Town Council members.

H. Once Town Council discussion has been completed, a vote by the Town Council will be taken.

§ A250-17. Election of Chair.

A. At its first meeting in January of each year, or as soon as practicable thereafter, the Town Council shall proceed to elect, by majority vote of the Council membership, a Chair of the meeting, who shall preside at the hour appointed for the Town Council to meet and shall immediately call the members to order.

B. The process to elect the Chair will require nomination by a member of the Town Council and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

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C. The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

§ A250-18. Election of Deputy Chair.

A. At its first meeting in January of each year, or as soon as practicable thereafter, the Town Council shall proceed to elect, by majority vote of the Council membership, a Deputy Chair of the meeting, who shall preside in the absence of the Chair at the hour appointed for the Town Council to meet and shall immediately call the members to order.

B. The process to elect the Deputy Chair will require nomination by a member of the Town Council and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

C. The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

§ A250-19. Town Council privileges.

The Chair may move, second, declare by unanimous consent, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Chair.

§ A250-20. Conduct of meetings.

The conduct of any Town Council meeting is not bound by formal rules of parliamentary procedure, such as those identified in Robert's Rules of Order. The Chair may address any question of procedure that is not otherwise addressed in these rules by invoking a rule of parliamentary procedure, or by taking any other reasonable course of action. Members of the Town Council may question a procedural ruling by the Chair, and the decision of the majority members of the Town Council on the matter shall be final. The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Town Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

A. During the Town Council meetings, Councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair and, upon recognition by the Chair, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Town Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions as to the particular matters

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before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.

B. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

§ A250-21. Declare votes; cause return of votes.

The Chair shall declare all votes, but if any member doubts a vote, the Chair shall cause a return of the members voting in affirmative and in the negative without debate.

§ A250-22. Debate motions.

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

§ A250-23. Motions to adjourn, lay on or take from table.

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

§ A250-24. Reconsideration of vote.

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move for reconsideration thereof at the same or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

§ A250-25. Motion for previous question.

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Town Council shall be forthwith taken upon all pending amendments, and then upon the main question.

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§ A250-26. Not debate or amendment for previous question.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion, whether appeal be had from the Chair or not.

§ A250-27. Manner of speaking.

When a member is about to speak, he/she shall respectfully address the Chair confine himself/herself to the question under debate, and avoid personalities.

§ A250-28. Interruption of speaker.

No member speaking shall be interrupted by another, but by a call to order to correct a mistake.

§ A250-29. Breach of rules and order.

When any member shall be guilty of breach of any of the rules or orders of the Town Council, he/she may, on motion, be required to make satisfaction therefor and shall not be allowed to vote or speak, except by way of excuse, until he/she has done so.

§ A250-30. Member excused from voting: when.

Every member present when a question is put shall give his/her vote, unless the Town Council, for special reasons, shall excuse him/her. Application to be so excused must be made before the Town Council is divided, or before the calling of the yeas and nays, and decided without debate.

§ A250-31. Motion to be reduced to writing: when.

Every motion shall be reduced to writing if the Chair shall so direct.

§ A250-32. Division of question.

Any member may require the division of a question when the sense will admit it.

§ A250-33. Motion for referral.

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

§ A250-34. Priority of business.

All questions relating to priority of business to be acted upon shall be decided without debate.

§ A250-35. Suspension, amendment or repeal of rules.

The rules shall not be dispensed with or suspended unless five of the members of the Town Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

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§ A250-36. Procedures for addressing Council.

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

A. Persons wishing to address the Town Council on an item which appears on the agenda shall wait for Town Council consideration and deliberation of such item. Prior to vote by the Town Council on the matter, discussion from the general public will be allowed. The Town Council may redeliberate the item and then vote. No person shall be permitted to address the Town Council during the final deliberation and vote.

B. Persons wishing to address the Town Council on an item not appearing on the agenda shall do so only after disposing of all items appearing on the agenda.

C. Any person wishing to address the Town Council shall signify his desire by raising his/her hand and, when recognized by the Chair, such person shall thereupon request permission to address the Town Council, giving his/her name and address, then designating the subject matter on which he/she desires to address the Town Council.

D. Persons present at Town Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

§ A250-37. Conflict of interest. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. Financial interest. A member who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a member who has a financial interest in any matter before the Town Council shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A member has a "financial interest" within the meaning of this subsection if the member owns at least a 10% interest in the business or economic entity or 10% or more of the stock of the corporation involved in the pending transaction or matter.

B. Relationship. A member is disqualified in any quasi-judicial matter before the Town Council if the member is related to any of the parties within the sixth degree (second cousin). The member shall disclose the interest and abstain from voting unless all parties waive the disqualification, in writing.

C. Appearance of conflict. A member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict and, where appropriate, by abstaining from voting on the matter. If, after disclosure, the member believes the interest will affect the member's ability to make a fair and impartial decision faithful to the public interest, the member shall abstain from voting.

D. Participation. An abstaining member may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an abstaining member participate in Town Council discussion or deliberation or otherwise act in an official capacity in the matter as to which the Councilor has abstained.

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E. Judgment of qualifications. If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.

§ A250-38. Right of appeal.

Any member may appeal to the Town Council from a ruling of the Chair, if that appeal is seconded. The member making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question," Shall the decision of the Chair be sustained?" If a majority of the member present vote "Yes," the ruling of the Chair is sustained; otherwise, it is overruled.

§ A250-39. Forfeiture of office.

A member will forfeit his/her office of member, in addition to reasons noted in Section 2.07 of the Town Charter, for failing to attend three consecutive regular meetings of the Town Council without being excused by the Town Council.

§ A250-40. Residency requirement.

A member will forfeit his/her office of member if not a resident of the Town of Bucksport. For the purpose of this section, "resident" refers to the individual's place of domicile as defined by 30-A M.R.S.A. § 2001, Subdivision 16. Any Town Council member who is not a resident of the Town of Bucksport is required to report his/her relocation to the Town Council at the next regularly scheduled Town Council meeting.

§ A250-41. Committees.

At the commencement of the Council year, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of three or four members of the Council as the Mayor may designate or, upon a motion, the Council may ballot:

A. Finance and Investments Committee. The purpose of the Finance and Investments Committee shall be to review all items related to budgets, bonds, investments, funds, grants, loans, TIFs, donations, capital improvement planning, audits, major expenditures.

B. Services Committee. The purpose of the Services Committee shall be to review all matters related to administration, department functions, social and community services, technology, appointments, employment, and negotiations.

C. Infrastructure and Properties Committee. The purpose of the Infrastructure and Properties Committee shall be to review all matters pertaining to public buildings and land, marina, walkways/trails, streets, sewer, water, gas, power, communications, and property acquisitions and disposal.

D. Regulatory Review Committee. The purpose of this Committee shall be to review all matters related to all ordinances, Town Charter, citizen initiatives, rules, policies, and quasi-judicial matters.

E. Community and Economic Development Committee. The purpose of the Community and Economic Development Committee shall be to review economic matters, comprehensive planning, public events, citizen forums, and public relations. This Committee shall consist of three members of the Town Council and no more than eight citizens at large that shall include a representative of RSU 25.

F. Committee procedure:

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(1) All committees will be required to post an agenda at least 48 hours prior to the committee meeting, and no issue may be voted on unless it is on a posted agenda.

