A REVISED CODE
OF
ORDINANCES

(Including Amendments and Adoptions up to June 14, 2016)
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INTRODUCTION

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

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

EFFECTIVE DATES

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

FORMALITIES

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

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

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

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

All specific fees deleted and replaced with “fees established by the Board of Selectpersons in the Schedule of License, Permit, Application and Other Fees” by amendment on June 12, 2007.
CHAPTER 1
Board of Selectpersons

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

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

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

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

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

CHAPTER 1, Sections Numbering Changed
AMENDED JUNE 12, 2007

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

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

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

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

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

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

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

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

Section 5. Annual Report. No later than December 31st of each year, the Board shall cause to be published an Annual Town Report. It shall contain the reports of the Town Manager, Board of Selectpersons, the School Board, the Board of Assessors, the Auditor, the Park Commission, the Library Trustees, the Town Clerk-Treasurer, the Tax Collector, the Health Officer, the Building Inspector and such other reports as may be prescribed by the general law
or by the Board, it shall contain copies of the warrant of the Annual Town Meeting and a record of the action taken at such meetings. It shall also contain copies of the warrants of any Special Town Meetings. It shall contain a completed text of any ordinance revisions that were voted affirmative at the annual election meeting. It shall also contain an annual calendar setting out in detail a chronology of all municipal activity, to be prepared by the Town Manager. It shall be the duty of the Town Manager to see that all the material required for the Annual Town Report, as outlined in the preceding section, is properly prepared and submitted in time for inclusion in the Annual Town Report.

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

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

Section 8. Multi-Year Contracts. The Board of Selectpersons shall be authorized to enter into multi-year agreements for contracted services or grant opportunities to the Town, provided that funds for the first fiscal year of the agreement are available and provided that payments and performance for subsequent fiscal years are contingent upon the annual approval of the legislative body to raise and appropriate subsequent annual payments in each year of the contract or grant. The estimated requirements covering the period of the agreement must be reasonably firm and continuing, and such agreement will serve the best interests of the Town by encouraging effective competition or otherwise promoting economies in Town procurement.
CHAPTER 1A
Town Manager

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

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

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

CHAPTER 1A, Section 1
AMENDED JUNE 8, 2010

CHAPTER 1A, Section 1
AMENDED JUNE 14, 2016

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

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

A. The Selectpersons shall file a written preliminary resolution with the Town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.

B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.

C. Upon request for a public hearing, the Selectpersons shall hold one at least 10 days, but not more than 30 days, after the request is filed.

D. After the public hearing, or at the expiration of the time permitted, the manager to request the public hearing, if no such request is made, the Selectpersons may adopt or reject the resolution of removal.

E. The Selectpersons may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

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

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

Section 3. Absence or Disability of Town Manager. The Town Manager may designate a qualified administration official of the Town to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Selectpersons. If the Town Manager does not make this designation, the Selectpersons may appoint a Town official to perform the Manager's duties during the absence or disability or until the Manager returns or the disability ceases.
CHAPTER 2
Budget Material and Presentation

SECTION 1. Preparation of Material. During the 1st week of February, annually, tentative budget programs for the ensuing fiscal year shall be prepared by department heads requiring funds from general and special appropriations of the Town, and submitted to the Town Manager. The Town Manager shall prepare the budget requests and present them to the Finance Committee and schedule appropriate hearings.

SECTION 2. Form of Budget. The Finance Committee shall have the right to prescribe the form in which the budgets are submitted and shall also have the right, after receiving such budgets, to request additional information concerning the same, which information shall be promptly and accurately provided.

SECTION 3. Presence at Hearings. The Finance Committee shall have the right to request the presence of Town officials, members of the boards, department heads and other persons who assisted in preparing budget material to attend scheduled public hearings or executive sessions of the Committee for the purpose of participating in discussions relative to the same, and such requests shall be complied with.

SECTION 4. Town Manager to Coordinate. It shall be the duty of the Town Manager to coordinate the budget operations established by the provisions of this Chapter, and to see that all budget material, as herein provided, is timely submitted.
CHAPTER 3
Finance Committee

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

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

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

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

Section 1. Power and Duties. It shall be the duty of the Finance Committee to make definite recommendations to the voters at every annual and special meeting relative to all articles in the warrant for such meeting involving the appropriation and expenditure of moneys. The Committee shall also serve in the capacity of a financial planning agency for the Town. All meetings of the Finance Committee shall be open to the public and such public notice shall be given by the Chairperson as the Committee shall determine.

Section 2. Meetings. Meetings of the Finance Committee will be called by the Chairperson as needed, in addition to the Organization Meeting (per Town Charter Article XIV, Section 3) and budget meetings outlined in the Chapter 3, Section 4, below.

Section 3. Special Meetings. Special Meetings, as required, shall be called in a manner provided by the Town Charter (Article XIV, Section 4).

Section 4. Budget Meetings. Upon receipt of the budget for the ensuing fiscal year from the Town Manager, the Committee shall hold as many budget meetings as are required to complete its budgetary work and submit their final recommendations at least 50 days prior to the Secret Ballot Election to the Town Manager to give reasonable time for absentee ballots to be prepared. The Committee shall hold as many public meetings as they may require.

Section 5. Hearings on Warrant. The Committee shall hold a public hearing during the month of April, to consider and hear comment on the articles in the warrant for the next Annual Town Meeting.

Section 6. Public Planning Meetings. The Committee may hold public planning meetings to discuss and hear comment on municipal planning and board future programs.
CHAPTER 4
Police and Fire Departments

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

A. To make and administer rules for the appointment, promotion, demotion, discipline, retirement and discharge of the members of said departments, provided, however, that the Town Manager shall not, under such rules, delegate his power to select or appoint personnel.

B. To make and administer rules governing the duties and conduct of the members of said departments.

C. To fix the salaries of the chief and the investigator of the police department and the chief of the fire department.

D. To prepare the annual budget for said departments in accordance with the provisions of these Ordinances.

E. To approve all disbursements for the accounts of said departments and to certify the same to the Board of Selectpersons.

Section 2. Organization of Police and Fire Departments.

A. The Police Department shall consist of a Chief and or Public Safety Director and such other officers, patrolmen and special patrolmen as the Board of Selectpersons shall from time to time determine.

B. The Fire Department shall consist of a Chief and or Public Safety Director and such other officers, regular men and call men as the Board of Selectpersons shall from time to time designate. All references to
employees designate both sexes, and where the male gender is used, it shall be construed to include male and female employees. All references to the Chief of either department shall mean Chief or Public Safety Director as determined by the Board of Selectpersons.

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

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

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

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

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

Section 8. Disciplinary Action. Disciplinary action involving any permanent member of either department, including the Chief, shall be governed by Chapter 360A and Section 6 and 7 of this chapter.

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

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

Section 11. Interference with Police and Fire Protection. It shall be unlawful for any person or persons, within or without the Police and Fire departments to conspire with others in any acts or acts, or to take part in concerted action, formally organized or otherwise, which is designed to, or tends to interfere with or deprive the citizens of the Town of Rumford of the protection for which the police and fire departments are maintained. The Chiefs shall take such action as is necessary to bring about the prosecution of any person violating the provisions of this section.
CHAPTER 5
Park Commission

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

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

Section 1. Powers and Duties.

(a) The Park Commission shall be and is hereby charged with the duty of developing, maintaining and operating all publicly owned cemeteries, and all public parks, athletic fields, recreational and playground areas and facilities, now existing or hereafter established by vote of the Town excepting playground areas under the control of the School Department, to such extent as funds are provided or made available thereof.

(b) The Commission, in its discretion, shall have the authority to permit the use of the athletic facilities under its jurisdiction by persons and organizations, other than public school activities, under such terms and conditions as it may determine. In connection with public school activities, it shall have the right to impose such conditions relative to the use of such facilities as it may determine just and proper to the end that special expenses involved shall be absorbed by the user.

(c) All incidental income resulting from the operation shall be paid to the Town Treasurer on a monthly basis and shall be allocated to the Park and Recreation Commission in addition to the Town appropriation, so that the funds may be drawn upon for the Park and Recreation Commission's expenses.

(d) Any incidental income, revenues and monies remaining in the Park and Recreation Commission Account at the end of the fiscal year shall be carried forward into the Park and Recreation Capital Account.

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

Section 3. Executive Agent. The Town Manager or his designated representative shall act as executive agent of the Commission, and shall attend meetings of the Commission when requested by the Commission Chairperson.
Section 1. **Powers and Duties.** The Board of Library Trustees shall be and is charged with the duty of maintaining and operating the Rumford Public Library, and shall be and is hereby invested with all powers necessary to that end. The Board shall accomplish the purposes herein stated within the means provided by appropriations of the Town, assistance rendered by the State and private gratuities. All incidental income resulting from the operation shall be paid in to the Town Treasurer monthly, and shall be allocated to the Library Budget in addition to the Town appropriation, so that the funds may be drawn upon for Public Library expenses.

Section 2. **Meetings.** The Board shall hold regular monthly meetings as determined by the Board to conduct library business as needed. The annual organization meeting shall be held as outlined in the Town Charter, Article XV. Special meetings may be held as provided by the Town Charter.
Section 1. Duties. The Town Auditor shall conduct an annual audit of the financial operations of all departments of the Town and of the accounts of all officials who handle funds of the Town. Such audit shall be performed in accordance with generally accepted auditing practices for municipalities and shall at least meet the minimum requirements of the general law. As soon as may be, following the close of the fiscal year, he shall make a final report covering the entire year, which report shall embody the results of his findings and such suggestions, as he may deem advisable concerning the affairs of the Town. He shall render such report to the Board of Selectpersons, and a copy to the Finance Committee and to the State Auditor. He shall do such other things and perform such other duties as may be prescribed by general law of the State.

Section 2. Irregularities. Whenever the Auditor finds evidence of irregularities in the accounts of the Town or its officials, or of practices which do not comply with the general law, the provisions of the Town charter, or these Ordinances, he shall report the same forthwith to the Finance Committee and to the Board of Selectpersons.
CHAPTER 8
School Committee

REPEALED JUNE 12, 2007
Chapter 9
Town Treasurer

Chapter 9, Section 3 Town Treasurer
Amended June 14, 1994

Section 1. Duties. The Town Treasurer shall perform all duties prescribed by the general law, and all such duties as may be essential to the functions usually associated with such office, and shall be custodian of all funds of the Town, whatever be the source of origin, and shall be responsible for the preservation and disbursement of the same, and shall keep an accurate record of all such receipts and disbursements, and in addition thereto shall keep a complete and accurate record of:

(a) The Town debt, both temporary and long term.

(b) All bequests, gifts and trust funds.

Section 2. Trust Funds. All trust funds shall be invested by the Town Treasurer, with the approval of the Board of Selectpersons, in compliance with the direction, if any, of the donors. The proceeds only of such investments, unless otherwise directed by the donors, shall be used for carrying out the purposes of the trusts. In no instance shall the principal of such funds be used, or pledged as security for any purpose. It shall be the duty of the Town Treasurer to keep such funds segregated, to collect the income and disburse the same, with the approval of the Board of Selectpersons.
Section 1. **Ordinances.** It shall be the duty of the Town Clerk to keep the Ordinances of the Town currently revised and to prepare a revised copy for printing, from time to time, as the Town may appropriate funds therefore.
CHAPTER 10A
The Planning Board

Section 1. Powers and Duties.

(a) The Planning Board shall prepare a Comprehensive Plan and carry on the broad concept of continuing planning as set forth by State Statutes and Municipal Ordinance (30 M.R.S. § 4961).

(b) The Planning Board shall update and revise the Comprehensive Plan as necessary. Each plan must be submitted to the municipal officers for consideration of submission to the legislative body for review and acceptance.

(c) The Board shall perform such duties and exercise such other powers as are provided by Rumford ordinance and the laws of the State of Maine.

(d) The Board shall be coordinated with other branches of the municipal government in order to carry out the projects and goals of the Comprehensive Plan and other duties prescribed by State and Municipal Law.

(e) The Planning Board may, with the approval of the municipal officers, be authorized to contract with Federal, State, and private agencies.

Section 2. Organization and Rules.

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

The officers shall be a Chairperson and a Secretary who shall be elected from among the membership for a term of one year, or until their successors are elected.

(b) **Meetings:** Regular meetings shall be held on the first Wednesday of each month in the Planning Office of the Municipal Building. All meetings are open to the public.

(c) The Board shall act in accordance with its accepted Ordinances and business will be conducted in accord with Maine Statutes, Town ordinances, and Roberts Rules where pertinent.
CHAPTER 11
Records

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

CHAPTER 11, Section 1 Records
AMENDED JUNE 14, 1994

Section 1. Meetings. The Secretary of all boards and commissions shall keep a complete and accurate record of each meeting, regular or special, of his or her board or commission, after the approval of the minutes by the appropriate boards and within 7 days following such meeting shall file copy thereof with the Town Clerk. The Town Clerk shall keep such records in appropriate books and binders which shall be open to public inspection during business hours.

Section 2. Records and Accounts. All records and accounts of every official department or agency of the Town shall be open to inspection at reasonable times and under such regulations as the Town Manager may establish, except such records of the Town Clerk as are by general law withdrawn from public inspection.

Section 3. Form of Certain Records. The Town Manager, with the approval of the Board of Selectpersons, shall prescribe the method and form of keeping records by the Building Inspector, Health Officer and other appointive officers and agents of whom records are required.

Section 4. Police and Fire Departments. The Board of Selectpersons shall prescribe the method and form for keeping the records of the Police and Fire Departments.

Section 5. Legal Opinion. The Town Manager shall keep available for reference a record of all opinions obtained by the Town.

Section 6. Reports on Financial Status. On or before the 15th day of each month, the Town Manager with the assistance of the Treasurer and Auditor shall make a written report to the Board of Selectpersons showing the status of each account. Said reports, or a copy thereof, shall be filed with the Town Clerk and kept available for public inspection.

Section 7. Meeting Dates. On or before the 1st day of July of each year, the Chairperson of all Town Boards, Committees and Commissions, shall notify the Town Manager, in writing, of the time and place of the regular meetings of their respective agencies for the ensuing year. The Town Manager shall assemble and publish at least once in a local newspaper, or by any other means as determined by the Selectpersons, an appropriate schedule of such meetings, post a copy thereof in the Municipal Building and file a copy thereof with the Town Clerk.

Section 8. Record of Tax Sales, etc. The Town Treasurer, in connection with all sales of unmatured tax liens, and the Board of Selectpersons in connection with the sales of all tax-acquired property, shall keep complete records of such transactions in appropriate books to be provided therefore.
CHAPTER 12
General Business Provisions

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

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

Section 1. Municipal Building, Designation. The public building erected by the Town of Rumford and by the County of Oxford for the use for municipal and county purposes shall be known and designated as the Rumford Municipal Building.

Section 2. Business Hours. The Municipal Building and all Town offices shall be open for business Monday through Friday for at least eight (8) consecutive hours on each day, unless otherwise directed by the Town Manager or Board of Selectpersons. The Town Manager may only issue an order for a temporary closing of the Municipal Building and/or Town offices for emergent circumstances. The Board of Selectpersons has the sole authority for changing the hours or days that the Municipal Building and/or other Town offices are open for business on a permanent basis, provided that a notice of such change is published in a paper of local circulation at least seven (7) days prior to such change. Holidays shall be observed by Town offices, as determined by the Board of Selectpersons.

Section 3. Rental of Auditorium. The auditorium of the Municipal Building may be made available for private use for such fee and under such conditions and stipulations as the Board of Selectpersons shall determine.
CHAPTER 13
Financial Procedures

CHAPTER 13, Financial Procedures
AMENDED JUNE 14, 1994

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

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

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

Section 1. Income Receipts. All money collected by the Town shall be paid by the receiving agency to the Town’s Treasurer. The Treasurer shall deposit such funds into the appropriate Town account as designated by the Board of Selectpersons.

Section 2. Use of Receipts. Funds received by the Town shall be used as directed by the Town’s current budget and/or the Board of Selectpersons in their capacity as agents for the Town’s people.

Section 3. Remittance of Tax Collector. All money received by the Tax Collector shall be delivered to the Town Treasurer, and identified by title (e.g., Taxes Receivable or Tax Liens) and year of assessment.

Section 4. Extension of Credit. No officer or agent of the Town shall extend credit for material furnished or services rendered to individuals, groups, or corporations without the prior consent of the Board of Selectpersons. The Board of Selectpersons are responsible for taking all reasonable precautions to insure that the Town is reimbursed for all goods and/or services.

Section 5. Private Use of Equipment. No equipment, materials, or service of the Town shall be made available without the direct approval of the Board of Selectpersons or the Town Manager.

Section 6. Funds with Designated Uses. All funds designated for special purposes or projects by a vote of the Town, by agreement, or by law shall be accounted for separately and safeguarded in order to insure that they are used as designated. These funds shall be invested as directed by the Board of Selectpersons, with the advice of the Finance Committee, and in a manner consistent with the laws and regulations of the State of Maine.

Section 7. Overdrafts and Surpluses.

(a) It is the duty of all municipal officers and staff to comply with the laws of the State of Maine and to refrain from exceeding their approved budget without appropriate approval of the Town Manager and the Board of Selectpersons.

(b) Any deficit that does occur must be properly accounted in accordance with generally accepted accounting principles.

(c) In the event of unavoidable expenditures that will exceed the budgeted amount, the Board of Selectpersons may seek to cover the overdraft from within the department, so long as the department’s budget is not exceeded or the Board shall call a special Town Meeting to seek further appropriations.

(d) In the event that expenditures for any account do not exceed the amount budgeted for them, the Board of Selectpersons shall either lapse the excess to Undesignated Fund Balance (a/k/a Surplus) or designate the balance to be carried forward.
**Section 8.**  **Trust Funds.** The Board of Selectpersons acting with the advice of the Finance Committee are authorized to accept funds to be held in trust and used as is customary for such funds or as directed by the Trust documents.