(2) It shall be the responsibility of the committee chair to discuss the development of the agenda with the assigned staff person at least 24 hours before the deadline for posting an agenda.

(3) The assigned staff person shall prepare and post the agenda.

(4) Draft minutes of each meeting will be prepared by the staff member within five business days.

(5) Committee meeting minutes shall be posted on the Town website following their voted approval by the committee.

(6) Noncommittee Council members attending a committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.

(7) Two appointed members of the committee shall constitute a quorum.

(8) The Mayor shall serve as a member of all committees for quorum purposes.

G. The Mayor may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Town Council.

H. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, Robert's Rules of Order shall be taken as authority to decide the course of proceedings.

§ A250-42. Procedures for Treasurer warrants. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Treasurer may disburse money only on the authority of a warrant drawn for the purpose and signed by the Chair or, in the absence of the Chair, by the Chair of the Finance and Investments Committee. Copies of all signed Treasurer's warrants will be provided to all members of the Town Council during regular Town Council meetings.

§ A250-43. Resolves for employee or citizen recognitions.

Any member of the Town Council following the procedures outlined by § A250-13, Agenda items, of this chapter may request recognition of any citizen or Council agenda. Such recognition will be presented to the Town Manager or Town Clerk in the form of a written resolution. After and only upon favorable vote by the majority members of the Town Council, the Town Clerk will forward a copy of the resolution to the person or persons given the recognition.

§ A250-44. Process of filling vacancies until next election.

If for any reason a Council seat is made vacant more than 90 days before a regular election, the process for appointment of an interim Councilor to serve until the next regular election is held is as follows:

A. The process to elect the interim Councilor will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

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§ A250-45. Swearing in of Councilors elected to fill unexpired terms.

Town Councilor(s) elected to complete an unexpired term shall be sworn into office at the first Council meeting following certification of the election results in which the candidate was elected.

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BUCKSPORT CODE

Chapter A251

REMOTE PARTICIPATION POLICY

[HISTORY: Adopted by the Town Council of the Town of Bucksport 10-14-2021 (Appendix P of the 1978 Town Code). Amendments noted where applicable.]

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§ A251-1. Authority.

Pursuant to 1 M.R.S.A. § 403-B, and after public notice and hearing, the Town of Bucksport adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

§ A251-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BODY — Town Council, Planning Board, Zoning Board of Appeals, or any Town-appointed committee.

§ A251-3. Remote participation.

A. Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the entire body to meet via remote methods, or if caused by a member's personal or family illness, or temporary absence due to a work commitment that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

B. Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as email, text messages, or chat functions.

C. The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

D. Notice of all meetings will be provided in accordance with 1 M.R.S.A. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

E. The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

F. All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

G. This policy will remain in force indefinitely unless amended or rescinded.

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Derivation Table

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Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1978 Town Code have been included in the 2025 Code, or the reason for exclusion.

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§ DT-1. Derivation Table of 1978 Town Code to 2025 Code.

KEY:

N/A = Not applicable; was reserved in prior publication.

NI = Not included in Code but saved from repeal.

NLP = New legislation is pending.

Chapter/Title From 1978 Town Code	Location in 2025 Code
Ch. 1, General Provisions	
Secs. 1-101, 1-103, 1-104, 1-106, 1-107, 1-109, 1-110 and 1-111	NLP; see Ch. 1, Art. II
Secs. 1-102, 1-105, 1-108, 1-112, 1-113 and 1-114	Ch. 1, Art. I
Ch. 2, Personnel Policies and Procedures	Ch. 141
Ch. 3, Animals and Fowl	
Art. 1, In General	N/A
Art. 2, Control of Dogs	Ch. 8, Art. I
Art. 3, Animal Shelter Rules	Ch. 8, Art. II
Ch. 4, Boards, Commissions and Special Offices	Ch. 23
Ch. 5, Building Codes and Standards	Ch. 29
Ch. 6, Business License and Permit Regulations	Ch. 107
Ch. 7, Fire Protection and Prevention	
Art. 1, Fire Department	Ch. 56
Art. 2, Fire Protection and Prevention	Ch. 60, Art. I
Ch. 8, Offenses and Miscellaneous	
Art. 1, Offenses Against Public Order	Ch. 136
Art. 2, Safe Zones	Ch. 118, Art. I
Ch. 9, Sewers and Drains	Ch. 175
Ch. 10, Roads and Streets	
Art. 1, Capital Improvements	NI
Art. 2, Entrances to Highways	Ch. 167, Art. I
Art. 3, Street Excavation	Ch. 167, Art. II
Art. 4, Weight Limit Regulation and Restriction	Ch. 167, Art. III
Art. 5, Road and Street Standards	Ch. 167, Art. IV
Ch. 11, Silver Lake Ordinance	

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Chapter/Title From 1978 Town Code	Location in 2025 Code
Sec. 11-101	Ch. 186
Secs. 11-115, 11-130, 11-145, 11-146, 11-147, 11-148	NI
Ch. 12, Traffic and Safety	Ch. 207
Ch. 13, Property Maintenance Standards	Ch. 154
Appendix	
A. Council-Manager Charter of the Town of Bucksport	Charter
B. Council Rules	Ch. A250
C. Subdivision Ordinance	Ch. 194
D. Floodplain Management Ordinance	Ch. 64
E. Cable Television Ordinance	Ch. 37
F. Ordinance on Hazardous and/or Radioactive Waste Disposal	Ch. 220, Art. I
G. Harbor Management Ordinance	Ch. 81
H. Sign Ordinance	Ch. 182
I. Solid Waste Flow Control Ordinance	Ch. 220, Art. II
J. Automobile Graveyard, Automobile Recycling Business, and Junkyard Ordinance	Ch. 14
K. Land Use Ordinance	Ch. 100
L. Street Naming and Numbering	Ch. 167, Art. V
M. General Assistance Ordinance	Ch. 75
N. Property Assessed Clean Energy (PACE) Ordinance	Ch. 150
O. Local Food Sovereignty Ordinance	Ch. 67
P. Remote Participation Policy	Ch. A251
Q. Waste Disposal Facility Licensing Ordinance	Ch. 216
R. Short Term Rental Ordinance	Ch. 180
S. Dam Transfer, Abandonment, or Removal Ordinance	Ch. 43

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Disposition List

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Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Bucksport adopted since the 2025 publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the 2025 publication of the Code was the Dam Transfer, Abandonment, or Removal Ordinance, adopted 9-12-2024.