**Section 9.**  **Monies Received From Cable T.V. Franchise Agreement.** Monies received from the cable television franchise agreement shall be paid to the Town Treasurer to be disbursed as follows: two thirds (2/3) of the total to be allocated for cable access programming use and one third (1/3) of the total by vote of the Board of Selectpersons. In the event of a surplus at the end of the fiscal year, it shall be transferred to the undesignated fund balance.
Interference Unlawful. It shall be unlawful for any person, firm or corporation to operate any electrical machinery or equipment which interferes with radio reception. Whoever violates the provisions of this section shall be punished by a fine not to exceed $10.00, provided however, that such operator shall have had written notice of at least 3 days within which to eliminate the source of the interference.
CHAPTER 15
Hawking and Peddling

Section 1
AMENDED JUNE 12, 2007

Sections 1-A and 3
ADOPTED JUNE 12, 2007

Section 1-B
ADOPTED JUNE 9, 2009

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

Section 1 and 1B
AMENDED JUNE 10, 2014

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

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

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

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

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

Section 3. Penalties. Any person, business or other entity in violation of this ordinance shall be subject to the following penalties: 1) first violation - $50 fine; 2) any subsequent violation – permit revoked and towing from the site at the expense of the person or business or other entity.
CHAPTER 15-A
Sound Trucks

It shall be unlawful for any person to use or operate a sound truck on the streets and highways in the Town of Rumford, without first obtaining a permit to do so from the Town Manager with the approval of the Board of Selectpersons.
CHAPTER 15-B
Pawnbrokers

ADOPTED JUNE 9, 1987

AMENDED JUNE 14, 1994

Section 1.  **License Required.**  It shall be unlawful for any person, firm or corporation to carry on any commercial business as a Pawnbroker or dealer in used personal property without first obtaining a license from the Board of Selectpersons. Any such license issued shall require the licensee to comply with all the provisions of this Ordinance. Failure to comply with the provisions may be cause for penalties and/or revocation of the license.

Section 2.  **(a) Records Required.**  Every Pawnbroker licensed pursuant to the provisions of this Ordinance shall keep in a separate book, open for inspection by any law enforcement officer, a written record showing the time of purchase of each article purchased by him, a brief description of such articles, any identification numbers, and the name, residence and date of birth of the person from whom such articles were purchased or received.

**(b) Form of Records.**  All records shall be kept and maintained in order of date of purchase and contained either in a bound volume or ledger or in a binder in which the pages can be affixed.

Section 3.  **Daily Report of Licensee.**  Every person licensed as a Pawnbroker shall make out, and have available for periodic collection, a legible and current list, upon blanks furnished by the Chief of Police, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license or similar item which confirms the person's identification by date of birth and by physical description.

Section 4.  **Receiving articles from minors, thieves regulated.**  No one licensed under this Ordinance shall purchase or receive any article from any person under the age of eighteen (18) years without the written consent of parent or guardian, or from a person known to be a receiver of stolen property or known to them as previously selling property they have stolen.

Section 5.  **Retention of Articles Purchased.**  No pawnbroker shall sell, destroy or alter any property pawned until it has remained in his possession for three (3) months after the expiration of the time for which it was pawned.

Section 6.  **(a) Violations.**  Anyone licensed pursuant to this Ordinance who violates any of the provisions of this Ordinance is punishable by a fine not to exceed the sum of $500.00 for each violation and revocation of his license.
CHAPTER 16
Excavations and Deposits in Streets

CHAPTER 16, Section 2, 3, 4 Excavations and Deposits in Streets
AMENDED Section 2, JUNE 9, 1987

Section 3 and 4
ADOPTED JUNE 9, 1987

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

Section 2 Snow and Ice
AMENDED JUNE 9, 2009

Section 1. Permits Required. It shall be unlawful for any person or corporation to make or cause to be made any excavation within the limits of a public highway, or to deposit or cause to be deposited within the limits of a public highway or sidewalk, any material excepting garbage and refuse, placed in metal or other suitable containers for collection, without first obtaining a written permit therefore from the Board of Selectpersons. Such permits shall be issued by the Town Manager.

Section 2. Snow and Ice. It shall be unlawful for any person, firm or those in plowing for hire or their agents to deposit snow and ice upon any public way or rights of way which obstructs or interferes with the free passage of foot or vehicular traffic. It shall be unlawful to deposit snow and ice so as to obstruct any fire hydrant.

Public Way Defined. As used in this section “public ways” shall mean any public street, road, sidewalk or private way laid out under authority of statute, ways dedicated to public use, ways upon which the public has access, ways under control of Rumford Public Works Department or any body having like powers.

Section 3. Written permit and decal required. It shall be unlawful for any person, firm or those plowing for hire to plow across any public way or deposit snow and ice adjacent to rights of way within the Town without first obtaining a written permit and or decal for snow removal equipment. At no time shall any written permit allow the placing of snow or ice upon any public way. Issued permits shall describe in detail any rights or restriction applying to individual permits and shall be issued by the Town Manager. The fees for written permits shall be established by the Selectpersons in the Schedule of License, Permit and Application Fees.

Section 4. Enforcement. Any violation of this chapter by any person engaged in obstructing, depositing or plowing without a written permit shall be subject to an initial written warning by a police officer and shall upon demand remove such obstructions and deposits. Failure to remove upon demand or a violation after a written warning shall be a civil violation. In addition to any fine imposed, the cost of removal of the obstruction or deposit shall be added to the judgment.
CHAPTER 17
Regulations as to Bicycles and Skateboards

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

Section 1. Manner of Operation.

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

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

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

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

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

Section 2.

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

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

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

In addition to the above penalty any person 17 years or older who violates any provisions of this Ordinance shall also be subject to a $35.00 fine.
CHAPTER 18
Stop Signs

Section 1. Favored Ways. The Board of Selectpersons is hereby empowered to designate from time to time, by vote therefore, certain streets or ways or portions thereof, at points of intersection with other streets or ways, as "favored ways," and to revoke thereafter any such designation. No such designation of a favored way shall become effective as to the regulation of traffic at such point of intersection until and unless said board shall cause to be placed or erected, and be maintained, suitable warning signs at the unfavored approaches to such intersection.

Section 2. Intersection Defined. For the purpose of this Ordinance, an intersection shall be deemed to be that area formed by the juncture of two or more streets or ways and common to both or all and whether or not such streets or ways cross each other after such juncture. Every street or way intersecting a street or way designated as "favored," as aforesaid, shall, for the purpose of this Ordinance, be known as an unfavored street or way.

Section 3. Stopping of Vehicles. It shall be unlawful for any person operating or in control of a vehicle, however propelled, and including bicycles, to cause or permit the same to enter an intersection from an unfavored way, as defined in section 2 hereof, without first causing said vehicle to be brought to a complete stop immediately before entering such intersection.

Section 4. Defacing Signs. It shall be unlawful for any person to damage, deface, destroy or move a warning or "stop" sign erected or maintained under the provisions of Section 1 hereof, or any other traffic sign or signal erected or maintained under authority of these Ordinances.
CHAPTER 19
Traffic Regulations

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

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

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

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

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

CHAPTER 19, Traffic Regulations
AMENDED JUNE 14, 1994

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

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

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

Section 1. Interference with Snow Removal. No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or be parked in any public street or public right-of-way from November 1st to April 15th inclusive, between the hours of 11:00 p.m. and 6:00 a.m. for a period of more than two hours, but notwithstanding the foregoing, in no event shall such standing or parking between the hours of 11:00 p.m. and 6:00 a.m. be legal if it interferes with or hinders the plowing, loading or removal of snow from such public street or way. The Board of Selectpersons shall have the authority to change the date of November 1st to any day during the month of November but in no instance beyond the date of December 1st and also the date of April 15th but in no instance prior to March 1st.

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

Any vehicle parked or standing in a manner other than that described above may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such Police Officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinance.

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

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

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

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

Sign a receipt for said vehicle.

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

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

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

Upon any bridge or other elevated structure upon a highway;

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

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

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

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

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

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

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

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

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

1. Where diagonal, right angle, or angle parking is permitted.

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

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

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

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

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

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

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

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

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

Unattended vehicles which are traffic hazards.

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

Section 4. Definitions. The following terms, whenever used or referred to in this Ordinance, shall have the following meanings unless the context otherwise clearly indicates.
The work “vehicle” shall mean any device in, upon or by which any person or property is or may be transported upon a highway.

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

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

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

**Section 5. Parking of Trailers.** No person or persons shall park a camp trailer or like device used for living quarters by either persons or animals on any public street, way or municipally operated or controlled parking lot otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.
CHAPTER 20
Metered Parking

REPEALED MARCH 5, 1979
CHAPTER 21
Sanitation and Safety Measures

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

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

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

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

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

CHAPTER 21, Section 8 Curfew
AMENDED JUNE 10, 2008

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

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

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

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

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

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

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

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

Section 7. Parades. It shall be unlawful for any person or persons to parade or hold demonstrations in the public streets or highways without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Board of Selectpersons.
Section 8. Curfew.

(a) Definitions

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

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

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

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

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

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

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

(b) Offenses

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

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

(c) Defenses

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

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

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

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

(4) in motor vehicle involved in interstate travel;

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

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

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

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

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

(10) married, or otherwise legally emancipated.

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

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

(e) **Penalties**

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

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

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

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

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

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

(f) **Severability**

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

Section 9. Loitering.

(a) It shall be unlawful for any person to loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to: (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the Section.

(c) Any such violation shall constitute a separate offense on each successive day continued.
Section 10. Tag Days. It shall be unlawful for any person or persons to hold tag days in the Town of Rumford without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Town Manager.

Section 11. Unoccupied and Abandoned Buildings (REPEALED June 9, 2015)
CHAPTER 21-A
Sewer Use
Discharge of Pollutants

Section 1. It shall be unlawful for any person, partnership, joint venture, charitable organization and corporation to introduce any pollutant into the Town of Rumford’s sewerage systems or treatment facilities which:

Is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307 (a) of the Federal Pollution Control Act, as amended;

Creates a fire or explosion hazard in the Town of Rumford’s treatment works;

Causes corrosive structural damage to the Town of Rumford’s treatment works, including all wastes with a pH lower than 5.0;

Contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the Town of Rumford’s treatment works; or

In the case of a major contributing industry, as defined herein, contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Federal Pollution Control Act, as amended.

Section 2. A forty-five (45) day notification to the Town of Rumford shall be required of a:

Proposed substantial change in volume or character of pollutants over that being discharged into the Town of Rumford’s treatment works on May 20, 1974;

Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants, or

Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be subject to Section 301 of the Act if it were discharging such pollutants;

The Town of Rumford shall notify the Regional Administrator, U.S. Environmental Protection Agency, Region 1 of any discharge specified in this Section within 30 days on which the Town of Rumford is notified of such discharge.

Section 3. Any industry discharging into the Town of Rumford’s treatment works is required to perform such monitoring of its discharge as the Town of Rumford may reasonably require, including the installation, use, and maintenance of monitoring equipment methods, to keep records of the results of such monitoring to the Town of Rumford. Such records shall be made available for the Town of Rumford to the Regional Administrator upon request.

Section 4. The Town of Rumford's authorized representative shall have the authority to enter into, upon, or through the premises of any industry discharging into the Town of Rumford’s treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under subsection 3 above, and to sample any discharge into the Town of Rumford’s treatment works.
CHAPTER 21-B
Curbside Recycling

ADOPTED JUNE 3, 1991

Section 1. It shall be unlawful for any person, partnership, charitable organization or corporation to dispose of recyclable solid waste in any manner inconsistent with appropriate rules established by the Rumford Board of Selectpersons.

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

Section 2. Solid Waste, including recycling materials, shall continue to be picked up from all residential properties within the Town of Rumford.

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

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

The effective date of this chapter shall be March 1, 1992.

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

Section 3. All provisions of this chapter are enforceable by duly authorized police officers and the municipal officers.

Section 4. Any person, partnership, charitable organization or corporation who violates this Chapter shall be subject to a civil penalty, payable to the Municipality, of not more than $100.00 for each violation. Each day of a violation shall be considered a separate violation. Such person, partnership, charitable organization or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Town of Rumford.
Chapter 21-C
Consumer Fireworks Retail Ordinance

ADOPTED JUNE 12, 2012
REPEALED JUNE 9, 2015

CHAPTER 21-D
Consumer Fireworks Discharge and Possession Ordinance

ADOPTED JUNE 11, 2013
REPEALED JUNE 9, 2015
CHAPTER 21-E
Consumer Fireworks Prohibition

ADOPTED JUNE 9, 2015

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

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

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

(1) CONSUMER FIREWORKS shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Products Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “CONSUMER FIREWORKS” does not include the following products:

1) Missile-Type Rockets, as defined by the State Fire Marshal by rule;
2) Helicopters and Aerial Spinners, as defined by the State Fire Marshal by rule; and
3) Sky Rockets and Bottle Rockets. For the purpose of this paragraph, “Sky Rockets and Bottle Rockets” means a cylindrical tube containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

(2) DISPLAY means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks for special effects.

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

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

Section 5: Penalties.

(1) Any person who uses consumer fireworks in the Town of Rumford shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred ($400.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

(2) Any person who offers for sale consumer fireworks in the Town of Rumford shall be punished by a fine of not less than five hundred dollars ($500.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than one thousand dollars ($1000.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

(3) Seizure and disposal of fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are being used, sold or offered for sale in violation of this section and shall forfeit such seized consumer fireworks to the State for disposal.
CHAPTER 22
Motor Vehicles for Hire

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

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

New Section 3
ADOPTED JUNE 12, 2007

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

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

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

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

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

<table>
<thead>
<tr>
<th>TEN YEARS</th>
<th>FIVE YEARS</th>
<th>THREE YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B or C Felonies</td>
<td>Assault</td>
<td>Driving to endanger</td>
</tr>
<tr>
<td>Misdemeanor sexual assault</td>
<td>Operating Under Influence</td>
<td>Three moving motor vehicle violations per 29-A M.R.S.</td>
</tr>
<tr>
<td>Habitual Offender</td>
<td>Operating after suspension</td>
<td>Chapter 19</td>
</tr>
</tbody>
</table>

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

Upon compliance with the requirements of this Ordinance, the owner of the taxi cab service shall be issued an owner’s license. Upon compliance with all terms of this Ordinance, a driver shall be issued an appropriate license. All owners of any taxicab service are required to comply with all state laws respecting smoking.
Section 3. **Display of License.** Drivers while on duty are required to display their valid drivers’ licenses in the vehicles so that passengers can view their valid licenses. In addition, a copy of the valid Town license of the person or entity permitted to engage in the business of carrying passengers for hire shall be on display in all vehicles being used for said business and are available on request.

Section 4. **Fines for Noncompliance.** Any person, firm, limited liability company, corporation or other entity which operates a business of carrying passengers for hire in violation of this ordinance shall be subject to a fine of $100 per day from the date of occurrence of any violation.
Section 1. Locations. The Board of Selectpersons is hereby authorized to set apart for sidewalk purposes, as public convenience and necessity requires, such portions of the streets and highways within the Town as may be needed and appropriate for such purpose.

Section 2. Construction, etc. Unless otherwise provided, in special instances, by vote of the Town, the construction, curbing and paving of sidewalks shall be authorized by the Selectpersons only on the basis that one-half of the total cost of the project shall be borne by the Town and the other half by the abutting owners. No such project shall be commenced unless and until each abutting owner has paid, or reasonably secured payment, to the Town his portion of the cost thereof. This section applies to new sidewalks and does not pertain to the maintenance, repair or reconstruction of existing sidewalks.
CHAPTER 23-A
Driveway Culverts

The Board of Selectpersons is hereby authorized to install driveway culverts on any street or way in said Town of Rumford provided the abutting owner or owners shall pay one-half the cost of said culvert and one-half the cost of the installation thereof.
That $400,000.00 each year be taken from Excise Tax receipts and placed in Permanent Road Improvement Fund. Selectpersons to advise at each Annual Town Meeting the proposed Permanent Street Improvement Program for ensuing year and cost figure of same.
CHAPTER 23-C
Capital Improvement

CHAPTER 23-C Capital Improvement
AMENDED JUNE 12, 1984

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

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

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

The Finance Committee may recommend Amendments on any portion of the Capital Plan to the appropriate departmental authority for its review, prior to making a final recommendation on funding levels required by the plan.
CHAPTER 24
Use of Dangerous Weapons

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

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

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

“built-up areas” shall mean any section of the Town where dwelling houses or business structures are situated less than 150 feet apart for a distance at least 1/4 of a mile.
CHAPTER 25
REPEALED June 8, 1982

CHAPTER 25-A
REPEALED June 8, 2004

CHAPTER 25-B
REPEALED June 14, 2005
CHAPTER 25-C
Building Code

ADOPTED
JUNE 8, 2004

Inclusion of International Residential Code
AMENDED JUNE 12, 2007

AMENDED JUNE 10, 2008

Section 1. Adoption of Code.

Certain documents, three (3) copies of which are on file in the Office of the Town Clerk of the Town of Rumford, being marked and designated as the International Building Code, 2003 ("IBC") and Appendices A-J, and the International Residential Code 2003 ("IRC"), published by the International Code Council, are hereby adopted as the Building Code of the Town of Rumford as adopted by the Town of Rumford, Maine for regulating the construction, alteration, movement, enlargement, replacement, repair, removal demolition, equipment, use and occupancy, location and maintenance of buildings and structures; providing for the issuance of permits and the collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building and Residential Codes, on file in the Office of the Town Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this article, subject to Section 2 of this ordinance. The IRC shall apply to detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided.

Section 2. Deletions, Additions, Insertions.

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

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

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

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

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

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

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

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

Elevator Standards. Elevator standards adopted pursuant to 32 M.R.S. § 15228, as amended;
Energy Efficient Standards. Energy efficient standards adopted pursuant to 32 M.R.S. § 1415-D, as amended; and

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

From the International Building Code:

- Section 113.1-113.4 inclusive: Violations;
- Section 114.3 Unlawful Continuance;
- Section 115.3 Method of Service;
- Section 116.1 Disregard of Unsafe Notice;
- Section 117.1 Cost of Emergency Repairs;
- Section 112.1-112.3 inclusive: Board of Appeals; and

Appendix A Section A101 Building Official.

From the International Residential Code:

- Appendixes A, B, D, L, Q and P;
- Chapter 2 Section R202 Definitions – Building Official; and
- Chapter 1 Section R112 Board of Appeals.

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

A. To the International Building Code:

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

   A101.1 Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and ordinances, and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford. The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The Building Official is the Town Official charged with the administration and enforcement of this code. The Building Official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

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

   Section 113 Violations.
113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any buildings or structures or equipment regulated by this code, or cause same to be done in conflict with or in violation of any of the provisions of this code.

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

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

113.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, punishable by a fine or not more than $1,000.00 or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(3) Chapter 1 add Section 114.3 to read:

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

(4) Chapter 1 add Section 112 to read:

Section 112 Appeals

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

(5) Chapter 1 add Section 115.4 to read:

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

(6) Chapter 1 add Section 116 to read:

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

(7) Chapter 1 add Section 117 to read:

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

B. To the International Residential Code:

To Chapter 2 Section R202 Definitions – Building Official

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

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

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

International Building Code:

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

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

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

Section 104.8 Liability. Replace the word “jurisdiction” in the first and second sentence with the words
“The Town of Rumford”;
Section 108.2 Schedule of Permit Fees. Insert the words “based upon the estimated cost of construction which shall be established by the Board of Selectpersons.”

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

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

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

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

International Residential Code:

Chapter 1 add Section R112 to read:

Section R112 Appeals

R112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official's decision and shall state the particular portion of the decision appealed from the reasons for the appellant's disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.
CHAPTER 25-D  
Fire and Life Safety Code  
ADOPTED JUNE 14, 2005

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

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

Section 1. Adoption of the Code

It is hereby adopted and incorporated herein by reference, as if completely and specifically set forth in its entirety, for the purpose of prescribing minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion and dangerous conditions, the following codes prepared by the National Fire Protection Association: the “NFPA 1, Uniform Fire Code 2009 edition” and the “Life Safety Code (NFPA 101) 2009 edition” as prepared and published by the National Fire Protection Association and the whole thereof as a guideline with revisions as approved by the Board of Selectpersons. Not fewer than three (3) copies of such Codes have been and now are now filed in the office of the Town Clerk for public use, examination and inspection.

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

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

Section 2. Insertions, Deletions, Additions

DELETION:

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

Section 3. Violations

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

Section 4. Enforcement

The Fire Chief shall be the Town Official principally responsible for the investigation and enforcement of the provisions of this ordinance. This ordinance may also be investigated or enforced by any member of a fire department designated by the Fire Chief. This ordinance may also be enforced by the Code Enforcement Officer or Building Inspector.
Section 5. Appeals

An appeal of a decision of the Town Official may be made to the Board of Appeals by any person aggrieved by a decision or interpretation by the Town Official made under the provisions of this ordinance. Appeals must be brought within (10) days of the date of the Town Official's decision. The appeal shall be in writing and filed in the Town Manager's office and shall state the particular portion of the decision appealed from and the reasons for the appellant's disagreement with the Town Official. Notification of the date of the hearing shall be sent by the Chairperson of the Board of Appeals to the appellant by first class mail with proof of mailing to the address supplied by the appellant to the Town. The appeal hearing shall follow the hearing procedures established in Chapter 29 Section 201. A written decision of the Board of Appeals shall be sent to the appellant and to the Town Official and filed with the Town Clerk no later than thirty (30) days after the hearing date.
CHAPTER 25-E
Abandoned Buildings
ADOPTED JUNE 9, 2015

Section 1. Purpose.

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

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

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

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

Section 2. Definitions.

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

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

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

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

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

Section 3. Applicability.

A. This ordinance applies to all vacant or abandoned buildings located within the Town of Rumford.
B. Notwithstanding any portion of this ordinance, this ordinance does not apply to primary residences of members of the armed forces on active duty, or residences of persons on extended vacations or seasonal living arrangements with the intention to make use of the property, unless the property is not maintained to the maintenance standard in Section 7.

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

Section 4. Registration Required.

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

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

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

D. Standard Vacant Building Registration Permit.

(1) The Code Enforcement Officer shall issue a standard vacant or abandoned building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this ordinance.

(2) A standard vacant or abandoned building registration permit is valid for 1 year from the date of approval.

(3) The Code Enforcement Officer, upon issuance of any permit in this ordinance, shall provide a copy of the permit to the Police Chief, and Fire Chief of the Town.

E. Interim Vacant or Abandoned Building Inspection Permit.

(1) If a vacant or abandoned building is inspected and determined not to meet one or more of the maintenance standards in this ordinance, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this ordinance.

(2) When issuing orders under Subsection D (1), the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant or abandoned building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 6 months.

(3) All work done pursuant to this ordinance must be done in compliance with the applicable building, fire prevention, fire and life safety and zoning codes.

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

Section 5. Permit Application.
A. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises, be free from nuisance and in good order in conformance with vacant building maintenance standards (as set forth below in Section 7), and other codes adopted by the Town of Rumford.

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

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

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

1. The name, street address, telephone number and e-mail address of an individual designated by the owner or owners of the vacant or abandoned building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this ordinance regarding the vacant building.

2. The name of any property manager responsible for management and maintenance of the property, along with their 24 hour-a-day contact information.

3. The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

4. If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.

5. A fee, as established by the Select Board in the Schedule of License, Permit, Application and Other Fees, shall be charged for a vacant building registration permit or interim permit. No fee shall be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, the fee becomes due immediately.

Section 6. Inspection.

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

Section 7. Vacant Building Maintenance Standards.

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
A. Building Openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening. Bare or unprotected wood is not permissible. Weather protection shall be achieved through painting, siding, shingles, etc. Plastic sheeting and/or tarps shall not be permitted as a means of protecting openings.

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

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

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

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

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

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

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

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

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

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

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

Section 8. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S. § 4452. Fines shall be no less than $100 and no more than $2,500 for each offense. Each violation of a separate provision of this ordinance and each day of violation shall constitute a separate offense.
CHAPTER 25-F
Disorderly House
ADOPTED JUNE 9, 2015

Section 1. Definitions.

(1) **DISORDERLY HOUSE** shall mean any dwelling to which the police or sheriff have responded a certain number of times, as prescribed in Section 4 below, involving the conduct of the owner, tenant(s) or the owner’s or tenant(s)’ co-habitants, guests or invitees that the Town Select Board has found to unreasonably disturb the community, the neighborhood or an individual. Such conduct includes, but is not limited to: loud music, boisterous parties, fights involving the owner or tenants of the dwelling or their invitees, the arrest of the owner, tenants or their invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law and other similar activities.

(2) **DWELLING** shall mean any single or multi-family residence or part thereof, including garages, outbuildings, exterior grounds and separate apartments.

(3) **OWNER’S ADDRESS** shall mean the address provided by the owner of a dwelling with the Town for the purposes of assessment and tax collection.

Section 2. Incident Reports and Notice of Disorderly House.

(1) If a dwelling is visited by the police or sheriff in relation to conduct described in Section 1(1) above, the police or sheriff shall send a warning to the owner regarding the disturbance at the dwelling, within three (3) business days, to the owner at the owner’s address.

(2) If a dwelling is visited by the police or sheriff, in relation to conduct described in Section 1(1) above, and within the frequency provided in Incident Table in Section 4 below, the Select Board may convene a hearing to determine whether the dwelling is a Disorderly House.

(3) The owner of the dwelling shall be provided a written Notice of Hearing by either of the following methods: (a) by hand-delivery to the owner’s address by a police officer or sheriff; or (b) by mailing both by certified mail with return receipt requested and by first class mail with certificate of mailing to the owner’s address.

(4) The Notice of Hearing shall provide the date, time and location of the hearing and specify the incidents to be addressed at the hearing before the Select Board.

(5) The hearing notice shall request the owner or the owner’s designated agent to appear at the hearing in order to present the owner’s position and offer any evidence on the incidents that the owner wishes the Select Board to consider. The notice shall include a warning that the failure of the owner to attend the hearing without justifiable excuse may result in a finding that the house is a Disorderly House and result in prosecution in the Maine District Court.

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

Section 3. Violations.

(1) The following are violations of this ordinance:

(a) Violation of a Consent Agreement entered into under Section 2(6); or

(b) Conduct as described in the definition of Disorderly House in Section 1(1) above in the frequency specified in the Incident Table in Section 4 below.

(2) A violation of this ordinance shall result in a civil penalty of not less than $100 nor more than $2,500, plus attorney’s fees and costs for enforcing this ordinance.

Section 4. Incident Table.

The following number of incidents will determine a Disorderly House:

<table>
<thead>
<tr>
<th>Units per Dwelling:</th>
<th>Number of Visits by Police or Sheriff in Any 30 Day Period for Activity Described in Section 1(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or less</td>
<td>3</td>
</tr>
<tr>
<td>6 to 10</td>
<td>4</td>
</tr>
<tr>
<td>11 or more</td>
<td>5</td>
</tr>
</tbody>
</table>
Section 1. Purpose.

A. There are several properties within the limits of the Town which have roof drains which are flowing into the sewer system instead of into the storm drain system in violation of Department of Environmental Protection’s regulations and in violation of an order from the Department of Environmental Protection which requires that all roof drains in the Rumford-Mexico Sewerage District be disconnected from the sewer system and be connected to the storm drain system.

B. Roof drains create an overload on the Rumford-Mexico Sewerage system when there are heavy rains and when the accumulated snow melts on the flat roofs in the Town.

C. The purpose of this Ordinance is to provide a mechanism for enforcing that roof drains be disconnected from the sewer system and be connected to the storm drain system.

Section 2. Definitions.

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

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

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

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

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

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

Section 3. Applicability.

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

Section 4. Compliance.

A. The owner of a building which has a roof drain or gutter system which deposits water into the sewer system must disconnect from the sewer system and connect to the storm drain system. Owners are responsible for ascertaining whether their roof drains are connected to the sewer system. Owners are required to provide a plumber’s certification or other documentation satisfactory to the Town that their roof drains are connected to the storm drain system if required by the Town within thirty (30) days of a written request by the Town’s Code Enforcement Officer.
B. The Town’s Code Enforcement Officer and/or Plumbing Inspector are authorized to make all necessary building inspections to ascertain compliance by the building owner with this Ordinance and to cite any violations of this Ordinance.

C. A building owner who does not cooperate with a building inspection for verification of compliance with this Ordinance shall be responsible for the reasonable attorney’s fees and costs of the Town for obtaining an administrative search warrant.

D. The Town’s Code Enforcement Officer may enter into a Plan of Compliance with a violator; however, all Plan of Compliance may only be for a period of time no longer than 180 days. An extension of an additional 180 days may be granted for good cause shown by the building owner.

E. Any owner of a building which fails to remove a roof drain from being connected to the sewer system is in violation of this Ordinance and subject to fines and penalties below in Section 5 – Violations and Penalties.

Section 5. Violations and Penalties

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

Section 6. Effective Date

This Ordinance is in effect upon adoption at the Annual Secret Poll Meeting of June 14, 2016.
CHAPTER 26
Enforcement and Penalties

AMENDED JUNE 9, 1987

Section 1. Enforcement. The Board of Selectpersons is hereby charged with the duty to enforce, through the appropriate police and fire department, all Ordinances of the Town.

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

Section 3. Penalties. Any person, firm, corporation who violates any provisions of these Ordinances for which no specific penalty is provided, shall be punishable by a fine not to exceed the sum of $1,000.00 for each violation to include any restitution or court costs.

Section 3A. Fines. A minimum judgment for a first offense shall be, not less than $35.00;
Second offense not less than $100.00
Third offense not less than $300.00
Fourth offense not less than $500.00

Section 3B. Restitution. In addition to any fine imposed restitution may be ordered.
CHAPTER 27
Severability

Section 1. Intention. Notwithstanding any other evidence or intent, it is hereby declared to be the controlling intent of the voters of the Town of Rumford that if any provision of these Ordinances, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remaining provisions of these Ordinances, and the application of the provision, held to be invalid, to persons or circumstances, other than those adjudicated, shall not be affected.
CHAPTER 28
Mobilehome and Trailer Ordinance

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

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

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

CHAPTER 28
REPEALED JUNE 14, 2005
CHAPTER 29
Subdivision Regulations

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

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

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

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

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

CHAPTER 29, Section 101 Definition
AMENDED JUNE 14, 2005

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

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

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

Article 1. Definitions

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

Board - means the Town of Rumford Planning Board.

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

Subdivision - For the purposes of these Regulations, subdivision shall be as defined in 30-A M.R.S. § 4401. Lots of forty (40) or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Town of Rumford Shoreland Zoning Ordinance.

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

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

(1) “Arterial Street” - means a street used primarily for fast or heavy traffic.
"Collector Street" - means a street that carries traffic from minor streets to the major system of arterial streets.

"Minor Street" - means a street used primarily for access to abutting properties.

"Alley" - means a street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.

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

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils: and

2. Not considered part of great pond, river, stream or brook.

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

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

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

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

"Manufactured Housing" means:

1. "Mobile Home" which is a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of mobile home homes are included. Those two types are:

   a. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in
compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; and

(b) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

(2) “Modular homes” which are structures that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, of the Maine Revised Statutes and rules adopted under that chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

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

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

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

“Permanent foundation” for manufactured housing means:

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

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

“Pitched, shingled roof” for manufactured housing means a roof with a pitch of two or more vertical units for every twelve horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.
“Abutter” or “abutting property” means a property owner of record with the Town Assessors’ office whose property borders the subject property before the Planning Board.

Article 2. Procedure for Approval of Subdivision Plan

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

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

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

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

(1) Name and title of subdivision.

(2) Graphic map scale, date, and magnetic north point.

(3) Boundaries of tract based on an actual field survey made and certified by a Professional Land Surveyor accompanied by a copy of the deed from which the survey was based.

(4) Name of owner(s) and engineer(s) or surveyor(s).

(5) Names and addresses of abutting owners.

(6) Name, location, width, profile, and cross-section of all existing and proposed streets.

(7) Kind, location, profile and cross-section of all existing and proposed drainage.

(8) Location of features, natural and man-made, affecting the subdivision, including water bodies, rivers, streams, brooks, wetlands, wooded areas, significant wildlife habitats, location and elevation of any 100-year floodplains, location of known or potential archaeological or historic resources, location of documented rare or endangered species, location of direct watersheds of Great Ponds, location of
(9) Location of utilities - water, electrical lines, etc.

(10) Sanitation existing and proposed location, size, profile, and cross-section of sanitary sewers; or description plan, location or other means of sewage disposal with evidence of soil suitability (soils analysis).

(11) Lines and dimensions of lots.

(12) Topographic map if ground slope is more than 5 or less than 1.

(13) Soil erosion and sediment control plan.

(14) The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project as proposed.

(15) Other studies to be made when required. In addition to the Preliminary Plan, the Board may cause to be undertaken by the subdivider or by the town engineer or others, any studies it deems necessary to desirable to protect and assure the health, safety and welfare of the citizens of the Town of Rumford, including the future occupants of such subdivision whether residential, commercial or industrial.

C. Within thirty (30) days of the Board issuing a dated receipt of a Preliminary Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Preliminary Plan.

D. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

E. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

Approval, if granted, shall not constitute approval of the Final Subdivision Plan but a conditional approval of the Preliminary Subdivision Plan only. This may serve as a guide in the preparation of the final Subdivision Plan, which must be submitted in accordance with these Regulations and the conditions, of Preliminary Plan approval.

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

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

(2) Existing and final proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

(3) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

(4) Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U. S.G. S. datum; or other datum approved by the Board.

(5) Location of all permanent monuments properly identified to whether existing or proposed.

(6) Suitable space to record, on the plan, final approval by the Planning Board, with conditions, if any, and also the date of such approval as follows:

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

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

(8) Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.

(9) If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

(10) The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit
as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

(11) **Performance Guarantee.** As a condition to final approval of any subdivision, a performance guarantee shall be submitted with the Final Plan.

(a) **Certified Check or Surety Bond.** The subdivider shall tender either a certified check payable to the Treasurer of the Town of Rumford or a faithful performance bond running to the Town of Rumford and issued by a surety company acceptable to the Board, in an amount of money to be determined by the Board with the advice of the various town departments and agencies concerned.

The check or bond shall be equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in the final plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of such check or bond. Extensions of date of completion may be made by the Board, but in no instance shall said extension be for a period exceeding three (3) years.

(b) **Release of Check or Bond.** Before voting to release such check or bond, the municipal officers shall determine to its satisfaction in part by a written certification signed by the Town Clerk and by the Board Chairperson that there have been submitted to them by the subdivider or his agent written statements signed by:

1. The Town Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan; that the sewage or means of waste disposal have been constructed and are in place in conformance with the Final Plan.
2. The Water District Superintendent stating that the water mains and hydrants have been installed and are in place in conformance with the Final Plan.
3. A Professional Land Surveyor, paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the Final Plan.

(12) **Conditional Agreement.** The subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Rumford. Such agreement shall be endorsed in writing on the Final Plan, and shall provide that the Board may approve the Final Plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until:

(a) It shall have been certified to the Town Clerk and the Planning Board in the manner set forth in 11(b) above, that all of the street and utility improvements required have been installed and completed at the
expense of the subdivider in accordance with all applicable provisions of the Final Plan;

(b) A certificate of compliance covering the lots and streets or portions of streets involved, has been signed by the Town Engineer and the Board Chairperson, and a copy of such certificate has been recorded with the Oxford County Registry of Deeds.

13. A sum equal to 1% of the cost of required improvements as determined by the Board shall be deposited by the subdivider with the Town Clerk to cover costs incurred by the Town for engineering inspection and legal expenses. The minimum shall be one hundred dollars ($100.00).

14. Improvements shall be guaranteed against failures for a period of one (1) year from the date of completion, the form of guarantee to be subject to approval by the Board.

15. The subdivider shall offer the dedication of all streets, parks, or other public open spaces, by deeding, as the improvements are completed as determined by the Board. Approval of the Final Subdivision Plan by the Board, however, shall not constitute an acceptance by the town of such dedication until said deeds have been accepted by the town meeting as streets and ways are accepted.

16. No transfer or sale shall be made of any land in a proposed subdivision until the Final Subdivision Plan has been approved by the Board, the approval noted on four (4) copies of such plan and the plan filed in the office of the Town Clerk. Two (2) copies of the approved plan shall be returned to the subdivider and the others retained by the Board. Unless the subdivider records the approved Final Subdivision Plan in the Oxford County Registry of Deeds within ninety (90) days after the date of approval, such approval shall expire. (Chapter 90-A Section 61, V, A.)