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§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition

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RESOLVE NO. 2026-46

RESOLVE APPROVING THE ROAD RACE PERMIT FOR THE 2026 BRIDGE THE GAP ROAD RACE

WHEREAS, the organizers of the Bridge the Gap Road Race have submitted a request to the Town for the use of municipal streets and public safety assistance on April 18, 2026;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the road race notification submitted by the organizers for the Bridge the Gap Road Race on April 18, 2026 is hereby approved.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

TOWN OF BUCKSPORT, MAINE

P.O. DRAWER X, BUCKSPORT, ME 04416 TEL. 207-469-7368 FAX 207-469-7369

ROAD RACE NOTIFICATION FORM

Name of Race Organizer Jen Skala, Eastern Maine Elite Wrestling (EME)
Mailing Address 693 River Road
City/Town Bucksport State ME Zip 04416
Contact Person Jen Skala
Telephone # _____ Cell # 207-949-4323
E-Mail Address jpskala@gmail.com

NAME OF RACE: Bridge The Gap Road Race

RACE DATE: April 18, 2026 **TIME:** 9:45 AM

RACE ROUTE: See Attached

Will the race include any of the following:		
Temporary electrical installations	☑ YES	☐ NO
Amplified music or public address system	☑ YES	☐ NO
Ceremonies or presentations	☑ YES	☐ NO
Food vendors	☐ YES	☑ NO
Do you request temporary closure of any public way?	☑ YES	☐ NO
Do you request public safety assistance from the town?	☑ YES	☐ NO

If you answered yes to any of the above questions, please describe the activity in detail on a separate sheet.

I certify with my signature below that the above information is true and accurate to the best of my knowledge.

SIGNATURE

9/18/2025
DATE

JP Skala
PRINTED NAME

Notice of any road race must be given to the Public Safety Director at least one week before the date of the race. All road races must comply with the public safety requirements of the Public Safety Department.

FOR OFFICE USE DATE RECEIVED 9/18/25

Penobscot Narrows Bridge

Race Route:

3 Miler: Start is at Penobscot Narrows Bridge (PNB), cross the PNB, Left onto Verona Island to stop light at Irving, Right onto waterfront walkway, run waterfront, turn and come up roadway by House of Pizza onto Main Street, finish in front of Fort Knox Park Inn.

10 Miler: Start is at Penobscot Narrows Bridge (PNB), cross the PNB, Right onto Verona Island, run the entire island, Right onto Route 1, Left at the stop light by Irving, run on Main Street to finish in front of Fort Knox Park Inn.

Bridge the Gap Road Race – Event Overview & Public Safety Request

The **Bridge the Gap Road Race** will include temporary electrical use at the finish line to support **Brewer Timing**, who will manage race timing and results. A **public address (PA) system** will be in place at the finish line, with music playing prior to the arrival of the first runners. An **awards ceremony** will follow the conclusion of the race to recognize top finishers. There will be water stations at the following mile markers: 2, 4, 6, 8, and 10.

At this time, **no food vendors** are planned for the event.

The **Penobscot Narrows Bridge** will be **temporarily closed** at the **start of the race** to allow participants to safely cross. We are requesting **public assistance** to help ensure the safety of runners at key crossing points, especially:

- At the **traffic light near the Irving station**, and
- Where runners **enter the waterfront walkway**.

Your support is greatly appreciated in helping us make this a **safe and successful community event**.

Town of Bucksport, Maine
OFFICE OF THE TOWN CLERK
PO Drawer X
Bucksport, ME 04416
(207) 469-7368 * kherrick@bucksportmaine.gov

Departmental Review

LICENSE APPLICANT / EVENT DESCRIPTION			
EASTERN MAINE ELITE WRESTLING (EME) JEN SKALA			
APPLICATION STATUS ☐ NEW LICENSE ☐ RENEWED LICENSE		**APPLICATION DATE** 09/18/2025	**CFP DATE** 09/18/2025
MUNICIPAL LICENSE / PERMIT TYPE ROAD RACE 4/18/2026		**STATE LICENSE / PERMIT TYPE**	

DEPARTMENTAL RECOMMENDATION

DEPARTMENT	RECOMMENDATION	SIGNATURE	DATE
CODE ENFORCEMENT	☑ Approval ☐ Conditional Approval ☐ Denial	Jack A Chiarelli	Sep 22, 2025
FIRE	☑ Approval ☐ Conditional Approval ☐ Denial	Michael W. Denning	Sep 25, 2025
POLICE	☑ Approval ☐ Conditional Approval ☐ Denial	David E. Winchester David E. Winchester (Sep 25, 2025 11:18:43 EDT)	Sep 25, 2025
HARBOR MASTER	☐ Approval ☐ Conditional Approval ☐ Denial		

CONDITIONAL APPROVAL EXPLANATION (IF NEEDED)

CODE ENFORCEMENT	
FIRE	
POLICE	
HARBOR MASTER	

FINAL DECISION

TOWN CLERK REVIEW DATE	**DECISION** ☐ Approved ☐ Conditionally Approved ☐ Denied
TOWN COUNCIL REVIEW DATE	**DECISION** ☐ Approved ☐ Conditionally Approved ☐ Denied

OFFICE USE ONLY

LICENSE FEE	LICENSE NO.	DATE ISSUED	EXPIRATION DATE
0			

RESOLVE NO. 2026-47

RESOLVE APPROVING LIQUOR LICENSE RENEWAL FOR BUCKLEY TOWER HOSPITALITY LLC D/B/A WARREN'S WATERFRONT RESTAURANT

WHEREAS, the Town has received and reviewed an application from Buckley Tower Hospitality LLC, d/b/a Warren's Waterfront Restaurant, located at 96 Main Street, for a On-Premises: Beer, Wine & Spirits License; and

WHEREAS, the application has been properly filed in accordance with Maine law and the Town of Bucksport's ordinances, and the required local review has been completed; and

WHEREAS, no objections have been received and the Council finds that granting the license is in the best interest of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the application of Buckley Tower Hospitality LLC, d/b/a Warren's Waterfront Restaurant for a On-Premises: Beer, Wine & Spirits License at 96 Main Street is hereby approved.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

Town of Bucksport Application for Food Service License

☐ New – On Premise Liquor $300.00 ■ Renewal – On Premise Liquor $125.00	☐ New – Food Service Only $100.00 ☐ Renewal – Food Service Only $25.00
APPLICANT NAME James Buckley	
BUSINESS NAME Bucksport Waterfront Restaurant | Warren's Waterfront	
PHYSICAL ADDRESS 96 main st	
MAILING ADDRESS P.O. 16 Bucksport ME 04416	
PHONE NUMBER 3392341419	**EMAIL ADDRESS** buckleytowerllc@outlook.com
BRIEFLY DESCRIBE YOUR FOOD SERVICE OPERATION (e.g., menu type, seating, takeout, etc.) Full service restaurant breakfast, lunch, events and dinners.	
DAYS AND HOURS OF OPERATION 6 day 42 hours	**SEATING CAPACITY** 64
DO YOU HOLD A LIQUOR LICENSE? ■ Yes ☐ No	
LIQUOR LICENSE CLASS On premise beer., wine, liquor	**LIQUOR LICENSE EXPIRATION DATE** 10/22/2025
ARE COOKING APPLIANCES USED ON SITE? ■ Yes ☐ No (If yes, you may be subject to inspection by the Bucksport Fire Department.)	
STATE OF MAINE FOOD LICENSE NUMBER 21904	**STATE FOOD LICENSE EXPIRATION DATE** 10/15/2026
IS THIS A RENEWAL OF AN EXISTING LICENSE FROM THE TOWN OF BUCKSPORT? ◪ Yes ☐ No	
I hereby certify that the above information is true and complete. I understand that the issuance of a Food Service License is subject to approval by the Town Council and compliance with all applicable ordinances and inspections. I also acknowledge that my license, if granted, will expire on December 31 of the current year (or upon expiration of the liquor license).	

Signature: Jim Buckley
Jim Buckley (Sep 23, 2025 13:47:05 EDT)

Email: buckleytowerllc@outlook.com Date: 09/23/25

Departmental Sign-Off

Department	Decision	Signature
Code Enforcement	☐ Approval ■ Conditional Approval ☐ Denial	Luke A Chiarelli

Comments:
We need to do an inspection with the fire department. It has been a few years.

Department	Decision	Signature
Fire Department	☐ Approval ■ Conditional Approval ☐ Denial	Michael W. Denning

Comments:
Will need fire inspection

Department	Decision	Signature
Police Department	■ Approval ☐ Conditional Approval ☐ Denial	David E. Winchester David E. Winchester (Sep 25, 2025 11:15:31 EDT)

Comments:

State of Maine

Bureau of Alcoholic Beverages & Lottery Operations

Application Copy

File Number: 93079 Job Type: Renewal Application

LICENSE # CAR-24-106813	APPLICATION DATE RECEIVED 2025-08-05
LICENSE TYPE On-Premises: Beer, Wine & Spirits	LICENSEE BUCKLEY TOWER HOSPITALITY LLC
AGENT NAME	EFFECTIVE DATE 2024-10-23
EXPIRES 2025-10-22	STATUS Active
PREMISES NAME WARREN'S WATERFRONT	
NEW SECONDARY LICENSE(S) None selected	
PREMISES TYPE Class A Restaurant	PREMISES NAME WARREN'S WATERFRONT
OPERATOR BUCKLEY TOWER HOSPITALITY LLC	
PHYSICAL ADDRESS 96 MAIN ST BUCKSPORT ME 04416	
MAILING ADDRESS PO BOX 16 BUCKSPORT ME 04416-0016	

CONTACT NAME	PREFERRED CONTACT METHOD
JAMES BUCKLEY	Email
CONTACT PHONE	ALTERNATE PHONE
(207) 702-9190	
FAX	EMAIL
	BUCKLEYTOWERLLC@OUTLOOK.COM

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

   Answer "No" if you are a Sole Proprietor.

   No
2. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

   No
3. Is the applicant/licensee an individual, partnership, or association?

   No
4. Are all licensees/applicants residents of the State of Maine?

   Yes
5. Is your license for a club with a membership?

   No
6. Is your license application for Vessel Corporation?

   No

7. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?

   Yes
   (document uploaded)

8. Do you allow dancing or entertainment on the licensed premises? If so, You need to have a a license from the Maine State Fire Marshal. See https://www.maine.gov/dps/fmo/plans-review/applications for more information.

   No

9. Will any law enforcement officer directly benefit financially from this license, if issued?

   No

10 Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

   No

11 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

   No

12 Do you have a manager employed?

   Yes
   James Buckley

13 Has any of the listed applicants, an immediate family member of an applicant, or an employed manager been denied a liquor license or had a liquor license revoked within the last 5 years?

   No

14 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

15 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

16 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

17 Does the licensee/applicant(s) own the premises?

Yes

18 At which address are your business records located?

96 Main St.
Bucksport ME 04416

19 What will be your business hours? Please indicate each day's open and close times.

Sun 7am-2pm
Mon. 7am-2pm
Tues. Closed
Wed. 7am-2pm
Thurs 7am-2pm
Fri. 7am-2pm
Sat 7am-2pm

20 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

GH Jewett School .2 miles
Elm st church .2 miles

21 Is your application for a Hotel or Bed & Breakfast?

No

22 What is the gross food income for the licensure period that will end on the expiration date?

400,000

23 What is the gross income from beer, wine, and spirits for the licensing period ending on the expiration date?

21,000

24 Do you have a food menu?

Yes
(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Maine Health or Agriculture License	Food Lisence.pdf	
Corporate Supplemental Form	maine liq.pdf	
Food Menu	MenuBreak.png	
Food Menu	warrensmenu.png	
Premises Floor Plan	Floor Plan.xlsx	

APPLICANT

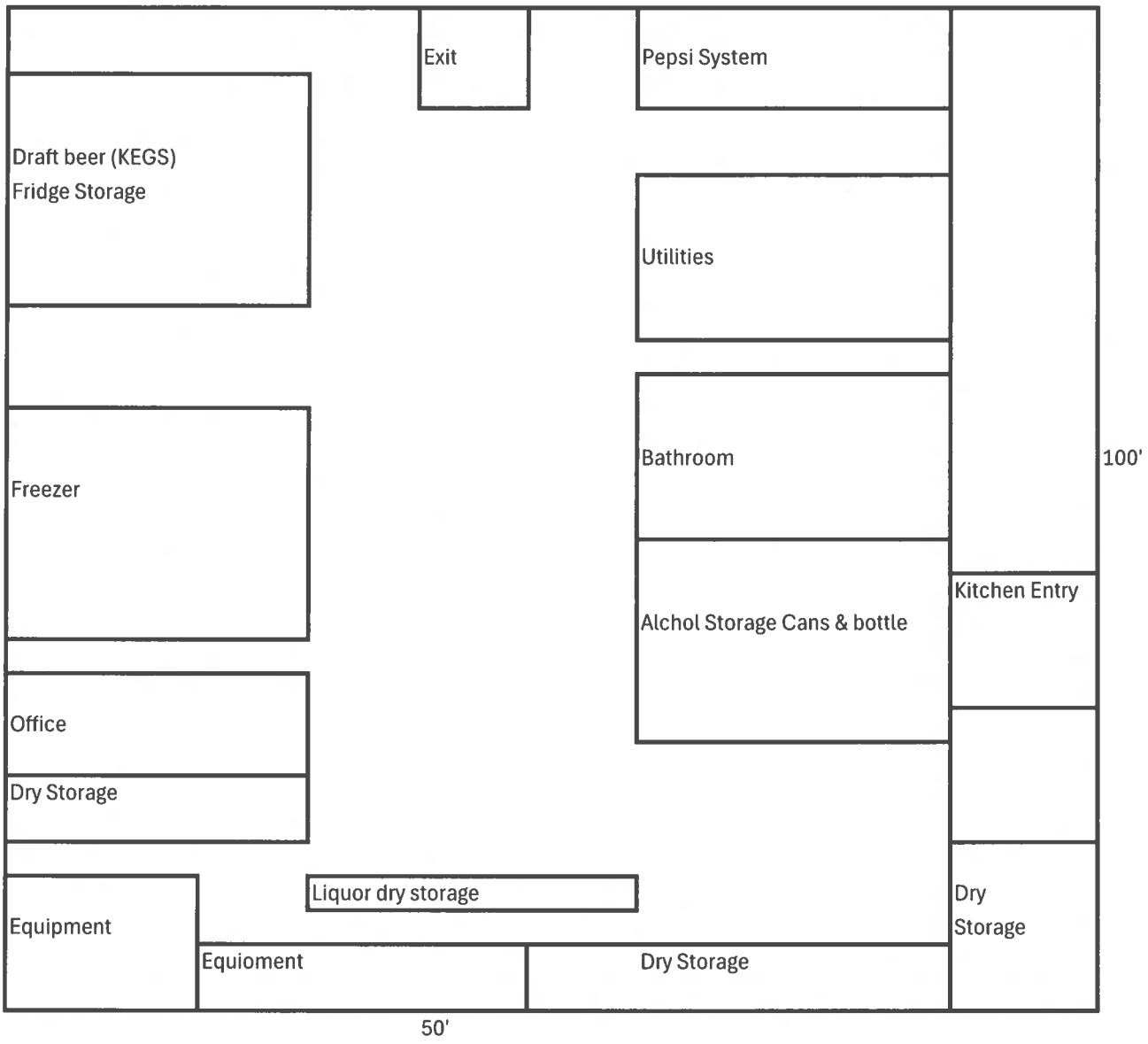
BUCKLEY TOWER
HOSPITALITY LLC

DECLARATION

☑ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

BASEMENT STORAGE



State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 21904

EATING PLACE TIER 2 40 Seats (in)20 Seats (out)