G. Public Hearings - The Planning Board may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.

1. Public Hearing Procedures

(a) Presiding Officer

1) The presiding officer at any hearing shall be either (a) a member of the Board selected by those members present at the hearing, or (b) a qualified employee or representative of the Board, as designated by the Board.

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

(b) General Conduct

1) Opening Statement. The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.

2) Transcription of Testimony. All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.

3) Witnesses. Witnesses shall be sworn. Witnesses will be required to state for the record their names, residence and who they represent, if anyone, for the purpose of the hearing.

4) Testimony in Written Form. Any time, prior to or during the course of the hearing, the presiding officer may require that all or part of the testimony to be offered as such a hearing be submitted in written form at such time and in such form as may be specified. All persons offering testimony in written form shall be subject to questioning. This subsection (b-4) shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.

(3) Continuance. All hearings conducted pursuant to these Regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the Board or the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the presiding officer shall notify interested persons and the public in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

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

(5) General Evidence.

(a) Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Board's experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.
(b) **Official Notice** - The Board may, at any time, take official notice or relevant laws, official regulations and transcripts of other hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Board shall include in its final decision those facts of which it took official notice, unless those facts are included in the transcript of the record.

(c) **Documentary and Real Evidence**

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

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

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

(e) **Objections.** All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefor shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the ruling of the presiding officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.

(f) **Offer of Proof.** An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.

(g) **Public Participation.** Any person may participate in a hearing by making oral or written statements of such person=s position on the issues, and submit written or oral questions through the presiding officer, within such limits and on such terms and conditions as may be fixed by the Board or presiding officer.

(h) **Testimony and Questions.**

(a) **Direct Testimony.** Direct testimony shall be offered in the following order:
i. The applicant and representative and witnesses the applicant selects,

ii. Board staff members and consultants,

iii. State, municipal and other governmental agencies and representatives thereof,

iv. Other interested persons.

(b) Questions. At the conclusion of the testimony of each witness questioning of witnesses shall be in the following order:

i. Board members, counsel, staff and consultants may be permitted by the presiding officer to ask questions at any time.

ii. The applicant,

iii. Federal, state and other governmental agency representatives,

iv. All other persons may have the opportunity to question such witness by oral or written questions through the presiding officer.

(c) The presiding officer may require that all examination, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.

(d) Varying Order of Appearance. When circumstances warrant the presiding officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are questioned.

(9) Conclusion of Hearing. At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

(10) Reopening the Record. At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with regulations provided, however, that the Board shall give notice of such further proceeding, in writing, to the applicant at least 10 days prior to such proceedings, and further provided that the Board shall notify other interested persons and the public in such manner as is appropriate.

(11) Record. The record of the hearing shall consist of the application, the transcript of the hearing, all exhibits, and proposed findings of fact and conclusions of the presiding officer, if any.

(12) Petitions to correct Mis-statements of Fact. The Board may also receive written petitions to correct mis-statements of fact in draft orders.

(13) Representatives. The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Board and staff shall be sent.
Rulings. The Chairperson or presiding officer may be over-ruled by a majority vote of the Board members present or on any decision or ruling relating to a hearing.

Computation of Time. All computations of time under these Rules shall be in the same manner as provided by Maine Rules of Civil Procedure, Rule 6 (a), (b) and (e).

H. Appeals. An applicant or an abutting property owner may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager's Office within ten (10) days of the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will establish a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described below in section 30150A(C)(2). The Board of Appeals shall use the same procedure for administration of the hearing as is established in 201(E) above. A written decision of the Board of Appeals shall be sent to the appellant and filed with the Town Clerk no later than thirty (30) days after the hearing date.

Article 3. Design Standards

Section 301. All required improvements in a subdivision shall be constructed in accordance with the design standards outlined below and in the appropriate schedule established by the Board.

A. General - General requirements shall consist of the following.

1. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.

2. Minimum Lot Size to be 10,000 sq. feet with 100 feet of frontage on the street for lots within municipal sewage; and in rural areas without municipal sewage 40,000 sq. feet with 150 feet on frontage on the street. The use of lots within the subdivision shall conform to the requirements of all applicable health and town regulations.

3. Where a proposed park, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area when the Board deems such requirements to be proper and reasonable.

B. Streets - The arrangement, type and location of streets shall conform to the Comprehensive Plan or Official Map and shall be considered in relation to existing and planned streets, topography, public convenience and safety, and the uses of the land to be served by such streets. Streets shall be of such width as to provide an adequate system for present and future traffic needs with the minimum right of way being fifty (50) feet.

1. Where not shown in the Comprehensive Plan or Official Map, the arrangement of streets in a subdivision shall either:

   (a) Provide for the continuation of existing street or
Conform to a plan approved by the Board to meet a particular situation where topographical or other conditions make continuance of existing street impracticable.

2. Minor streets shall be so laid out that their use by through traffic will be discouraged.

3. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision.

4. Where the subdivision lots will be accessed by off-site public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.

5. Where a subdivision will be accessed from Route 2 it shall be limited to two points of access through the use of common access or shared driveways.

6. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

7. Where a subdivision abuts or contains a railroad right-of-way or arterial street, the Board may require marginal access streets or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

8. Reserve strips controlling access to streets shall be prohibited except where their controls are in accordance with conditions approved by the Board.

9. Dead-end streets shall be avoided. Where unavoidable and designed to be dead-end streets permanently, their length shall be as approved by the Board and shall terminate in a turn-around with a diameter of at least sixty-five (65) feet.

10. Where any Plan includes a dead-end street, not designed to be so permanently, the subdivider shall make such temporary provisions for turn-around as the Board deems necessary.

11. Street names shall not duplicate the names of existing streets and shall be subject to approval by the Board.

12. Streets shall conform to the following minimum design and construction:

(a) **Width of right-of-ways.**

   i. **Collector Streets** - 60 feet.

   ii. **Local Residential Street** - 50-60 feet.

(b) **Width of pavements.**

   i. **Collector Streets** - Two 10 foot traffic lanes, and one 8 foot parking lanes or paved shoulder.
ii. **Local Street** - Two 10-foot traffic lanes, and one 8 foot parking lane or paved shoulder.

(c) Angle of street at intersection shall not be less than 60 degrees.

(d) Street grades shall be minimum of 1.0 percent.

(e) Property lines at intersections shall be rounded with a minimum radius of 20 feet.

(f) All streets shall be crowned in accordance with good engineering practices, and be provided with adequate drainage. Type of base course and wearing surface shall be approved by the Superintendent of Public Works with a minimum of 24" gravel for street base.

(g) All shall be developed to the full width of the right-of-way.

(h) Sidewalks may be required at the discretion of the Board and shall be at least 4 feet minimum width.

(i) The standard specifications, Highway and Bridges, as used by the Maine Department of Transportation shall be the Standard Specifications to govern the building of streets in the aforementioned subdivisions.

13. Alleys shall be provided in commercial and industrial districts, except where provisions are made for other approved access, adequate for the uses proposed.

C. **Easements** - Easements preferably centered on lot lines, shall be provided for utilities where necessary. Where a subdivision contains a stream or drainage way, a storm water or drainage easement shall be provided conforming substantially to the lines of such water course, and of adequate width with a minimum drainage easement of twenty (20) feet. Proper provisions shall be made for protective flood control measures.

D. **Open Space Subdivisions** - It is the policy of the Town of Rumford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Rumford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Rumford.

This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the subdivider. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of these Regulations if such subdividers commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

1. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest and other open space
resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

2. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S. '4404 and these Regulations.

3. **Pre-application Procedure**

   Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

4. **Application Procedure**

   **Required Plans:** The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under these Regulations.

5. **General Requirements**

   In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of these Regulations and other Town of Rumford Ordinances.

   **(a) Allowable Density**

   **(1) Allowable density shall be based upon one of the following methods as determined by the applicant:**

   i. **Net Residential Density Method** which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

      1. area in proposed rights-of-way;
      2. area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
      3. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
      4. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
      5. area of the lot covered by surface waters.

      Then divide the buildable area by the minimum lot size required.

   ii. **Simplified Method**, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.
The Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it make a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 3.d.4.a-d.

6. Layout and Siting Standards

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

(a) Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;

(b) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;

(c) In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses:

(d) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

7. Space Standards

(a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

(b) The required minimum land area per dwelling unit for the building envelope may be reduced to twenty thousand (20,000) square feet. The building envelope shall contain a minimum of twenty thousand (20,000) square feet of land area that does not include 100 year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area required by these Regulations.
Minimum street frontage requirements contained Section 301(a)(2) may be waived or modified by the Board provided that:

1. Any applicable provisions regarding streets in Subsection 6 below are satisfied: and

2. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.

A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.

No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development.

Streets

The Board shall require private streets to comply with the design standards set forth in Section 301(b) except as provided in Subsection (a) below.

Travel ways and shoulders of privately-owned streets within open space subdivisions shall meet the following minimums:

1) Streets serving three (3) to ten (10) units: Sixteen (16) foot travel way and four (4) foot shoulders.

2) Streets serving eleven (11) to fifty (50) units: Twenty (20) foot travel way and four (4) foot shoulders.

Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Ordinance.

Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat recreation (active or passive), and resource conservation.

2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
(b) **Notations on Plan.** Open space, common lands, streets or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

(c) **Ownership of Open Space Land.** Open space land may be held in private ownership; or owned in common by a Homeowners’ Association; transferred to a non-profit organization such as a conservation trust or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in section.

The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

10. **Homeowners Associations or Agreements.**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots or owned in common by a Homeowners’ Association or similar entity, covenants for mandatory membership in the association setting forth the owners’ rights, interest privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Board and included in the deed for each lot.

E. **Surface Drainage**

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.

2. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

F. **Erosion and Sediment Control**

The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

G. **Phosphorous Export**
Subdivisions proposed within the direct watershed of Davis Pond. Joes Pond or the Mt. Zircon Reservoir shall be designed to limit phosphorus runoff.

I. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.

2. Phosphorus control measures shall meet the design criteria contained in *Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development* (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

H. Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

I. Ground Water Quality

1. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:

   (a) A map showing the basic soils types.

   (b) The depth to the water table at representative points throughout the subdivision.

   (c) Drainage conditions throughout the subdivision.

   (d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   (e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.

   (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.
2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S. § 601.

3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

J. Protection of Significant Wildlife Habitat.

Applicants proposing to subdivide land in or within seventy-five (75) feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

K. Endangered and Threatened Species.

The Board shall consider a proposed subdivisions impact on state documented endangered species.

Article 3-A. Mobile Home Park Standards

Section 301-A. These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

Section 302-A. Lot Size, Width and Density. Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on 30-A M.R.S. § 4358, as amended.

A. Lots served by public sewer:
   - minimum lot area — 6,500 square feet
   - minimum lot width — 50 feet.

B. Lots served by individual subsurface sewage disposal systems:
   - minimum lot area — 20,000 square feet
   - minimum lot width — 100 feet

C. Lots served by a central subsurface wastewater disposal system:
   - minimum lot area — 12,000 square feet
   - minimum lot width — 75 feet

D. The overall density of a mobile home park served by a central subsurface wastewater disposal system approved by the Department of Human Services shall be no greater than
one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

(1) the area required for road rights-of-way; and
(2) the area required for buffer strips, if any; and
(3) the additional area for open space, storage or recreation applicable to other residential developments within the municipality for mobile home parks that are served by a public sewer, provided that the area is not greater than 10% of the combined area of the individual lots within the mobile home park; and
(4) the area of any setbacks required by Title 38 of the Maine State Statutes.

E. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

F. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

Section 303-A. Lot Setbacks.

A. The following lot setbacks shall apply to all manufactured housing units:

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<thead>
<tr>
<th>setback</th>
<th>requirement</th>
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<tbody>
<tr>
<td>front setback</td>
<td>20 feet</td>
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<td></td>
<td>10 feet</td>
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<td></td>
<td>(on lots served by public sewer)</td>
</tr>
<tr>
<td>side setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>rear setback</td>
<td>20 feet</td>
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</table>

If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply. If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in the municipality.

B. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile park to be varied provided that no home may be closer that 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.

C. Carports of non-combustible materials are not subject to side setback requirements.

D. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

Section 304-A. Lot Coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

Section 305-A. Buffer Strips.

A. A 50 foot wide buffer strip shall be provided along all property boundaries that:
(1) abut residential land which has a gross density of less than half of that proposed in the park, or

(2) abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

B. Within 25 feet from the exterior boundaries of the mobile home park and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project. No structures, streets or utilities may be placed in the buffer strip except a utility may cross the buffer strip to provide service to the mobile home park.

Section 306-A. Parking. For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

Section 307-A. Road Standards.

A. Roads in a mobile home park shall meet the standards contained in the Town of Rumford Subdivision Ordinance, Article 3 (Design Standards) Sec.301(b) and the provisions of this section. Where the standards are in conflict, the stricter standard shall apply, unless it is in conflict with 30-A M.R.S. § 4358.

(1) Private Roads. Privately-owned roads within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile Home park roads shall have a right of way of at least 23’ of which 20’ must be paved. On-street parking shall be prohibited.

(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town of Rumford shall meet the minimum road acceptance standards for public roads as required by the Town.

(3) Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

   (a) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

   (b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 3 percent.

(4) No mobile home lot may have vehicular access directly onto a public street, unless such street is constructed in a manner which shall not impair the safety of the public.

Section 308-A. Utility Requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.
Section 309-A. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

Section 3010-A. Skirting. The area between the platform and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

A. Approved vinyl or metal mobile home skirting; or
B. A poured concrete wall; or
C. A mortared or loose laid masonry wall; or
D. Painted wood or similar materials.

Section 3011-A. Siding. All structures in a mobile home park shall have siding which provides a residential appearance. Tar paper, vapor barrier (e.g., typar), asbestos shingles and asphalt shingles shall be deemed not in compliance. Aluminum or vinyl siding are acceptable forms of siding. Anyone installing vapor barrier must have siding covering the vapor barrier within one (1) year from the date of commencement of the installation of the vapor barrier.

Section 3012-A. Roofing. All structures in a mobile home park shall have pitched, shingled roofs as described in section 101(M). Tar paper is not an acceptable material for a roof.

Section 3013-A. Permanent Foundation. All structures in a mobile home park shall be on a permanent foundation as described above in section 101(L).

Section 3014-A. Standards for Earlier Built or Non-Compliant Manufactured Housing. The purpose of these standards is to establish a condition of safety that will allow manufactured housing to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park or their invitees. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

A. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.

B. A person holding a master’s license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards hereafter revised or enacted.

C. A person holding a master’s license issued by the State of Maine Electrician Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

Section 3015-A. Approval Process for Mobile Home Park Construction or Alteration.
A. It shall be unlawful for any person to construct or alter a mobile home park as defined in this ordinance unless such person shall first have obtained a building permit and an Approved Plan (as required by the Planning Board) from the Town Planning Board as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this ordinance unless such person shall first have obtained a license from the State of Maine and filed a copy of same with the Town Clerk.

B. An application for construction, expansion or alteration of a mobile home park shall be obtained from the Town Manager's office and shall be filed with the Town Clerk. An expansion of an existing mobile home park shall be treated in the same manner as the new construction of a new mobile home park. The application shall be fully completed in type-writing or legible writing, signed by the applicant and shall contain the following, when applicable:

1. Two mylar plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:

   a. Name and address of applicant;
   b. Name or title of mobile home park;
   c. Area and dimensions of the tract of land;
   d. Scale, date, direction of magnetic north;
   e. Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
   f. Number, size and location of all mobile home sites including the location of the permanent foundation on each site;
   g. Name(s) of abutting owners;
   h. Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other right-of-ways;
   i. Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
   j. Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
   k. Location of water lines, sewer lines, septic systems, etc.;
   l. Kind, location and profile of all existing and proposed drainage;
   m. Location and proposed uses of area proposed for outdoor recreation;
   n. Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
   o. Location of existing and proposed pedestrian walkways;
   p. Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
q. Location of existing and proposed fences, hedges, etc.

r. An on-site soils investigation by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.

s. Evidence that the Maine Department of Human Services, Division of Health Engineering, has been provided with copies of the plan and all other submittals.

2. Copies of deeds establishing ownership in the parcel or parcels of land being developed.

3. Copy of an existing license for operating the mobile home park if already in existence.

4. An application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the applicant shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for each abutter to the parcel who must be notified by the Town.

C. The Town Clerk, after determining that the provisions of Sections A and B of this section have been met, shall:

1. Notify the Code Enforcement Officer, Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation in writing as to the feasibility of any such mobile home park with respect to the areas of their responsibilities to the Planning Board;

2. Refer the application to the Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing by first class mail to the last known address of the abutter of the time, date and place of the public hearing;

3. The hearing shall be conducted as in Section 201(F) above.

D. The Planning Board within thirty (30) days after the conclusion of such hearing shall make its written determination known to the applicant as to whether the application is denied or granted. The Planning Board shall take into consideration whether:

1. the proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Shoreland Zoning Ordinance of the Town;

2. the street and road patterns in the proposed mobile home park or alterations of same are adequate for use intended and for ingress and egress for the protection of the mobile home park inhabitants, their invitees, property and the public;

3. the proposed mobile home park or alterations to an existing mobile home park otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts;
4. The proposed mobile home park or alterations to an existing mobile home park meet with the requirements of this ordinance and the ordinances and laws of the Town.

E. The Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of same.

F. If the Planning Board grants final approval of the said application, the Plan shall be signed by the Planning Board, if a plan was required by the Planning Board. Upon being provided with a recorded copy of the signed Plan by applicant or the applicant's licensed surveyor or engineer, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit for the construction of said mobile home park. In the event that a Plan was not required by the Planning Board and the Planning Board approves the application, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit. The Code Enforcement Officer and Building Inspector shall monitor the construction or expansion of the mobile home park or the alterations to an existing one.

G. An applicant or an abutter may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager’s Office within ten (10) days of the date of the Planning Board’s written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will set a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described above in section 30150A(C)(2).