WARRENS WATERFRONT
96 MAIN ST
BUCKSPORT ME 04416

EXPIRES: 10/15/2025

FEE: $265.00

ATTN JAMES BUCKLEY
BUCKLEY TOWER HOSPITALITY LLC
WARRENS WATERFRONT
PO BOX 16
BUCKSPORT ME 04416

Jara Jagré Holmes

Acting Commissioner

NON-TRANSFERABLE

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name:	2. Date of incorporation/registration:	3. State of incorporation:
Buckley Tower Hospitality LLC	08/15/2024	Active

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
James Buckley	06/23/1988	339-234-1419 buckleytowerllc@outlook.com	~~95 Main St~~ 10 Oak St. ~~Bucksp~~ Winterport ME 04496	Owner	100

RESOLVE NO. 2026-48

RESOLVE AUTHORIZING MUNICIPAL QUITCLAIM DEED FOR MAP 017, LOT 007

WHEREAS, the Town of Bucksport has foreclosed upon certain real property identified on the Town of Bucksport Tax Maps as Map 017, Lot 007, by virtue of a Tax Lien Certificate dated June 28, 2023 and recorded in the Hancock County Registry of Deeds in Book 7275, Page 321; and

WHEREAS, the owner of record has satisfied the foreclosure obligation by paying all taxes, interest, costs, and fees due to the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the execution of a Municipal Quitclaim Deed to Summer L. Fitch, of 1126 Millvale Road, Bucksport, Maine 04416, releasing all right, title, and interest of the Town in the premises described as Map 017, Lot 007, is hereby authorized and approved.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

Municipal
QUITCLAIM DEED

Know all Persons by these Presents,

That the Inhabitants of ----------TOWN OF BUCKSPORT----------
A body corporate and politic, located at---------BUCKSPORT----------
in the County of ----HANCOCK---- and State of Maine,
in consideration of one dollar and other valuable consideration paid by

SUMMER L. FITCH

1126 MILLVALE ROAD, BUCKSPORT, ME 04416

the receipt whereof it does herby acknowledge, does hereby *remise, release, bargain, sell and convey*, and forever *quitclaim* unto the said

SUMMER L. FITCH

heirs and assigns forever, all its right, title and interest in and to the following described real estate situated at
1126 MILLVALE ROAD, BUCKSPORT-----
in the County of---HANCOCK--- and State of Maine:

LOCATED ON **MAP 017 LOT 007** OF THE ASSESSORS TAX MAPS FOR THE TOWN OF BUCKSPORT, CONSISTING OF 54 MAPS NUMBERED FROM 1 THRU 53 INCLUSIVE, WHICH ARE ON FILE AT THE TOWN OF BUCKSPORT MUNICIPAL OFFICE, 50 MAIN STREET, BUCKSPORT, MAINE.
(TRIO REAL ESTATE ACCT#3079)

TAX LIEN CERTIFICATE DATED & LOCATED:

06/28/2023 BK 7275 PG 321

To have and to hold the same, together with all the privileges and appurtenances there unto belonging to the said

SUMMER L. FITCH

heirs and assigns forever.

In Witness Whereof, the said Inhabitants of ---TOWN OF BUCKSPORT---- has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its COUNCILORS there unto duly authorized, this 9TH day of the month of OCTOBER A.D. 2025.

Signed, Sealed and Delivered
in presence of *Inhabitants of Town of Bucksport*

_____ Steven M. Bishop _____ Paul A. Bissonnette

_____ Mark B. Eastman _____ Tracey J. Hair

_____ Paul F. Rabs _____ Edward A. Rankin Jr

_____ Jennifer J. Therrien _____Jacob R. Gran
(Witness to All)

STATE OF MAINE, COUNTY OF HANCOCK *ss. OCTOBER 9, 2025.*

Then personally appeared the above named COUNCILORS
And acknowledged the foregoing instrument to be THEIR free act and deed in THEIR said capacity, and the free act and deed of said body corporate.

Before me,

…….
Kelly A. Herrick, Notary Public
State of Maine – Hancock County
My commission expires: July 15, 2027

RESOLVE NO. 2026-49

RESOLVE AUTHORIZING MUNICIPAL QUITCLAIM DEED FOR MAP 013, LOT 050

WHEREAS, the Town of Bucksport has foreclosed upon certain real property identified on the Town of Bucksport Tax Maps as Map 013, Lot 050, by virtue of a Tax Lien Certificate dated June 28, 2023 and recorded in the Hancock County Registry of Deeds in Book 7275, Page 389; and

WHEREAS, the owner of record has satisfied the foreclosure obligation by paying all taxes, interest, costs, and fees due to the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the execution of a Municipal Quitclaim Deed to Terri L. Snow and Troy S. Cary (as joint tenants), of 663 Fort Knox Road, Prospect, Maine 04981, releasing all right, title, and interest of the Town in the premises described as Map 013, Lot 050, is hereby authorized and approved.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

Municipal
QUITCLAIM DEED

Know all Persons by these Presents,

That the Inhabitants of ----------TOWN OF BUCKSPORT----------
A body corporate and politic, located at---------BUCKSPORT----------
in the County of ----HANCOCK---- and State of Maine,
in consideration of one dollar and other valuable consideration paid by

TERRI L. SNOW AND TROY S. CARY (JOINT TENANTS)

663 FORT KNOX ROAD, PROSPECT, ME 04981

the receipt whereof it does herby acknowledge, does hereby *remise, release, bargain, sell and convey*, and forever *quitclaim* unto the said

TERRI L. SNOW AND TROY S. CARY (JOINT TENANTS)

heirs and assigns forever, all its right, title and interest in and to the following described real estate situated at
1005 SILVER LAKE ROAD, BUCKSPORT-----
in the County of---HANCOCK--- and State of Maine:

LOCATED ON **MAP 013 LOT 050** OF THE ASSESSORS TAX MAPS FOR THE TOWN OF BUCKSPORT, CONSISTING OF 54 MAPS NUMBERED FROM 1 THRU 53 INCLUSIVE, WHICH ARE ON FILE AT THE TOWN OF BUCKSPORT MUNICIPAL OFFICE, 50 MAIN STREET, BUCKSPORT, MAINE.
(TRIO REAL ESTATE ACCT#210)

TAX LIEN CERTIFICATE DATED & LOCATED:

06/28/2023 BK 7275 PG 389

To have and to hold the same, together with all the privileges and appurtenances there unto belonging to the said

TERRI L. SNOW AND TROY S. CARY (JOINT TENANTS)

heirs and assigns forever.