Section 3016-A. No plan which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback and other requirements the Town has established for that use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes for conditions of approval:

A. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

B. No dwelling unit other than a manufactured housing unit shall be located within the park.

Section 3017-A. No mobile home park existing at the time of the effective date of this ordinance shall be altered in any way except in compliance with the provisions of this ordinance.

Section 3019-A. Violations.

A. No manufactured home shall be located anywhere in the Town without certification of payment of Maine State sales tax. A person, corporation or other entity which has a mobile home located in the Town without having paid sales tax shall be subject to a fine of $125.00 per day, up to a maximum fine of $2,500.

B. A person, corporation or other entity operating a mobile home park in violation of this section shall be subject to a fine of $125 per day for each violation, up to a maximum fine of $2,500.
Article 4. Required Improvements

Section 401. The Board shall specify what improvements shall be required to meet the needs of a proposed subdivision. Such improvements shall include streets, storm drainage, sanitary sewers and water mains. The required improvements shall conform to design standards set forth in these Regulations as follows:

a. Streets as outlined in Section 301(b) above.
b. Storm drainage shall be installed with necessary manholes and catch basins to the grade, line, type of pipe, and size as determined by the Board.
c. All sanitary sewers shall be installed with necessary manholes to the size, grade, line, type of pipe and type of joints as determined by the Board on the advice of the Town Engineer.
d. Water Mains. Town water mains with hydrants shall be provided. A minimum of 6" water main is required for all street and shall be installed in compliance with requirements of the Board of Trustees of the Rumford Water District.
e. Construction by Town. The Town may agree to construct the sewer, storm drains and the wearing surface of the streets; if recommended by the Board, and approved by vote by the Town Meeting. In making its recommendation, the Board shall consider economic feasibility, cost of construction, cost per unit served, and benefits to the community.

Article 5. Waivers.

Section 501. The terms of these Regulations may be waived from time to time by the Board in accordance with the following sections:

a. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of these Regulations are strictly applied, it may waive the necessity for strict compliance with the requirements of these Regulations in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of these Regulations or the comprehensive plan.
b. In granting waivers to any of these standards in accordance with Section 501(a) the Board shall require such conditions as that will assure the objectives of these Regulations are met.
c. When the Board grants a waiver to any of the improvements required by these Regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

Article 6. Violations and Enforcement.

Section 601. These Regulations shall be enforced by the Code Enforcement Officer.

a. No plan of a division of land that would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these Regulations.
b. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

c. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorneys’ fees and court costs if it is the prevailing party. The Selectpersons, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these Regulations and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectpersons shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

d. Utility installations, ditching, grading or construction of streets, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and endorsed as provided for by these Regulations.

Article 7. Amendments.

The Board may from time to time amend these Regulations, and any policies adopted by the Board. The procedure for such amendments or amendment shall be the same as follows for the adoption of these Regulations or policies.

Article 8. Validity.

If any article, section, subdivision, sentence, clause, or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.
CHAPTER 30
Regulation As To Dogs

CHAPTER 30 REPEALED JUNE 8, 2004

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

CHAPTER 30-A REPEALED JUNE 8, 2004

CHAPTER 30-B
Ordinance Regarding Domestic Animals

CHAPTER 30-B REPEALED JUNE 12, 2012
CHAPTER 30-C
Domestic Animals: Regulation and Enforcement

ADOPTED JUNE 12, 2012
AMENDED JUNE 14, 2016, Section 11

Section 1. Definitions.

As used in this ordinance, unless the context otherwise indicates:

A. “Domestic Animal” shall mean any animal kept within the Town limits of Rumford.

B. “Dog” shall mean any domesticated canine animal kept within the Town limits of Rumford.

C. “Cat” shall mean any domesticated feline animal kept within the Town limits of Rumford.

D. “Pet” shall mean a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

E. “Impoundment Fees” shall mean any and all Fees as described in Town’s Schedule of License, Permit and Application Fees.

F. “Owner” shall mean any person or persons, firm association or corporation owning, or keeping, harboring or in possession of, or having the control of a domestic animal.

G. “At Large” shall mean a dog off the premises of the owner and not under the control of the “owner” or a member of his immediate family or a person left in charge of the dog, either by leash, cord, or chain.

H. “Kennel” shall be defined as it is defined under 7 M.R.S. § 3907.

I. “Leash” shall mean a leash, cord, chain, or other comparable material which must be of a gauge suitable for controlling said dog and shall not be longer than six feet.

J. “Service Dog” A service dog is a guide dog or signal dog, which has been individually trained to provide assistance to an individual with a disability and is partnered with a disabled person. Dogs, whose sole function is the provision of emotional support, well-being, comfort or companionship, are not considered service dogs. The crime deterrent effects of a dog’s presence do not qualify a dog as a service dog and a dog individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service dog.

K. “Household” shall mean the same dwelling place or residence where a group of people live together. Examples of a household can be an apartment, a house, a flat or a room in a boarding home.

L. “Wolf hybrid” means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.
Section 2. Licensing Required.

A. No dog may be kept within the Town limits of Rumford, unless the dog has been licensed by its owner or keeper in accordance with the laws of the State of Maine. Dogs must be current with all required shots under Maine state law before they will be licensed in the Town.

B. In addition to all the Maine Animal Welfare Laws Dealing With Dog and Kennel Licensing [7 M.R.S. §§ 3921 – 3939B], any person or persons who have previously licensed a dog within the State of Maine, and who have knowingly or unknowingly let one or more years lapse without renewing a license for the same dog, shall be charged back fees for each year the dog was kept unlicensed within the Town limits of Rumford. Back license fees shall be in the amount of the dog license fees in effect at the time the back fees are being charged. No additional late fees will be charged with any back fees.

C. Any person who harbors a dog who was over the age of six (6) months of age as of April 1st of the previous year shall pay to the Town license fees for each year that the dog was over the age of six (6) months in addition to the current year’s licensing fee before the dog will be licensed in the Town.

D. A dog which qualifies as a service dog, as defined in this Ordinance, and for whom the owner can provide a certificate of training and a current rabies vaccination will be given a service dog license at no charge.

Section 3. Number of Dogs Limited.

A. It shall be unlawful for any person or persons to keep or harbor within the Town limits more than three (3) dogs over six (6) months old on April 1st in or about any premises occupied by any one (1) family without an inspection of the premises and the dogs by the Animal Control Officer and the written approval of the Animal Control Officer stating that the premises at which the dogs will be kept is sufficient for the maintenance of four (4) or more dogs and that the dogs will not disturb the peace and tranquility of the neighbors of the household where the dogs will be kept. No more than four (4) dogs may be kept in any one household without obtaining a kennel license, if applicable, pursuant to Section 4 of this Ordinance. The Animal Control Officer shall have the right to inspect the circumstances of the dogs and their living arrangements on an annual basis prior to the Town’s issuance of licenses for four (4) or more dogs in one household.

B. Persons found to be harboring four (4) or more dogs without proper authorization are subject to the penalties in Section 17 of this Ordinance.

Section 4. Kennel Licensure.

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

B. In order to be granted a kennel license, an owner of five (5) or more dogs must submit the fee established by the State of Maine pursuant to the Animal Welfare Laws of the State of Maine and submit a completed application for a kennel license in the Town Clerk’s Office and establish that:

1. The dogs are kept and used for the purpose of breeding, hunting, show, training, field trials, sledding, competition or exhibition.
2. Any property where the kennel is located is owned by the owner of the dogs. If the property where the kennel is located is being rented or leased by the dog owner, a copy of the written permission for such kennel from the landlord must be given to the Town Clerk along with the application.

3. The kennel location is not a duplex or an apartment building where more than one (1) family resides.

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

D. The Animal Control Officer shall be the sole authority to issue a kennel license. The Animal Control Officer also has the authority to revoke any existing kennel license of an existing kennel. Refusal to issue a license or revocation of an existing license shall be for the following grounds:

1. Improper or inadequate structure;
2. Improper or inadequate ventilation;
3. Inadequate or cramped conditions;
4. Inadequate bedding materials;
5. Inadequate temperature control;
6. Nuisance noise/barking conditions which violate Section 6 of this Ordinance;
7. Failure to comply with state law; and
8. Other good cause.

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

The owner will be given 10 days to correct the situation(s) listed in the written notification. The owner must contact the Animal Control Officer for a date and time of re-inspection. Upon a second inspection, if the Animal Control Officer finds that there is still a failure to comply, the owner will again be given a written copy of the violations found. The owner will have another ten (10) day period to make the corrections.

The owner will be entitled to a third inspection, which he or she must request from the Animal Control Officer. If the Animal Control Officer finds failure to comply with the requested corrections, the owner requesting a kennel license will be denied for that year and may not make another request for a kennel until the following January licensing period. An owner whose license was revoked shall similarly not be eligible for applying for a license until the next year after a failed third inspection.
E. In the event that an owner is denied kennel license after the third inspection, or has his or her license revoked, the owner must license individually any dogs he or she possesses, with the written authorization of the Animal Control Officer as detailed in Section 3 of this ordinance. In event that the Animal Control Officer does not give written authorization for dogs in excess of the limits established in this Ordinance, any excess dogs must be removed permanently from the premises by selling, giving away or humanely disposing of the additional dogs.

F. Persons found to be harboring four (4) or more dogs without proper kennel licensing or without written approval of the Animal Control Officer are subject to all of the penalties contained in Section 17 of this Ordinance.

Section 5. Running At Large.
A. No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this Ordinance, if the dog is controlled by a leash, or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper. Nothing in this Ordinance shall be held to require the leashing of any dog while on owner’s premises.

B. A leash shall not be more than six feet long. Any dog that is being walked on a leash on any public way or place shall not be under the control of a child unless that child is of suitable size to be able to completely control the dog.

Section 6. Barking or Howling Dog. No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. A person who keeps or maintains a dog who’s barking or howling can be heard at or beyond the boundary of the property on which the dog is located violates this section. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

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

Section 8. Tethering of Animals.
A. When domestic animals are confined by a chain or similar device, the chain shall be attached to both the domestic animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar or harness that in no way cuts into the domestic animals flesh or impinges the circulation of the domestic animal or impairs its ability to ingest food or water or to vocalize.

B. The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs. For sled dogs, the length of the chain shall be not less than 1 ½ times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot or 3 times the length of the dog from the tip of its nose to the base of its tail if tied to a stationary point.

C. Multiple domestic animals confined by a chain or similar device shall be kept far enough apart to prevent the restraining devices from becoming entangled.
D. Dogs that are tethered at a pivot point permitting a 360 degree area of movement will be 2 ½ times the length of the dog from the tip of its nose to the base of its tail.

E. As prescribed by Maine State Animal Welfare Laws pursuant to 7 M.R.S. § 4015 or a successor statute, no domestic animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind, when extreme heat or extreme cold will be harmful to its health.

Section 9. Rabies.

A. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.

B. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies.

C. No person shall fail or refuse to surrender any animal for disposition by the Animal Control Officer as required herein when demand is made therefor by the Animal Control Officer.

Section 10. When Domestic Animals May Be Killed.

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

Section 11. Seizure of Animals by Animal Control Officer without Court Order.

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

Section 12. Impoundment.

A. Dogs.

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

2. When dogs are found running “at large” and their ownership is known, such dogs need not be impounded by the Town, though its duly authorized agents may cite the owner of such dogs to appear in court to answer charges of violation of this ordinance.

3. The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as established by the Selectpersons in the Schedule of License, Permit and Application Fees, unless charges of cruelty to animals (7 M.R.S. §
4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded dog. In this event, the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

B. Cats or other Domestic Animals.

1. Cats and other domestic animals who are stray, abandoned, thought to be homeless or that are wandering and causing destruction to another’s property shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a minimum of 48 hours unless feral, in which the cat need not be held more than 24 hours. Unless the cat or domestic animal is believed or known to have an owner, the cat or domestic animal may be disposed of in a humane manner or the Town or its duly authorized agents may transfer title of said cat or domestic animal.

2. The owner shall be entitled to resume possession of any impounded cat or domestic animal upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals (7 M.R.S. § 4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded cat or domestic animal. In this event, the cat or domestic animal shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

Section 13. Impoundment Fees.

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

Section 14. Defecation.

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

Section 15. Nuisance Animals.

A. No owner or keeper shall permit or allow any animal to make sounds common to its species if such sounds recur in such a manner to cause a nuisance to other persons, including businesses. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

B. No owner or keeper of any reptile, including all snakes, shall permit or allow any person to display, exhibit, transport, or allow to be visible in any public area any reptile that is not contained within a suitable cage or kennel. This section does not apply to any owner or keeper of reptiles, including all snakes that are displayed or exhibited for educational purposes, except they must be contained in suitable cage or kennel during transport.
Section 16. Wolf Hybrids

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

Section 17. Penalties.

A. Defecation Violations. Every person convicted of a violation of Section 14. Defecation shall be subject to a fine of not less than $50 for a first offense, not less than $100.00 for a second offense, and not less than $150.00 for each subsequent offense plus all court costs incurred by the municipality for prosecuting a violation of this section.

B. Other Violations. Every person convicted of a violation of any provision of this Ordinance, excluding Section 14. Defecation, shall be subject to a fine of not less than $25.00 nor more than $100.00 for each violation for each day that a violation exists, not to exceed a total of $2,500.00 plus all court costs incurred by the municipality for prosecuting a violation under this Ordinance.

Section 18. Prosecution of Complaints.

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

Section 19. Validity.

It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the municipality that if any provisions of the ordinance be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.
CHAPTER 31
Right-of-Ways

Article 1. Definitions

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

a. The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians.

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

Article 2. Interference with Public Use

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

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

Article 3. Removal

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

Article 4. Variances

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

a. A written petition for a hearing sent to the Board of Selectpersons requesting modification, and,

b. Publication of said petition in the Rumford Falls Times newspaper at least one week prior to the hearing on the petition, and,

c. A finding by the Board that an extraordinary hardship may result from strict compliance with these Regulations, and,
d. That the Board of Selectpersons is satisfied that said variance will not interfere with the intent and objectives of the Permanent Road Improvement Program of the Town of Rumford.
CHAPTER 32
Snowmobile and ATV Registration Funds

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

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

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

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

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

The Board of Selectpersons shall designate an agent for the administration of the Rumford ATV Recreation Fund, under the supervision of said municipal officers. On May 1st annually, any unexpended funds in the Rumford ATV Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in this section.
CHAPTER 33
SHORELAND ZONING

ADOPTED JUNE 11, 1991
AMENDED JUNE 8, 1993
AMENDED JUNE 11, 2002
AMENDED JUNE 9, 2009
CHAPTER 33, SECTION 16
AMENDED JUNE 8, 2010

Section 1. Purposes

Section 2. Authority

Section 3. Applicability

Section 4. Effective Date
   A. Effective date of Ordinance and Ordinance Amendments
   B. Repeal of Municipal Timber Harvesting Regulation.

Section 5. Availability

Section 6. Severability

Section 7. Conflicts with Other Ordinances

Section 8. Amendments

Section 9. Districts and Zoning Map
   A. Official Shoreland Zoning Map
   B. Certification of Official Shoreland Zoning Map
   C. Changes to the Official Shoreland Zoning Map

Section 10. Interpretation of District Boundaries

Section 11. Land Use Requirements

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   C. Nonconforming Structures
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B. Limited Residential District
C. Limited Commercial District
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E. Stream Protection District

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Section 15. Land Use Standards
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E. Individual Private Campsites
F. Commercial and Industrial Uses
G. Parking Areas
H. Roads and Driveways
I. Signs
J. Storm Water Runoff
K. Septic Waste Disposal
L. Essential Services
M. Mineral Exploration and Extraction
N. Agriculture
O. Timber Harvesting
P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting
Q. Erosion and Sedimentation Control
R. Soils
S. Water Quality
T. Archaeological Sites

Section 16. Administration
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B. Permits Required
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D. Procedure for Administering Permits
E. Special Exception
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H. Appeals
I. Public Hearing Procedures and Notification Requirements
J. Enforcement

Section 17. Definitions
Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)

Section 1. Purposes
The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
Section 2. Authority

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

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date

A. Effective date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on June 11, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance amendments, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance, or Ordinance amendments within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved.

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

B. Repeal of Municipal Timber Harvesting Regulation.

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B (5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of “forest management activities” and “residual basal area”.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

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

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

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

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

Section 12. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance, or amendments thereto, shall be allowed to continue, subject to the requirements set forth in this section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

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

C. Nonconforming Structures

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs a and b below:

   a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

   b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12 (C)(2) Relocation below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

Any nonconforming structure which is located less than the required setback from the water body, tributary stream or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50 percent or less of the market value of the structure, excluding
normal maintenance and repair, may be reconstructed in place if a permit is obtained from the code enforcement officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider in addition to the criteria in section 12.C.2 above, the physical condition and type of foundation present, if any.

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Nonconforming Uses

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

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Nonconforming Lots

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

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of section12.E.3.a are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl, and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.

3. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surfacially connected to a water body during the period of normal high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

**B. Limited Residential District**

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

**C. Limited Commercial District**

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

**D. General Development District**

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   a. Areas devoted to manufacturing, fabricating, or other industrial activities;
   b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
   c. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds.

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

 Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

**E. Stream Protection District**

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

**Section 14. Table of Land Uses**
All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes:  Allowed (no permit required but the use must comply with all applicable land use standards.)
No:  Prohibited
PB:  Allowed with permit issued by the Planning Board
CEO:  Allowed with permit issued by the Code Enforcement Officer
LPI:  Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP:  Resource Protection
LR:  Limited Residential
LC:  Limited Commercial
GD:  General Development
SP:  Stream Protection
TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td></td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>CEO</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than</td>
<td>CEO</td>
</tr>
<tr>
<td>timber harvesting</td>
<td>CEO1</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>yes</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB4</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB9</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>CEO</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>CEO1</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>CEO</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>CEO1</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or</td>
<td>CEO</td>
</tr>
<tr>
<td>nature interpretation purposes</td>
<td>CEO1</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB4</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses</td>
<td>CEO</td>
</tr>
<tr>
<td>extending over or below the normal high-water line or within a wetland</td>
<td>CEO1</td>
</tr>
<tr>
<td>a. Temporary</td>
<td>CEO</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>CEO</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>CEO6</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>CEO</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>CEO</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>CEO</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO6</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten</td>
<td>CEO</td>
</tr>
<tr>
<td>poles or less in the shoreland zone</td>
<td>CEO</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving</td>
<td>CEO</td>
</tr>
<tr>
<td>eleven or more poles in the shoreland zone</td>
<td>CEO</td>
</tr>
<tr>
<td>D. Other essential services</td>
<td>CEO</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal</td>
<td>yes</td>
</tr>
<tr>
<td>structural development</td>
<td>yes</td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>CEO</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>PB</td>
</tr>
</tbody>
</table>
### Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable:

#### A. Minimum Lot Standards

1. **Minimum Lot Area:**

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Shore Frontage (feet)</th>
<th>Minimum Road Frontage (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
<tr>
<td>Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
<td>125</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
</tbody>
</table>

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

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1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
6. See further restrictions in Section 15(L)(2).
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required, but must file a written “notice of intent to construct” with CEO.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record,
or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion there of, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fish habitat.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding area, uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

8. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

D. Campgrounds
Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds and streams which flow to great ponds:

1. Auto washing facilities

2. Auto or other vehicle service and/or repair operations, including body shops

3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the
installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

Section 15.H.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in the Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 15Q.

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands roads and driveway shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:
<table>
<thead>
<tr>
<th>Grade (percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential, and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be allowed provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.
J. Storm Water Runoff

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

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than roadside distribution lines is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit

M. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 17.

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of section 15.M.4 below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond and within seventy-five (75) feet, horizontal distance, of the normal high-water line of
any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

   a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

   b. The final graded slope shall be two and one-half to one (2½:1) slope or flatter.

   c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with Conservation Plan.
O. Timber Harvesting

1. In a resource protection abutting a great pond, timber harvesting shall be limited to the following:

a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards.

b. Beyond the 75 foot “no-harvest” strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 1 inch in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

   1. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

   2. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) horizontal distance, feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

b. Timber harvesting operations exceeding the 40% limitation in paragraph (a.) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

   1. Surface waters are frozen; and
2. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75), horizontal distance, feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

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

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

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

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.
Diameter of Tree at 4-1/2 feet Above Ground Level (inches)

<table>
<thead>
<tr>
<th>Diameter Range</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 – &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8&lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

2. Each successive plot must be adjacent to, but not overlap a previous plot;

3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15. P paragraphs 2 and 2.a above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
Section 15.P.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15.P.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
   a. Mulching and revegetation of disturbed soil.
   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
   c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Sites

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

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A MRSA Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur, or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
   a. The replacement culvert is not more than 25% longer than the culvert being replaced;
   b. The replacement culvert is not longer than 75 feet; and
   c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property, or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
D. Procedure for Administering Permits

1. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.

2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.

3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:

   a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or

   b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing.

4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

   a. Will maintain safe and healthful conditions;

   b. Will not result in water pollution, erosion, or sedimentation to surface waters;

   c. Will adequately provide for the disposal of all wastewater;

   d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

   e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

   f. Will protect archaeological and historic resources as designated in the comprehensive plan;

   g. Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district.

   h. Will avoid problems associated with flood plain development and use; and

   i. Is in conformance with the provisions of Section 15, Land Use Standards.
If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exception

In addition to criteria specified in Section 16.D above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residence in the Resource Protection District provided that the applicant demonstrates that all of the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Oxford County Registry of Deeds before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:
   a. Located on natural ground slopes of less than 20%; and
   b. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the Town of Rumford, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps it is deemed to be ½ the width of the 100-year floodplain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures located within the Resource Protection District is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, are set back from the normal high-waterline of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the
appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

   a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

   b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

   a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

   b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

   c. The Board shall not grant a variance unless it finds that:

      (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

      (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

         a. That the land in question cannot yield a reasonable return unless a variance is granted;

         b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

         c. That the granting of a variance will not alter the essential character of the locality; and

         d. That the hardship is not the result of action taken by the applicant or a prior owner.

   d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with
the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

   (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

   (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

      a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

      b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court.

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Public Hearing Procedures and Notification Requirements – Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time, and place of the hearing:
1. Given to the Applicant.

2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and

3. Published at least one (1) time, in a newspaper having general circulation in the town. The date of the publication must be at least seven (7) days prior to the hearing.

**J. Enforcement**

1. **Nuisances**

   Any violation of this Ordinance shall be deemed to be a nuisance.

2. **Code Enforcement Officer**

   a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

   b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

3. **Legal Actions**

   When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. **Fines**

   Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, MRSA section 4452.
NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However in a Resource Protection District the maximum penalty is increased to $5,000.

Section 17. Definitions

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

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

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

**Aquaculture**: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area**: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement**: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

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

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

**Canopy**: the more or less continuous cover formed by tree crowns in a wooded area.

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

**DBH**: the diameter of a standing tree measured 4.5 feet from ground level.

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

**Dimensional requirements**: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability**: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
**Driveway**: a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two family dwelling or less.

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

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

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

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

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

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

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

**Forested wetland**: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

**Foundation**: the supporting substructure of a building or other structure, excluding wood sills and post supports, but including basements, slabs, frost walls or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland**: freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses**: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating
facilities, excluding recreation boat storage buildings, waterfront dock facilities, boat yards and boat
building facilities, navigation aides, retaining walls, industrial uses requiring large volumes of cooling or
processing water that can not reasonably be located or operated at an inland site, and uses that primarily
provide general public access to inland waters.

**Great pond:** any inland body of water which in a natural state has a surface area in excess of ten acres,
and any inland body of water artificially formed or increased which has a surface area in excess of thirty
(30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland
body of water is completely surrounded by land held by a single owner.

**Great pond classified GPA:** any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A.
This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

**Ground cover:** small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of
the forest floor.

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

**Home occupation:** an occupation or profession which is customarily conducted on or in a residential
structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and
surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the
home.

**Increase in nonconformity of a structure:** any change in a structure or property which causes further
deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to,
reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or
increase in height of a structure. Property changes or structure expansions which either meet the
dimensional standard or which cause no further increase in the linear extent of the nonconformance of
the existing structure shall not be considered to increase nonconformity.

For example, there is no increase in nonconformity with the setback requirement for water bodies,
wetlands, or tributary streams if the expansion extends no further into the required setback area than
does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally
provided that the expansion extends no closer to the water body, tributary stream or wetland than the
closest portion of the existing structure from the water body, tributary stream or wetland. Included in this
allowance are expansions, which in-fill irregularly shaped structures.

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

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

**Institutional:** a non-profit or quasi-public use, or institution such as a church, library, public or private
school, hospital, or municipally owned or operated building, structure or land used for public purposes.
Lot area: the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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

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

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

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

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

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

Native: indigenous to the local forests.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

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

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

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

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

**Recent floodplain soils**: the following soil series as described and identified by the National Cooperative Soil Survey:

<table>
<thead>
<tr>
<th>Alluvial</th>
<th>Cornish</th>
<th>Charles</th>
<th>Fryeburg</th>
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<td>Saco</td>
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**Recreational facility**: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

**Replacement system**: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

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

**Residential dwelling unit**: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

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

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

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

**Service drop**: any utility line extension which does not cross or run beneath any portion of a water body provided that:
1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

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

Shoreline: the normal high-water line, or upland edge of a freshwater wetland.

Skid trail: a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.
Slash: the residue, e.g., treetops and branches, left on the ground after a timber harvest.

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

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.
**Timber harvesting**: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that is less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

**Tributary stream**: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland**: the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

**Water body**: any great pond, river, stream.

**Water crossing**: any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland**: a freshwater wetland.

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

**Woody Vegetation**: live trees or woody, non-herbaceous shrubs.

*Drafted by AVCOG/JAM*

*Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)*
# CHAPTER 33-A
## FLOODPLAIN MANAGEMENT ORDINANCE

**ADOPTED JUNE 9, 1987**  
**ENACTED JUNE 13, 1995**  
**AMENDED JUNE 11, 2002**  
**AMENDED JULY 6, 2009**

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(TOWN OF RUMFORD NOTE: THIS DOCUMENT DRAFTED BY MAINE STATE PLANNING OFFICE.)

60.3 (d) Rev. 2/09  
(Ordinance prepared February 17, 2009 by SPO/dlt)
ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

The Town of Rumford has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

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

628, 629, 632, 633, 636, 637, 639, 641, 642, 643, 644, 651, 652, 653, 654, 658, 662, 663, 664, 666, 667, 668, 669, 688, 827, 831, 832, 833, 834, 851, 852, 856, 860 derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Oxford County,” which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

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

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones AE, from data contained in the "Flood Insurance Study- Oxford County," as described in Article I; or,
   b. in Zone A:
      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

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

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

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

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

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

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

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

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

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25 for all minor development and $50 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:
   1. the base flood and floodway data contained in the "Flood Insurance Study – Oxford County, Maine," as described in Article I;
   2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
   3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

   1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
   
   2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

   1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
      
      a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
      
      b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
      
      c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

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

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

   1. Zones AE shall:
      
      a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
      
      b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

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

   b. meet the anchoring requirements of Article VI.H.1.c.

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

   1. Zones A and AE shall either:

      a. be on the site for fewer than 180 consecutive days,

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

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

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

   1. be 500 square feet or less and have a value less than $3000;

   2. have unfinished interiors and not be used for human habitation;

   3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

   4. be located outside the floodway;

   5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

   6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

   a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

   b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

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

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

   a. be engineered and certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

   (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

   (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

   (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:
   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones AE and A shall:
   a. have the containment wall elevated to at least one foot above the base flood elevation;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant’s written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

**ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

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

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

**ARTICLE IX - APPEALS AND VARIANCES**

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

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

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

c. that the granting of a variance will not alter the essential character of the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairperson of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and, 

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

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

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

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

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

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

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

Building - see Structure.

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

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or “stilts;” and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

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

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

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

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

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

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

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

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

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

**Floodway** - see **Regulatory Floodway**.

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

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.
**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)** - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

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

**Recreational Vehicle** - means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community’s Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.
**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

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

**ARTICLE XIV - ABROGATION**

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

*60.3 (d) Rev. 2/09
Prepared by SPO/fpm/dlt*
CHAPTER 33-B
Site Plan Review Ordinance
ADOPTED JUNE 11, 2002

Section 1. Purpose.

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Rumford, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

Section 2. Authority, Validity, Severability and Amendments.

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).

2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Rumford, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. Validity and Separability: Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. Effective Date: The effective date of this Ordinance is ______________, __________ the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectpersons to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectpersons shall conduct a public hearing on any proposed amendment.

Section 3. Applicability.

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

3. Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.

2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

3. All nonstructural uses of land for agricultural or forestry purposes.

4. Home occupations which meet the following conditions do not need Site Plan approval.
   a. The home occupation is incidental and secondary to the primary residential use of the premises;
   b. Do not employ persons who do not make the residence their permanent home;
   c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
   d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
   e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VIIA.

Section 4. Administration.

A. The Planning Board of the Town of Rumford shall administer this Ordinance.

B. No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from
the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.

D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.

E. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectpersons who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administering and enforcing the provisions of this Ordinance. Prior to revising the fee schedule the Selectpersons shall hold a public hearing. This application fee shall be made by check payable to the Town of Rumford and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.

F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

Section 5. Application Procedure.

A. Pre-Application Meeting

1. Prior to submitting an application for development, the applicant or the applicant's authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

   The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.

3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairperson to act as the Board’s representative.

4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.
B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board’s regular scheduled meeting.

2. One copy of the plan(s), which may be reduced to 8-1/2" X 11", shall be mailed or delivered to each member of the Planning Board and Code Enforcement Officer at least seven (7) days prior to the Planning Board's regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development.

3. Notice to Abutters: Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board's consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

   a. Owner’s name, address and signature.

   b. Names and addresses of all abutting property owners.

   c. Sketch map showing general location of the site within the Town.

   d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

   e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

g. The location of all building setbacks.

h. The location, size, and character of all signs and exterior lighting.

i. The area of the parcel and street frontage.

j. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

k. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.

m. A storm water drainage plan showing:

1. The existing and proposed method of handling storm water run off.

2. The direction of flow of the run off through the use of arrows.

3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

4. Engineering calculations used to determine drainage requirements based upon a 100-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

n. Location of aquifers and aquifer recharge areas, if mapped.

o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.

p. Location and elevation of the 100-year flood plain.

q. If the development site is located in the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond the name of that watershed shall be indicated on the plan.

r. A utility plan showing provisions for water supply and waste water disposal.
s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil
scientist or other professional licensed or certified and issued a seal by the State of
Maine, the preparer’s seal shall be affixed to the plan.

3. A written, narrative statement by applicant that supplies the following information and is
substantiated by the appropriate documents.

a. Evidence by the applicant of right, title or interest in the property for which the application
covers.

b. A description of the proposed uses to be located on the site including: products to be
manufactured, description of and volume of manufacturing by-products and wastes, type
of products to be warehoused, and type of products to be sold.

c. Total floor area and ground coverage of each proposed building and structure and
percent lot covered by each building or structure.

d. A copy of the existing and/or proposed easements, restrictions and covenants placed on
the property.

e. Method of solid waste disposal.

f. Erosion and sedimentation control plan.

g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the
proposed development; sent by certified mail, receipts to be returned to the Planning
Board.

h. Statement of financial capacity which should include the names and sources of the
financing parties including banks, government agencies, private corporations,
partnerships, and limited partnerships and whether these sources of financing are for
construction loans or long-term mortgages or both.

i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and
regulations which must be complied with or a permit issued before the project may begin.

j. The applicant’s evaluation of the availability and suitability of off-site public facilities
including sewer, water and streets.

k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or
provisions of fire protection services.

l. If public water and/or sewer are to be used, a statement from the water and sewer
departments as to the availability of public water and/or sewer lines.

m. An estimate of the date when construction will start and when the development will be
completed.

n. A description of the current or most recent use of the building or land including type of
product(s) sold or manufactured, operating hours, nature and number of patrons served
on a daily basis, peak hours and other items as the Planning Board may find necessary.
o. Traffic data shall include the following when required by the Planning Board:

1) the estimated peak hour and average daily traffic to be generated by the proposal;
2) existing traffic counts on surrounding roads;
3) traffic accident data covering the most recent three-year period for which such data is available.

p. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 2, Route 5, Route 120, Route 108, Route 232, Intervale Road, Milton Road, South Rumford Road or Wyman Hill Road.

q. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

r. If located in the direct watershed of David and Joes Ponds and the Mt. Zircon Reservoir Pond a phosphorous control plan prepared in accordance with Section VII.9.a.

D. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

Section 6. Application Review.

A. Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in 30-A M.R.S. § 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning
Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

Section 7. Performance Standards.

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

   Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

   The Board shall assess the proposed activities impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic site, the Planning Board shall require the applicant to minimize such effects.

2. Relationship of the Proposed Structures to the Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse affect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

   a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

   b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

   c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
3. **Vehicular and Pedestrian Access**: The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

a. **Vehicular Access**: The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

1) The proposed development shall provide safe vehicular access to and from public and private streets.

a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

(2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curbline or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

**MINIMUM SIGHT DISTANCE**

**Posted Speed Limit**

- 25 mph 200'
- 30 mph 250'
- 35 mph 305'
- 40 mph 360'
- 45 mph 425'
- 50 mph 495'
- 55 mph 570'
c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway of proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

f) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

g) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

1. the proposed development will generate 100 or more peak hour site trips.

2. The existence of a current safety problem in the area: high accident location, confusing intersection, etc.

3. Current or projected capacity deficiencies near the development.

4. Sensitive neighborhood areas adjacent to the development.

5. The proximity of site drives to other drives or intersections.

2) Vehicular access to Route 2 & 108 shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

a) Where a proposed development is to be located at the intersection of Route 2 or 108 and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.

b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

c) The maximum number of curbcuts to a particular site shall be governed by the following:
(1) No low volume traffic generator shall have more than one two-way access onto a single street.

(2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 2 or 108.

d) Curb cut widths and design shall conform to the following standards:

(1) **Low volume driveways**: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time shall:

(a) have two-way operation;

(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;

(c) not require a median;

(d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and

(e) comply with the following geometric standards:

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
<td>15-25*</td>
<td>10</td>
<td>15-25*</td>
</tr>
<tr>
<td>W</td>
<td>20-30*</td>
<td>20</td>
<td>24-30*</td>
</tr>
</tbody>
</table>

*Upper values apply where major street speed and/or volume is high.

(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:

(a) have either two-way or one-way operation and be a minimum of 50 feet in length;

(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
(c) not require a median;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and

(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ONE WAY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1 (radius)</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>R2 (radius)</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>W (drive width)</td>
<td>20-24</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>TWO WAY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>WS</td>
<td>26-36*</td>
<td>24</td>
<td>30-40*</td>
</tr>
</tbody>
</table>

*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.

(b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;

(c) be striped for 2 to 4 lanes, with each lane 12 feet wide;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;

(e) have a “STOP” sign control and appropriate “Keep Right” and “Yield” sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume drive-ways; and

(f) comply with the following geometric standards;
NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>W/O CHANNELIZATION</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>50</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>R</td>
<td>24</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>W</td>
<td>6</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>W/CHANNELIZATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>100</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>WD</td>
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<td>20</td>
<td>26</td>
</tr>
<tr>
<td>M</td>
<td>6</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>WR</td>
<td>20</td>
<td>16</td>
<td>20</td>
</tr>
</tbody>
</table>

*For industrial developments with a high percentage of truck traffic maximum values are desired.

**g)** When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

**h)** When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 108 where full access presently exists and cannot be provided by Route 2 or 108 and/or adjacent side street.

**4. Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

**a.** A use shall not be extended and no structure shall be constructed or enlarged unless sufficient offstreet parking space is provided that conforms to the following:

1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
4) Off-street parking spaces shall comply with the following standards.