In Witness Whereof, the said Inhabitants of ---TOWN OF BUCKSPORT---- has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its COUNCILORS there unto duly authorized, this 9TH day of the month of OCTOBER A.D. 2025.

Signed, Sealed and Delivered
in presence of *Inhabitants of Town of Bucksport*

_____ Steven M. Bishop _____ Paul A. Bissonnette

_____ Mark B. Eastman _____ Tracey J. Hair

_____ Paul F. Rabs _____ Edward A. Rankin Jr

_____ Jennifer J. Therrien _____Jacob R. Gran
(Witness to All)

STATE OF MAINE, COUNTY OF HANCOCK *ss. OCTOBER 9, 2025.*

Then personally appeared the above named COUNCILORS
And acknowledged the foregoing instrument to be THEIR free act and deed in THEIR said capacity, and the free act and deed of said body corporate.

Before me,

…….
Kelly A. Herrick, Notary Public
State of Maine – Hancock County
My commission expires: July 15, 2027

RESOLVE NO. 2026-50

RESOLVE AUTHORIZING MUNICIPAL QUITCLAIM DEED FOR MAP 031, LOT 004

WHEREAS, the Town of Bucksport placed sewer lien certificates on certain real property identified as Map 031, Lot 004, by virtue of Sewer Lien Certificates dated March 22, 2023, recorded in the Hancock County Registry of Deeds in Book 7260, Page 165, and October 19, 2023, recorded in Book 7294, Page 644; and

WHEREAS, the owner of record has satisfied the amounts due on said liens, including all sewer charges, interest, costs, and fees;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the execution of a Municipal Quitclaim Deed to Richard K. Ames II, of 198 Central Street, Bucksport, Maine 04416, releasing all right, title, and interest of the Town in the premises described as Map 031, Lot 004, is hereby authorized and approved.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

Municipal
QUITCLAIM DEED

Know all Persons by these Presents,

That the Inhabitants of ----------TOWN OF BUCKSPORT----------
A body corporate and politic, located at---------BUCKSPORT----------
in the County of ----HANCOCK---- and State of Maine,
in consideration of one dollar and other valuable consideration paid by

RICHARD K. AMES II

198 CENTRAL STREET, BUCKSPORT, ME 04416

the receipt whereof it does herby acknowledge, does hereby *remise, release, bargain, sell and convey*, and forever *quitclaim* unto the said

RICHARD K. AMES II

heirs and assigns forever, all its right, title and interest in and to the following described real estate situated at
198 CENTRAL STREET, BUCKSPORT-----
in the County of---HANCOCK--- and State of Maine:

LOCATED ON **MAP 031 LOT 004** OF THE ASSESSORS TAX MAPS FOR THE TOWN OF BUCKSPORT, CONSISTING OF 54 MAPS NUMBERED FROM 1 THRU 53 INCLUSIVE, WHICH ARE ON FILE AT THE TOWN OF BUCKSPORT MUNICIPAL OFFICE, 50 MAIN STREET, BUCKSPORT, MAINE.
(TRIO SEWER ACCT#705)

SEWER LIEN CERTIFICATE DATED & LOCATED:

03/22/2023 BK 7260 PG 165
10/19/2023 BK 7294 PG 644

To have and to hold the same, together with all the privileges and appurtenances there unto belonging to the said

RICHARD K. AMES II

heirs and assigns forever.

In Witness Whereof, the said Inhabitants of ---TOWN OF BUCKSPORT---- has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its COUNCILORS there unto duly authorized, this 9TH day of the month of OCTOBER A.D. 2025.

Signed, Sealed and Delivered
in presence of *Inhabitants of Town of Bucksport*

_____ Steven M. Bishop _____ Paul A. Bissonnette

_____ Mark B. Eastman _____ Tracey J. Hair

_____ Paul F. Rabs _____ Edward A. Rankin Jr

_____ Jennifer J. Therrien _____Jacob R. Gran
(Witness to All)

STATE OF MAINE, COUNTY OF HANCOCK *ss. OCTOBER 9, 2025.*

Then personally appeared the above named COUNCILORS
And acknowledged the foregoing instrument to be THEIR free act and deed in THEIR said capacity, and the free act and deed of said body corporate.

Before me,

…….
Kelly A. Herrick, Notary Public
State of Maine – Hancock County
My commission expires: July 15, 2027

RESOLVE NO. 2026-51

RESOLVE AUTHORIZING THE SALE OF TAX-ACQUIRED PROPERTY IDENTIFIED AS MAP 017, LOT 034

WHEREAS, the Town of Bucksport is the owner of the tax-acquired property located at Map 017, Lot 034 following the foreclosure of a tax lien pursuant to 36 M.R.S. §§ 942 and 943; and

WHEREAS, the Town sent a Notice of Intent to Sell to the former owner in accordance with 36 M.R.S. § 943-C(2) and the procedures prescribed by the State Tax Assessor; and

WHEREAS, the municipal officers are authorized under 36 M.R.S. § 943-C to sell tax-acquired property to a buyer other than the former owner; and

WHEREAS, the Town must list the property for sale with a licensed real estate broker or agent in the State of Maine at the highest reasonable price at which the property is anticipated to sell, and the broker or agent shall not hold an elected or appointed office in the Town nor be employed by the Town; and

WHEREAS, any excess sale proceeds shall be calculated and distributed to the former owner in accordance with 36 M.R.S. § 943-C and all applicable statutory requirements; and

WHEREAS, if a broker cannot be contracted or the property is not sold within the prescribed period, the municipal officers may sell the property in any manner authorized by the Town's legislative body, with payment of any excess proceeds to the former owner in accordance with law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that Map 017, Lot 034 is hereby authorized for sale and that the Town Manager is directed to list the property with a licensed real estate broker or agent, set the highest reasonable anticipated sale price, and complete all necessary actions to convey the property, including preparing a quitclaim deed, calculating and distributing excess sale proceeds to the former owner, and recording any required notices in the registry of deeds in accordance with 36 M.R.S. § 943-C.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

RE Account 883 Detail as of 10/06/2025

Name: GRUNWALD, MARION R

Location: 1115 MILLVALE ROAD
Acreage: 2.72 Map/Lot: 017-034
Book Page: B5067P254

2026-1 Period Due:
1) 1,363.62
2) 1,363.61

Land:	56,160
Building:	144,790
Exempt	25,000
Total:	175,950

Ref1: 17-08A
Mailing Address: 1115 MILLVALE RD
BUCKSPORT ME 04416

Last payment 3/24/21

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2026-1	R				2,727.23	0.00	0.00	2,727.23
2025-1	L	*			1,878.05	61.56	73.28	2,012.89
2024-1	L	*			1,807.19	129.61	71.38	2,008.18
2023-1	L	*			1,783.65	203.34	82.84	2,069.83
2022-1	L	*			1,703.65	263.22	80.19	2,047.06
2021-1	R				0.00	0.00	0.00	0.00
2020-1	L	*			0.00	0.00	0.00	0.00
2019-1	L	*			0.00	0.00	0.00	0.00
2018-1	L	*			0.00	0.00	0.00	0.00
2017-1	L	*			0.00	0.00	0.00	0.00
2016-1	L	*			0.00	0.00	0.00	0.00
2015-1	L	*			0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	L	*			0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	L	*			0.00	0.00	0.00	0.00
2007-1	L	*			0.00	0.00	0.00	0.00
2006-1	L	*			0.00	0.00	0.00	0.00
2004-1	L	*			0.00	0.00	0.00	0.00
2003-1	L	*			0.00	0.00	0.00	0.00
Account Totals as of 10/06/2025					9,899.77	657.73	307.69	10,865.19