(a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

(b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required in the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Wholesale/warehouse area</td>
<td>one per 1,200 sq. ft. of storage or gross floor area</td>
</tr>
<tr>
<td>Industrial/manufacturing</td>
<td>one per employee on maximum working shift</td>
</tr>
<tr>
<td>Hotels, motels, tourist homes</td>
<td>one per room plus ½ per employee</td>
</tr>
<tr>
<td>Nursing/convalescent homes</td>
<td>1/2 per bed</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>one per classroom</td>
</tr>
<tr>
<td>Secondary</td>
<td>five per classroom</td>
</tr>
<tr>
<td>Theaters/auditoria/churches</td>
<td>one per five seats and one space per 100 sq. ft. of area for assembly</td>
</tr>
<tr>
<td>Eating/drinking establishments</td>
<td>one per three seats</td>
</tr>
</tbody>
</table>

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size, or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Rumford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.
If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. **Advertising Features**: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

6. **Special Features of the Development**: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

7. **Emergency Vehicle Access**: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

8. **Municipal Services**: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

   The Planning Board may require the applicant to obtain, at the applicant’s expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time “impact fee” may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

9. **Water Pollution**: The development will not result in water pollution. In making this determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

   a. **Phosphorus Export**: When required by the Planning Board, projects proposed within the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond shall be designed to limit phosphorous run off.
1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10. **Ground Water**: The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

11. **Floodplain Protection**: The proposed development will avoid problems associated with floodplain development and use.

12. **Shoreland Areas**: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Rumford, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Rumford.

13. **Water Supply**: The development shall have sufficient water available for the reasonably foreseeable needs of the development, and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

   a. When connection to a public water supply is proposed, the water system will be designed and installed in accordance with the rules, terms and conditions of the Rumford Water District. The Planning Board shall require a statement from the Rumford water District of the conditions under which the District will supply water, and the approval of the size and location of mains, valves and hydrants proposed.

14. **Sewage Disposal**: The development shall provide for adequate sewage disposal.

   a. In cases where municipal sewage is proposed, the system shall conform with all the standards of the Rumford Sewage Department. The Planning Board shall require a statement from the Superintendent of the Rumford Sewage Department and the Rumford-Mexico Sewer District that states whether capacity is available for the development.

   b. Where a septic system is to be used, it shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules.

15. **Stormwater Drainage**: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run off waters shall be utilized to minimize discharges from the site.

17. **Exterior Lighting**: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

18. **Noise**: The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

   a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

   **Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)**
   (measured in dB(a) scale)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
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</thead>
<tbody>
<tr>
<td>7 a.m. – 10 p.m.</td>
<td>55</td>
<td>65</td>
<td>70</td>
</tr>
<tr>
<td>10 p.m. – 7 a.m.</td>
<td>45</td>
<td>55</td>
<td>70</td>
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</table>

   b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institutes (ANSI S1 4-1961) "American Standard Specification for General Purpose Sound Meters."

   c. The following uses and activities shall be exempt from the sound pressure level regulations.

      1. Noise created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
      2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

19. **Air Pollution**: The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.

20. **Odors**: The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

21. **Financial and Technical Capacity**: The applicant has adequate financial and technical capacity to meet the above standards.

22. **Conformance with the Comprehensive Plan**: The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.
Section 8. Special Regulations.

The following regulations shall be complied with, in addition to the performance standards contained in Section 8 of this Ordinance.

A. **Home Occupations**: Home Occupations which do not meet the criteria contained in Section III.B.4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. **Applications Located on Sand and Gravel Aquifers**: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are
disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. **Petroleum and other hazardous material storage and transfer.** A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

<table>
<thead>
<tr>
<th>dry cleaners</th>
<th>photo processors</th>
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<tbody>
<tr>
<td>printers</td>
<td>auto washes</td>
</tr>
<tr>
<td>laundromats</td>
<td>meat packers/slaughter houses</td>
</tr>
<tr>
<td>salt piles/sand-salt piles</td>
<td>wood preservers</td>
</tr>
<tr>
<td>leather tanning</td>
<td>electrical equipment manufacturers</td>
</tr>
<tr>
<td>plastic/fiberglass fabricating</td>
<td>chemical reclamation facilities</td>
</tr>
<tr>
<td>industrial waste disposal/impoundment areas</td>
<td>graveyards</td>
</tr>
<tr>
<td>chemical manufacturing</td>
<td>pesticide/herbicide stores</td>
</tr>
<tr>
<td>metal platters</td>
<td>concrete/asphalt/coal companies</td>
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</tbody>
</table>

**Section 9. Enforcement.**

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectpersons of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectpersons are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 9 A, above, are not promptly complied with after receipt of said notices, the Selectpersons shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

**Section 10. Appeals.**
A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board's decision. If it is shown after public hearing that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.

Section 11. Definitions.

**Abutting Landowners**: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

**Agricultural Land Management Practices**: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

**Accessory Use or Structure**: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and

2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and

3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

**Building**: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

**Change in Use**: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

**Commercial**: Connected with the buying or selling or goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

**Dwelling Unit**: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

**Forest Management Activities**: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

**Home Occupation**: An occupation or profession which results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:
1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the home.

**Impervious Surface**: The area of land covered by buildings, structures and paved and gravel surfaces.

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

**Institutional**: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

**Mineral Extraction**: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

**Persons**: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

**Recreational Vehicle**: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

**Retail**: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

**Sign**: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Structure**: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

**Substantial Construction**: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

**Substantial Enlargement**: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period.

**Use**: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Wetlands**: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils
CHAPTER 33-C
Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance

ADOPTED November 8, 1994
AMENDED JUNE 10, 1997

Section 1(A) – Scotties Brook Aquifer added
AMENDED JUNE 13, 2006

Section 2(A) – last sentence deleted regarding rate of demand comparison with flow
AMENDED JUNE 13, 2006

Section 2(C) – “toxic waste pollution” deleted and replaced with “contamination”
AMENDED JUNE 13, 2006

Section 2(E) – entire language deleted and replaced with new language
AMENDED JUNE 13, 2006

Section 2(F) – Scotties Brook added and potential well points language deleted
AMENDED JUNE 13, 2006

Section 4(A) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 4(B) – “A copy” changed to “Copies” added
AMENDED JUNE 13, 2006

Section 4(C) – Scotties Brook and zones language added
AMENDED JUNE 13, 2006

Section 4(E)
DELETED JUNE 13, 2006

Section 6(A) – Language added to include the Swift River
AMENDED JUNE 13, 2006

Section 6(C) – DELETED and lettering for remaining sections re-lettered
JUNE 13, 2006

Section 6(I) – Letter changed to H for paragraph and Section 1 added for Maine licensing and to delete
“hydrogeologist” and add “Certified Geologist”
AMENDED JUNE 13, 2006

Section 11(B) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 11(F) – Effective date of July 13, 2007 for amended ordinance added
AMENDED JUNE 13, 2006
Section 1. Purpose

A. To manage the groundwater recharge areas of the Ellis River and Scotties Brook aquifers in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuing a dependable water supply to the Town for the future.

B. To protect the aquifers from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifers’ high water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Rumford as well as surrounding communities to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

A. The Town of Rumford is fortunate in that it has access to water supplies that are both plentiful and of excellent quality. From the Ellis River and Scotties Brook aquifers, the Rumford Water District draws water to serve roughly 1600 customers in Rumford. The total demand from customers is 24,000,000 gallons of water per month, a rate that is relatively consistent throughout the year.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of contamination are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. A report on the aquifer done in the fall of 1990 by Caswell, Eichler, and Hill entitled “Evaluation of the Ellis River Aquifer” states that “because of the likelihood of future development within the Ellis River drainage basin, the possibility exists that future water quality may be adversely affected unless timely and appropriate resource management steps are taken.”

E. Scotties Brook has been determined to be a “losing stream” meaning that water flowing in the brook enters the aquifer. The water quality of Scotties Brook can affect the water quality of the aquifer. Therefore, the water quality of Scotties Brook must also be protected.

F. Changes in the Federal Drinking Water Standards related to the Safe Drinking Water Act require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Ellis River and Scotties Brook Aquifers will give the Rumford Water District flexibility in the future when considering options for the efficient delivery of clean drinking water as well as protect the investment which the District has already put forth for the well supplies.
Section 3. Definitions

Definitions from Rumford’s Shoreland Zoning Ordinance shall apply unless the definitions below are more restrictive.

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

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant qualities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered “high yield” aquifers. The estimated yield of the Ellis River Aquifer is 400 gallons per minute and over.

**Automobile Graveyard:** As defined by 30-A M.R.S. § 3752.

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

**Car Wash:** A commercial facility for the cleaning of automobiles.

**Cemetery:** An area for more than 10 graves.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Contained Salt, Sand/Salt Storage Piles:** Salt or sand/salt mixtures stored under cover with a runoff/leachate collection system.

**Demolition/Stump Dump:** An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.
**Drawdown:** The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

**Dry Cleaning Establishment:** Commercial establishment for dry cleaning clothes.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

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

**Full Hydrogeological Study:** A study done by a Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Furniture Stripping:** Commercial or industrial establishment involved in the stripping and refinishing of furniture.

**Gas Station:** Establishment involved in the storage or dispensing of petroleum fuels.

**Hazardous Material:** This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.
Impervious Surface: Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

Industrial Use: A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

In-Law Apartment: A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

Junkyards: As defined by 30-A M.R.S. § 3752.

Kennels: Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

Leachable Material: Liquid from solid materials that are capable of releasing harmful contaminants.

Manufacturing: An industrial/commercial establishment which mass produces objects or materials (goods).

Metal Plating: An industrial/commercial establishment involved in the plating of metals.

Multifamily Home: A structure that houses three (3) or more dwelling units as defined.


Open Space: Undeveloped area kept free of trees, bush and shrubs such as hayfields or meadows.

Petroleum: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

Photo Processors: Commercial establishments involved in the business of developing film.

Primary Recharge Area: The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that within the Town of Rumford identified in the Caswell, Eichler and Hill report as “Maximum Primary Recharge Area.” The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 500 feet to either side of the Ellis River. The primary recharge area is defined as Zones 1 and 2 on the Wellhead Protection map.

Public Utilities: Any person, firm, corporation, municipal department, board or commission authorized to furnish electricity, communication facilities, transportation or water to the public.

Recharge Area: The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Ellis River aquifer is comprised of a primary and secondary recharge area.
Safe Yield: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

Sand & Gravel Extraction: Moving, removing or uncovering of natural resources such as sand and gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand and gravel extraction.

Sawmills or Wood Processing Plant: An industrial/commercial facility involved in the processing of raw wood.

Secondary Recharge Area: The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Ellis River in Rumford and surrounding communities as established by topographical high points, excluding the area defined as the primary recharge area. This area is identified on the Wellhead Protection - Zone 3 Boundaries plan.

Service & Repair, Boats and Motor Vehicles: Commercial facility involved in the repair of boats and motor vehicles.

Single-Family Home: A dwelling designed for or occupied exclusively by one (1) family.

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, and refuse.

Subdivision: As defined by Title 30-A of the Maine Statutes Revised.

Truck Terminal: Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

Two-Family Home: A dwelling designed for or occupied exclusively by two (2) families.

Uncontained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.
**Waste Water Disposal System:** Any system designed to dispose of waste or wastewater on or in the surface of the earth or in surface water bodies.

**Watershed:** The area of contribution to a surface water body. It is defined by topographic high points.

**Section 4. District Boundaries**

A. For the purposes of this ordinance, and in order to carry out its regulations, the Ellis River Aquifer Protection District shall be delineated on a map titled “Wellhead Protection: Ellis River Aquifer Protection District Map” and the Scotties Brook Aquifer Protection District shall be delineated on a map titled “Wellhead Protection: Scotties Brook Aquifer Protection District Map”.

B. Copies of said maps will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. **Aquifer Protection Districts:**

1. The Ellis River Aquifer Protection District includes three (3) zones:

   **Zone 1** consists of land that is owned or fully controlled by the Water District and would be considered to be within the 200 day travel time.

   **Zone 2** which consists of the area depicted between the 200 day and the 2500 day time of travel.

   **Zone 3** which consists of the watershed of the Ellis River within the Town of Rumford and surrounding communities as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes a secondary recharge area. Zone 3 is shown on Map 2, “Wellhead Protection”, Zone 3 Boundaries.

2. The Scotties Brook Aquifer Protection District includes three (3) zones:

   **Zone 1** consists of land that is within 300 feet of each wellhead.

   **Zone 2** consists of the area depicted between the 200 day and the 2500 day time of travel and a 250 foot buffer on each side of Scotties Brook and its tributaries.

   **Zone 3** consists of the watershed of Scotties Brook as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes the secondary recharge area.
D. **Revision of Map**

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.

2. No changes to the Aquifer Protection District Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Rumford and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Aquifer Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Rumford Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectpersons that the proposed Aquifer Protection Map amendment be placed on the next Town Meeting or Special Town Meeting Warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.
### Section 5. District Use and Space Standards

#### A. Uses of Land within Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Accessory Uses</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations</td>
<td>X</td>
<td>PR</td>
<td>P</td>
</tr>
<tr>
<td>Two-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family homes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>In-law apartments</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2. Commercial</td>
<td></td>
<td></td>
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<tr>
<td>Agriculture</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal husbandry other than commercial animal feed lots</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boats and motor vehicle service &amp; repair</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Car washes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Commercial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Dry cleaning establishments</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Forestry/timber harvesting subject to the performance standards of the Town’s Shoreland Zone Ordinance within 250 ft of Ellis River</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Furniture stripping</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Gas Stations</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Kennels</td>
<td>X</td>
<td>PR</td>
<td>P</td>
</tr>
<tr>
<td>Photo processors</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Truck terminals</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>3. Industrial</td>
<td></td>
<td></td>
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<tr>
<td>Sand and gravel extraction</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Activity</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Junkyard/automobile graveyard</td>
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<tr>
<td>Manufacturing</td>
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<tr>
<td>Metal plating</td>
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<td></td>
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<tr>
<td>Sawmills and wood processing plant</td>
<td></td>
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<tr>
<td>Other industrial uses with non-domestic waste streams</td>
<td></td>
<td></td>
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<tr>
<td>4. Miscellaneous</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Disposal of storage of solid waste, hazardous materials or leachate</td>
<td></td>
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<tr>
<td>materials (unless specifically permitted within the Zone)</td>
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<tr>
<td>Engineered&quot; (wastewater disposal) system when accompanied by a full</td>
<td></td>
<td>PR</td>
<td></td>
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<tr>
<td>hydrogeological study and meeting the performance standards herein</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Open space</td>
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<td></td>
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<tr>
<td>Outdoor recreation, except those which disrupt the surfaces of</td>
<td></td>
<td></td>
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<tr>
<td>hillsides or other watershed areas</td>
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<tr>
<td>Foot bridge and bicycle paths</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncontained salt, sand/salt storage piles</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Wastewater disposal system</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Use of off-road vehicles</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public utilities</td>
<td>PR</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Contained salt, sand/salt storage piles</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Roads and parking areas</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Application of chemical fertilizers, herbicides or pesticides on more</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>than three (3) of land</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Application of chemical fertilizers, herbicides pesticides on more</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>than five (5) acres of land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demolition/stump dumps</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Activity</td>
<td>X</td>
<td>P</td>
<td>PR</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with Volume 2 of the code of Maine Rules, 4th printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for Underground Storage Facilities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum storage for commercial or industrial use</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-residential pipelines for transmission of oil, gas or hazardous materials</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Aerial spraying of herbicides, pesticides</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>Operations and maintenance activities of the Rumford Water District consistent with the purposes of this ordinance and provision of a safe and adequate water supply, including but not limited to water supply exploration and well development; water system flushing and treatment; construction and maintenance of transmission and distribution lines, structures, and access roads; operation of vehicles and equipment; installation of fencing and signage; and activities necessary to comply with state and federal regulations</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

X - Not permitted
P - Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met).
PR - Requiring Planning Board review.
Section 6. Administration and Enforcement

A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.

B. All activity within Zone 3 in the Town of Rumford shall meet these requirements and shall follow the guidelines set forth in this ordinance. The Rumford Water District shall be notified in writing prior to any decisions made on the activity by the CEO or the Planning Board. All activities within the Shoreland Zone of the Ellis River and Swift Rivers and their tributaries in the Town of Rumford shall require Planning Board approval. The District shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the District of these impending activities.

C. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

D. If any portion of a lot is located in Zone 1 or Zone 2, all the land located in Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by the regulations for Zone 2.

E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Rumford Code Enforcement Officer (hereafter referred to as the “CEO”) with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Aquifer Protection District. The CEO shall notify the Chairperson of the Planning Board and the Chairperson of the Rumford Water District Trustees of any applications for uses proposed in the Aquifer Protection District.

F. The Planning Board (hereafter referred to as “the Board”) shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.

2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.
3. The Board shall notify the Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.

5. The Board shall, after a public hearing with due notice, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:

   a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

   b. The proposed use meets all applicable performance standards;

   c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;

   d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

   e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

   f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

G. The CEO shall enforce the provisions of the Aquifer Protection Districts. The CEO and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.

H. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.

1. The number, location and depth of the monitoring wells shall be determined by a Maine licensed engineer or Certified Geologist chosen or approved by the Town in accordance with “Guidelines for Monitoring Well Installation and Sampling” (Tolman, Maine Geologic Survey, 1983).

2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations do not exceed ½ of any federal, state or local drinking water quality standards.
I. For subdivisions located in the Aquifer Protection District, the Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision’s impact on groundwater quality.

J. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than $100 and not more than $2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

K. Existing and future activities of the Rumford Water District are exempt from regulation under this ordinance. This exemption is necessary to allow the District to carry out its purpose of supplying high quality water to the residents of Rumford.

Section 7. Submission Requirements.

A. Applications for permission to carry out any activity in Zone 1 or Zone 2 shall be accompanied by and the following information.

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:
   a. Aquifer Protection District boundaries if they cross the parcel.
   b. Boundaries of the property and abutting streets.
   c. Outlines of all buildings.
   d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
   e. Location of all petroleum storage tanks.
   f. Location of buffers, landscaping, and existing vegetation which may be retained.
   g. Location and description of storage areas and types of materials to be stored.
   h. Location of wastewater disposal systems or public sewer facilities.
i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.

3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200).

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high water table.

2. A hydrogeological study of the proposed use’s impact on groundwater quality.

3. Water quality data from on-site monitoring wells.

4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards. All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection Districts shall conform to use and space standards contained in the Ordinance and the following minimum levels of performance.

A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Rumford’s groundwater supply.

2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating
winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control


2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Oxford County Soil and Water Conservation District shall be submitted by the applicant.