Per Diem	
2025-1	0.2087
2024-1	0.2008
2023-1	0.1982
2022-1	0.1893
Total	0.7969

Exempt Codes: 11 - HOMESTEAD

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RESOLVE NO. 2026-52

RESOLVE AUTHORIZING THE SALE OF TAX-ACQUIRED PROPERTY IDENTIFIED AS MAP 006, LOT 066

WHEREAS, the Town of Bucksport is the owner of the tax-acquired property located at Map 006, Lot 066 following the foreclosure of a tax lien pursuant to 36 M.R.S. §§ 942 and 943; and

WHEREAS, the Town sent a Notice of Intent to Sell to the former owner in accordance with 36 M.R.S. § 943-C(2) and the procedures prescribed by the State Tax Assessor; and

WHEREAS, the municipal officers are authorized under 36 M.R.S. § 943-C to sell tax-acquired property to a buyer other than the former owner; and

WHEREAS, the Town must list the property for sale with a licensed real estate broker or agent in the State of Maine at the highest reasonable price at which the property is anticipated to sell, and the broker or agent shall not hold an elected or appointed office in the Town nor be employed by the Town; and

WHEREAS, any excess sale proceeds shall be calculated and distributed to the former owner in accordance with 36 M.R.S. § 943-C and all applicable statutory requirements; and

WHEREAS, if a broker cannot be contracted or the property is not sold within the prescribed period, the municipal officers may sell the property in any manner authorized by the Town's legislative body, with payment of any excess proceeds to the former owner in accordance with law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that Map 006, Lot 066 is hereby authorized for sale and that the Town Manager is directed to list the property with a licensed real estate broker or agent, set the highest reasonable anticipated sale price, and complete all necessary actions to convey the property, including preparing a quitclaim deed, calculating and distributing excess sale proceeds to the former owner, and recording any required notices in the registry of deeds in accordance with 36 M.R.S. § 943-C.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

RE Account 1561 Detail as of 10/06/2025

Name: PERKINS, LARRY N

Location: 788 STATE ROUTE 46
Acreage: 0.43 Map/Lot: 006-066
Book Page: B6277P239

2026-1 Period Due:
1) 461.05
2) 461.05

Land:	31,740
Building:	27,750
Exempt	0
Total:	59,490

Ref1: 06-036
Mailing Address: 788 STATE ROUTE 46
BUCKSPORT ME 04416

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2026-1	R				922.10	0.00	0.00	922.10
2025-1	L	* Last payment 04/07/21			655.61	21.50	73.28	750.39
2024-1	L	*			630.87	45.25	71.38	747.50
2023-1	L	*			587.66	67.00	90.94	745.60
2022-1	L	*			563.39	87.08	96.05	746.52
2021-1	R				0.00	0.00	0.00	0.00
2020-1	L	*			0.00	0.00	0.00	0.00
2019-1	R				0.00	0.00	0.00	0.00
2018-1	R				0.00	0.00	0.00	0.00
2017-1	R				0.00	0.00	0.00	0.00
2016-1	R				0.00	0.00	0.00	0.00
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	L	*			0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	L	*			0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
Account Totals as of 10/06/2025					3,359.63	220.83	331.65	3,912.11

Per Diem	
2025-1	0.0728
2024-1	0.0701
2023-1	0.0653
2022-1	0.0626
Total	0.2708

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RESOLVE NO. 2026-53

RESOLVE AUTHORIZING THE SALE OF TAX-ACQUIRED PROPERTY IDENTIFIED AS MAP 008, LOT 002

WHEREAS, the Town of Bucksport is the owner of the tax-acquired property located at Map 008, Lot 002 following the foreclosure of a tax lien pursuant to 36 M.R.S. §§ 942 and 943; and

WHEREAS, the Town sent a Notice of Intent to Sell to the former owner in accordance with 36 M.R.S. § 943-C(2) and the procedures prescribed by the State Tax Assessor; and

WHEREAS, the municipal officers are authorized under 36 M.R.S. § 943-C to sell tax-acquired property to a buyer other than the former owner; and

WHEREAS, the Town must list the property for sale with a licensed real estate broker or agent in the State of Maine at the highest reasonable price at which the property is anticipated to sell, and the broker or agent shall not hold an elected or appointed office in the Town nor be employed by the Town; and

WHEREAS, any excess sale proceeds shall be calculated and distributed to the former owner in accordance with 36 M.R.S. § 943-C and all applicable statutory requirements; and

WHEREAS, if a broker cannot be contracted or the property is not sold within the prescribed period, the municipal officers may sell the property in any manner authorized by the Town's legislative body, with payment of any excess proceeds to the former owner in accordance with law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that Map 008, Lot 002 is hereby authorized for sale and that the Town Manager is directed to list the property with a licensed real estate broker or agent, set the highest reasonable anticipated sale price, and complete all necessary actions to convey the property, including preparing a quitclaim deed, calculating and distributing excess sale proceeds to the former owner, and recording any required notices in the registry of deeds in accordance with 36 M.R.S. § 943-C.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

RE Account 1688 Detail as of 10/06/2025

Name: LOCKE, ARLINE F (HEIRS OF) (TIP)

Location: 883 RIVER ROAD
Acreage: 2.69 Map/Lot: 008-002
Book Page: B921P11, B4524P309

2026-1 Period Due:
1) 662.71
2) 662.70

Land:	53,680
Building:	31,830
Exempt	0
Total:	85,510

Ref1: B4524P309 05.15.06 $0
Mailing Address: C/O ADAM ROWE
883 RIVER ROAD
BUCKSPORT ME 04416

Last payment ($1.00) 08/04/25

Prior to that 09/01/2020

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2026-1	R				1,325.41	0.00	0.00	1,325.41
2025-1	L	*			984.48	32.27	73.28	1,090.03
2024-1	L	*			947.33	67.94	71.38	1,086.65
2023-1	L	*			975.81	111.24	82.84	1,169.89
2022-1	L	*			935.51	144.59	80.19	1,160.29
2021-1	L	*			768.56	146.95	78.74	994.25
2020-1	L	*			0.00	0.00	0.00	0.00
2019-1	L	*			0.00	0.00	0.00	0.00
2018-1	L	*			0.00	0.00	0.00	0.00
2017-1	L	*			0.00	0.00	0.00	0.00
2016-1	L	*			0.00	0.00	0.00	0.00
2015-1	L	*			0.00	0.00	0.00	0.00
2014-1	L	*			0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	L	*			0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
2004-1	R				0.00	0.00	0.00	0.00
Account Totals as of 10/06/2025					5,937.10	502.99	386.43	6,826.52

Per Diem	
2025-1	0.1094
2024-1	0.1053
2023-1	0.1084
2022-1	0.1039
2021-1	0.0854
Total	0.5124

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RESOLVE NO. 2026-54

RESOLVE AUTHORIZING THE SALE OF TAX-ACQUIRED PROPERTY LOCATED AT MAP 046, LOT 046

WHEREAS, the Town of Bucksport is the owner of the tax-acquired property located at Map 046, Lot 046 following the foreclosure of a tax lien pursuant to 36 M.R.S. §§ 942 and 943; and

WHEREAS, the Town sent a Notice of Intent to Sell to the former owner in accordance with 36 M.R.S. § 943-C(2) and the procedures prescribed by the State Tax Assessor; and

WHEREAS, the municipal officers are authorized under 36 M.R.S. § 943-C to sell tax-acquired property to a buyer other than the former owner; and

WHEREAS, the Town must list the property for sale with a licensed real estate broker or agent in the State of Maine at the highest reasonable price at which the property is anticipated to sell, and the broker or agent shall not hold an elected or appointed office in the Town nor be employed by the Town; and

WHEREAS, any excess sale proceeds shall be calculated and distributed to the former owner in accordance with 36 M.R.S. § 943-C and all applicable statutory requirements; and

WHEREAS, if a broker cannot be contracted or the property is not sold within the prescribed period, the municipal officers may sell the property in any manner authorized by the Town's legislative body, with payment of any excess proceeds to the former owner in accordance with law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that Map 046, Lot 046 is hereby authorized for sale and that the Town Manager is directed to list the property with a licensed real estate broker or agent, set the highest reasonable anticipated sale price, and complete all necessary actions to convey the property, including preparing a quitclaim deed, calculating and distributing excess sale proceeds to the former owner, and recording any required notices in the registry of deeds in accordance with 36 M.R.S. § 943-C.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

RE Account 1721 Detail as of 10/06/2025

Name: LUGDON, LAUREN L & LUGDON, KATHLEEN L

Location: 1224 MILLVALE ROAD
Acreage: 1.84 Map/Lot: 046-046
Book Page: B2780P171

2026-1 Period Due:
1) 1,311.69
2) 1,311.69

Land:	58,800
Building:	110,450
Exempt	0
Total:	169,250

Ref1: Lugdon paid 80.5k in '98
Mailing Address: 151 TOWN FARM ROAD
BUCKSPORT ME 04416

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2026-1	R				2,623.38	0.00	0.00	2,623.38
2025-1	L	*	Last payment 08/03/2020		2,083.56	68.30	82.92	2,234.78
2024-1	L	*			2,004.94	143.79	80.07	2,228.80
2023-1	L	*			1,846.02	210.45	100.58	2,157.05
2022-1	L	*			1,769.79	273.53	96.05	2,139.37
2021-1	L	*			836.14	153.29	93.52	1,082.95
2020-1	R				0.00	0.00	0.00	0.00
2019-1	R				0.00	0.00	0.00	0.00
2018-1	R				0.00	0.00	0.00	0.00
2017-1	R				0.00	0.00	0.00	0.00
2016-1	R				0.00	0.00	0.00	0.00
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	R				0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	L	*			0.00	0.00	0.00	0.00
2008-1	L	*			0.00	0.00	0.00	0.00
2007-1	L	*			0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
Account Totals as of 10/06/2025					11,163.83	849.36	453.14	12,466.33

Per Diem	
2025-1	0.2315
2024-1	0.2228
2023-1	0.2051
2022-1	0.1966
2021-1	0.0929
Total	0.9489

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RESOLVE NO. 2026-55

RESOLVE AUTHORIZING THE SALE OF TAX-ACQUIRED PROPERTY IDENTIFIED AS MAP 017, LOT 012

WHEREAS, the Town of Bucksport is the owner of the tax-acquired property located at Map 017, Lot 012 following the foreclosure of a tax lien pursuant to 36 M.R.S. §§ 942 and 943; and

WHEREAS, the Town sent a Notice of Intent to Sell to the former owner in accordance with 36 M.R.S. § 943-C(2) and the procedures prescribed by the State Tax Assessor; and

WHEREAS, the municipal officers are authorized under 36 M.R.S. § 943-C to sell tax-acquired property to a buyer other than the former owner; and

WHEREAS, the Town must list the property for sale with a licensed real estate broker or agent in the State of Maine at the highest reasonable price at which the property is anticipated to sell, and the broker or agent shall not hold an elected or appointed office in the Town nor be employed by the Town; and

WHEREAS, any excess sale proceeds shall be calculated and distributed to the former owner in accordance with 36 M.R.S. § 943-C and all applicable statutory requirements; and

WHEREAS, if a broker cannot be contracted or the property is not sold within the prescribed period, the municipal officers may sell the property in any manner authorized by the Town's legislative body, with payment of any excess proceeds to the former owner in accordance with law;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that Map 017, Lot 012 is hereby authorized for sale and that the Town Manager is directed to list the property with a licensed real estate broker or agent, set the highest reasonable anticipated sale price, and complete all necessary actions to convey the property, including preparing a quitclaim deed, calculating and distributing excess sale proceeds to the former owner, and recording any required notices in the registry of deeds in accordance with 36 M.R.S. § 943-C.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK

RE Account 1851 Detail as of 10/06/2025

Name: TROTT, RICHARD C JR & ROSSO, EDWIN TC

Location: 0 MILLVALE ROAD
Acreage: 1.97 Map/Lot: 017-012
Book Page: B5696P295

2026-1 Period Due:
1) 227.70
2) 227.69

Land:	29,380
Building:	0
Exempt	0
Total:	29,380

Ref1:
Mailing Address: 30 Judson Blvd.
BANGOR ME 04401

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2026-1	R				455.39	0.00	0.00	455.39
2025-1	L	*			389.29	12.76	73.28	475.33
2024-1	L	*			374.60	26.87	71.38	472.85
2023-1	L	*			410.08	46.74	82.84	539.66
2022-1	R				0.00	0.00	0.00	0.00
2021-1	L	*			0.00	0.00	0.00	0.00
2020-1	L	*			0.00	0.00	0.00	0.00
2019-1	R				0.00	0.00	0.00	0.00
2018-1	R				0.00	0.00	0.00	0.00
2017-1	R				0.00	0.00	0.00	0.00
2016-1	R				0.00	0.00	0.00	0.00
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	R				0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
Account Totals as of 10/06/2025					1,629.36	86.37	227.50	1,943.23

Last payment 05/24/22

Per Diem	
2025-1	0.0433
2024-1	0.0416
2023-1	0.0456
Total	0.1304

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

RESOLVE NO. 2026-56

RESOLVE CANCELLING THE NOVEMBER 27, 2025 TOWN COUNCIL MEETING

WHEREAS, the Town Council's regular meeting schedule establishes meetings on the second and fourth Thursdays of each month; and

WHEREAS, the regular meeting scheduled for November 27, 2025, falls on Thanksgiving Day, a recognized national holiday; and

WHEREAS, it is in the best interest of the Town and its residents to cancel the meeting to allow Councilors, staff, and the public to observe the holiday;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bucksport, Maine, that the regular meeting scheduled for Thursday, November 27, 2025, is hereby cancelled.

PASSED AND ADOPTED by the Town Council of the Town of Bucksport, Maine, this 9th day of October, 2025.

YEAS: _____ NAYS: _____ ABSTAINED: _____ ABSENT: _____

ATTEST:_____
KELLY HERRICK, TOWN CLERK