C. Home Occupations

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.

2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.

3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.

4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.

6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

D. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year’s production and must be covered.
E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for predevelopment and post-development runoff for the site for a 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

G. Subsurface Waste Disposal Systems

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro-geological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than one half of the Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.
2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.

9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Non-Conformance

A. Structures, uses and lots which were legally existing as of November 8, 1994 (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance.

C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance.
Section 10. Appeals

A. Administrative Appeals

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or CEO in writing to the Board of Appeals, within 30 days of the Planning Board’s or the CEO’s decision. The Board of Appeals may reverse the Planning Board’s or the CEO’s decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of 30-A M.R.S. § 2691 as amended. Administrative appeals shall be administered according to the provisions of the Rumford Shoreland Zoning Ordinance.

2. If the Planning Board disapproves an application for subdivision approval which is subject to the provisions of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

B. Variances

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of an undue hardship, as defined in 30-A M.R.S. § 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Rumford Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority
This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the **Wellhead Protection Ordinance for the Ellis River and Scotties Brook Aquifers.**

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

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

E. Separability

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

F. Effective Date

The effective date of this ordinance is **September 14, 1994.**

The effective date of amended ordinance to include permitting section is **September 10, 1997.**

The effective date of the amended ordinance to include Scotties Brook is **July 13, 2007.**
CHAPTER 33-D
Wind Energy Facility Ordinance

ADOPTED NOVEMBER 8, 2011

REPEALED JUNE 14, 2016 AND REPLACED WITH CHAPTER 33-E
CHAPTER 33-E
Wind Energy Facility Ordinance
ADOPTED JUNE 14, 2016

Section 1. Title. This Ordinance shall be known as the Wind Energy Facility Ordinance for Rumford.

Section 2. Authority. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, et seq.

Section 3. Purpose. The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Rumford, subject to reasonable conditions that will protect the public health, safety, and welfare.

Section 4. Definitions.

Applicant is the legal entity, including successors and assigns, that files an application under this Ordinance.

Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.

Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Historic Area means a Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.
Municipal Reviewing Authority means the municipal planning board, agency or office, or if none, the municipal officers.

Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Non-Participating Landowner means any landowner, other than a Participating Landowner whose land is located within Rumford.

Occupied Building means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Person means an individual, corporation, partnership, firm, organization or other legal entity.

Planned Residence means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Protected Location means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

Residence means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Scenic Resource means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.
**Short Duration Repetitive Sounds** means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

**Sight Line Representation** means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Significant Wildlife Habitat** means a Significant Wildlife Habitat as defined in 38 M.R.S. § 4800B (10).

**Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

**Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.

**Turbine Height** means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

**Wind Energy Facility** means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

**Wind Energy Facility, Type 1A** means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B** means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind Energy Facility, Type 2** means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Energy Facility, Type 3** means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Turbine** means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

**Section 5. Applicability.**

5.1 This Ordinance applies to any Wind Energy Facility proposed for construction in Rumford after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Rumford, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.

5.2 A Wind Energy Facility that is the subject of an application determined to be complete by the Planning Board prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.
Section 6. Conflict and Severability.

6.1 If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Rumford ordinance, the provision of this Ordinance shall apply.

6.2 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 7. Effective Date. This Ordinance becomes effective on June 30, 2016.

Section 8. Classification of Wind Energy Facilities.

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max. # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;100 kW</td>
<td>&lt; 80’</td>
<td>1</td>
<td>No</td>
<td>Code Enforcement Officer</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;100 kW</td>
<td>&gt; 80’</td>
<td>NA</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>2</td>
<td>≥100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes (^1)</td>
<td>Planning Board</td>
</tr>
<tr>
<td>3</td>
<td>≥100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes (^2)</td>
<td>Planning Board</td>
</tr>
</tbody>
</table>

1 Per 35-A M.R.S. § 3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.

2 Per 38 M.R.S. § 482(2)

Section 9. Administration.

9.1 Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

9.2 Permit Required

1. No Wind Energy Facility shall be constructed or located within Rumford without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.
9.3 Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

   a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

   b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with the Schedule of License, Permit and Application Fees.

   c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

   a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

   b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

9.4 Permit Application Procedures

1. Type 1A Wind Energy Facility Application

   a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.
b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.

c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance's provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12, 13, and 14.

f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.
Table 2
Procedural Time Frames

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Application Completeness</th>
<th>Public Hearing</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;10 days ¹</td>
<td>NA</td>
<td>&lt;30 days ²</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;30 days ¹</td>
<td>&lt;30 days ²</td>
<td>&lt;60 days ²</td>
</tr>
<tr>
<td>2</td>
<td>&lt;30 days ¹</td>
<td>&lt;60 days ²</td>
<td>&lt;90 days ²</td>
</tr>
<tr>
<td>3</td>
<td>&lt;30 days ¹</td>
<td>&lt;60 days ²</td>
<td>&lt;90 days ²</td>
</tr>
</tbody>
</table>

¹ Days after receipt of the application by the Code Enforcement Officer
² Days after the application is determined to be complete

9.5 Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

9.6 Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

9.7 Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full
estimated cost, which the municipality shall place in an escrow account. The municipality shall pay
the attorney or consultant from the escrow account and reimburse the Applicant if funds remain
after payment.

9.8 Expiration of Permits
Permits shall expire: 1) two years after the date of approval unless a substantial start on
construction has occurred and; 2) three years after the date of approval unless construction of the
Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility
expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan.
Upon the Applicant’s written request, the municipal entity responsible for review and approval of the
application under section 9.1 may extend either or both expiration time limits by one year.

9.9 Access

The Code Enforcement Officer shall have access to the site at all times to review the progress of
the work and shall have the authority to review all records and documents directly related to the
design, construction and operation of the facility.

9.10 Enforcement

1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is
contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued
under the Ordinance, or to cause another to violate or fail to comply or take any action
which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer or other Person charged with enforcement of municipal
laws determines that a violation of the Ordinance or the permit has occurred, the Code
Enforcement Officer shall provide written notice to any Person alleged to be in violation of
this Ordinance or permit. If the alleged violation does not pose an immediate threat to public
health or safety, the Code Enforcement Officer and the alleged violator shall engage in
good faith negotiations to resolve the alleged violation. Such negotiations shall be
conducted within thirty (30) days of the notice of violation and, with the consent of the
alleged violator, may be extended.

3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by
the alleged violator, the Code Enforcement Officer determines, in the Officer’s reasonable
discretion, that the parties have not resolved the alleged violation, the Code Enforcement
Officer may institute civil enforcement proceedings or any other remedy at law to ensure
compliance with the Ordinance or permit.

9.11 Appeals
Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under
this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 37, Board
of Appeals.

Section 10. Application Submission Requirements.

10.1 General Submission Requirements

1. A completed application form including:
   a. The Applicant and Participating Landowner(s’) name(s) and contact information.
b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any

2. Receipt showing payment of application fee in accordance with the Schedule of License, Permit and Application Fees.

3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.

4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.

5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
   a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

9. Description of emergency and normal shutdown procedures.

10. Photographs of existing conditions at the site.

11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer's specifications or, c) prepared and stamped by a Maine-licensed professional engineer.

12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:
   a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant's obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;
b. a written request for review under section 14.1 along with information required under Section 15, subsection 15.2 (Submissions).

13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:

a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.

b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.

c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:

a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. § 481, et seq.;

b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and

c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.2 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

2. Decommissioning plan in conformance with Section 16.

3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.

4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.

5. Visual impact assessment, if required pursuant to section 14.5.

6. Stormwater management plan stamped by a Maine-licensed professional engineer.

7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.
8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.
9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

Section 11. Meteorological Towers (MET Towers).
Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

Section 12. General Standards.

12.1 Safety Setbacks
Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

12.2 Natural Resource Protection
A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

12.3 Building Permit
All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

12.4 Overspeed Controls and Brakes
Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

12.5 Electrical Components and Interconnections
All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

12.6 Access
All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

12.7 Blade Clearance
The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

12.8 Signal Interference
The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

12.9 Structure Type
With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

12.10 Erosion Control

12.11 Building-Mounted Wind Turbines
Building-mounted Wind Turbines are not permitted.

12.12 Visual Appearance
1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

12.13 Visibility of Wind Turbine
The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:

1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.

2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

Section 13. Special Standards for Type 1A and Type 1B Wind Energy Facilities.

13.1 Noise emanating from a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.
2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:
   a. At a Protected Location with no living and sleeping quarters:
      55 dBA during the Protected Location’s regular hours of operation
   b. At a Protected Location with living and sleeping quarters:
      1. Area(s) within 500 feet of living and sleeping quarters:
         42 dBA between 7:00 p.m. and 7:00 a.m.
         55 dBA between 7:00 a.m. and 7:00 p.m.
      2. Area(s) more than 500 feet from living and sleeping quarters:
         55 dBA at all times.
   c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:
      75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.6.

5. The Code Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
   c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-
installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant’s expense and in accordance with the Rumford Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:

a. modification or limitation of operations during certain hours or wind conditions;
b. maintenance, repair, modification or replacement of equipment;
c. relocation of the Wind Turbine(s); and,
d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

13.2 Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant’s expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

Section 14.0. Special Standards for Type 2 and Type 3 Wind Energy Facilities.

14.1 Control of Noise

Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Section 15. If there is a conflict between a provision of Section 15 and another provision of this ordinance, the provision of Section 15 shall apply.

14.2 Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within Rumford to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

14.3 Warnings
A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

14.4 Artificial Habitat
To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

14.5 Effect on Scenic Resources
1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or Type 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
   a. The significance of the potentially affected Scenic Resource;
   b. The existing character of the surrounding area;
   c. The expectations of the typical viewer;
   d. The Type 2 or Type 3 Wind Energy Facility's purpose and the context of the proposed activity;
   e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public's continued use and enjoyment of the Scenic Resource; and
   f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

   A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

14.6 Shadow Flicker
Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s property.

14.7 Relationship to DEP Certification and Permitting
1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

14.8 Local Emergency Services
1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

14.9 Liability Insurance
The Applicant or an Applicant's designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

14.10 Design Safety Certification
Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

14.11 Public Inquiries and Complaints
1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.

2. The Applicant or its designee shall make reasonable efforts to respond to the public’s inquiries and complaints and shall provide written copies of all complaints and the company’s resolution or response to the Code Enforcement upon request.
Section 15.0. Control of Noise.

15.1 Applicability

Pursuant to section 14.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

15.2 Sound Level Limits

(1) Sound Level Limits for Routine Operation of Wind Energy Facilities

The sound levels resulting from routine operation of a wind energy facility measured in accordance with the measurement procedures described in subsection G shall not exceed the following limits:

(a) 75 dBA at any time of day at any property line of the wind energy facility or contiguous property owned or controlled by the wind energy applicant, whichever is farther from the proposed wind energy facility's regulated sound sources; and

(b) 55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime limit"), and 42 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime limit") at any protected location.

(2) Tonal Sounds

For the purposes of this subsection, a tonal sound exists if, at a protected location, the 10 minute equivalent average one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

(a) When routine operation of a wind energy facility produces tonal sounds, a 5 dBA penalty shall be arithmetically added to each average 10 minute sound level (Leq_{A 10-min}) measurement interval in which a tonal sound occurs.

(3) Short Duration Repetitive Sounds ("SDRS")

For the purposes of this subsection, SDRS is defined as a sequence of repetitive sounds that occur within a 10-minute measurement interval, each clearly discernible as an event resulting from the facility and causing an increase in the sound level of 5 dBA or greater on the fast meter response above the sound level observed immediately before and after the event, each typically ±1 second in duration, and which are inherent to the process or operation of the facility.

(a) When routine operation of a wind energy facility produces short duration repetitive sound, a 5 dBA penalty shall be arithmetically added to each average 10-minute sound level (Leq_{A 10-min}) measurement interval in which greater than 5 SDRS events are present.

(4) Sound from Construction of Facilities

(a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

(1) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

(2) If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

(3) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by:

a. the Code Enforcement Officer when the duration of the nighttime construction activity is less than or equal to 90 days,
b. the Code Enforcement Officer and the Planning Board when the duration of the nighttime construction activity is greater than 90 days.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
</tr>
<tr>
<td>8 hours</td>
<td>90 dBA</td>
</tr>
<tr>
<td>6 hours</td>
<td>92 dBA</td>
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<tr>
<td>4 hours</td>
<td>95 dBA</td>
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<tr>
<td>3 hours</td>
<td>97 dBA</td>
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<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>

(c) All equipment used in construction on facility sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(5) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection B (1 through 3).

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection B (4). If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection B(4).

(6) Compliance with the Sound Level Limits

Compliance of a wind energy facility with the sound level limits set forth in subsection B (1 through 3) shall be determined in accordance with the following:

(a) Sound level data shall be aggregated in 10-minute measurement intervals within a given compliance measurement period (daytime: 7:00 am to 7:00 pm or nighttime: 7:00 pm to 7:00 am) under the conditions set forth in subsection G.

(b) Compliance will be demonstrated when the arithmetic average of the sound level of, at a minimum, twelve, 10-minute measurement intervals in a given compliance measurement period is less than or equal to the sound level limit set forth in subsection B (1 through 3).

(c) Alternatively, if a given compliance measurement period does not produce a minimum of twelve, 10-minute measurement intervals under the atmospheric and site conditions set forth in subsection G, the wind energy facility may combine six or more contiguous 10-minute measurement intervals from one 12-hour (7:00 am to 7:00 pm daytime or 7:00 pm to 7:00 am nighttime) compliance measurement period with six or more contiguous 10-minute intervals from another compliance measurement period. Compliance will be demonstrated
when the arithmetic average of the combined 10-minute measurement intervals is less than or equal to the sound level limit set forth in subsection B (1 through 3).

15.3 Submissions

(1) **Facilities with Minor Sound Impact**
An applicant for a proposed facility with minor sound impact may choose to file as part of the wind energy facility application a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of these standards, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under subsection B. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) **Other Facilities**
Technical information shall be submitted describing the wind energy applicant’s plan and intent to make adequate provision for the control of sound. The wind energy applicant’s plan shall contain the following:

(a) A map depicting the location of all proposed sound sources associated with the wind energy facility, property boundaries for the proposed wind energy facility, property boundaries of all adjacent properties within one mile of the proposed wind energy facility, and the location of all protected locations located within one mile of the proposed wind energy facility;

(b) A description of the major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed wind energy facility;

(c) A description of the equivalent noise levels expected to be produced by the sound sources at protected locations located within one mile of the proposed wind energy facility. The description shall include a full-page isopleths map depicting the modeled decay rate of the predicted sound pressure levels expected to be produced by the wind energy facility at each clearly identified protected location within one mile of the proposed wind energy facility. The predictive model used to generate the equivalent noise levels expected to be produced by the sound sources shall be designed to represent the "predictable worst case" impact on adjacent properties and shall include, at a minimum, the following:
   1. The maximum rated sound power output (IEC 61400-11) of the sound sources operating during nighttime stable atmospheric conditions with high wind shear above the boundary layer and consideration of other conditions that may affect in-flow airstream turbulence;
   2. Attenuation due to geometric spreading, assuming that each turbine is modeled as a point source at hub height;
   3. Attenuation due to air absorption;
   4. Attenuation due to ground absorption/reflection;
   5. Attenuation due to three dimensional terrain;
   6. Attenuation due to forestation;
   7. Attenuation due to meteorological factors such as but not limited to relative wind speed and direction (wind rose data), temperature/vertical profiles and relative humidity, sky conditions, and atmospheric profiles;
   8. Inclusion of an "uncertainty factor" adjustment to the maximum rated output of the sound sources based on the manufacturer’s recommendation; and
   9. Inclusion, at the discretion of the Planning Board, of an addition to the maximum rated output of the sound sources to account for uncertainties in the modeling of sound propagation for wind energy facilities. This discretionary uncertainty factor of up to 3 dBA may be required by the Planning Board based on the following conditions: inland or coastal location, the extent and specificity of credible evidence of meteorological
operating conditions, and the extent of evaluation and/or prior specific experience for the proposed wind turbines. Subject to the Planning Board’s discretion based on the information available, there is a rebuttable presumption of an uncertainty factor of 2 to 3 dBA for coastal facilities and of 0 to 2 dBA for inland facilities.

(d) A description of the protected locations near the proposed wind energy facility.
(e) A description of proposed major sound control measures, including their locations and expected performance.
(f) A comparison of the expected sound levels from the proposed facility with the sound level limits of these standards.
(g) A comparison of the expected sound levels from the proposed facility with any quantifiable noise standards of any neighboring municipality which may be affected by the noise.
(h) A description and map identifying one or more compliance testing locations on or near the proposed wind energy facility site. The identified compliance testing locations shall be selected to take advantage of prevailing downwind conditions and be able to meet the site selection criteria outlined in subsection G(4)(b).
(i) A description of the compliance measurement protocol as required by subsection G below.
(j) A description of the complaint response protocol proposed for the wind energy facility. The complaint response protocol shall adequately provide for, at a minimum:
   1. A 24-hour contact for complaints;
   2. A complaint log accessible by the Planning Board;
   3. For those complaints that include sufficient information to warrant an investigation, the protocol must provide for an analysis as set forth in (a) through (c) below. Sufficient information includes, at a minimum: the name and address of the complainant; the date, time and duration of the sound event; a description of the sound event, indoor or outdoor, specific location and a description of any audible sounds from other sources outside or inside the building of the complainant. Analysis of the complaint by the permit holder must include:
      (a) documentation of the location of the nearest turbines to the complaint location and ground conditions in the area of the complaint location;
      (b) weather conditions at the time of the complaint and surface and hub height wind speed and direction;
      (c) power output and direction of nearest turbines; and
      (d) notification of complaint findings to the Planning Board and the complainant;
   4. A plotting of complaint locations and key information on a project area map to evaluate complaints for a consistent pattern of site, operating and weather conditions; and
   5. A comparison of these patterns to the compliance protocol to determine whether testing under additional site and operating conditions is necessary and, if so, a testing plan that addresses the locations and the conditions under which a pattern of complaints had occurred.

15.4 Terms and Conditions
The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the Planning Board from requiring an applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Planning Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the applicant has made adequate provision for the protection of wildlife.

15.5 Waiver from Sound Level Limits
A waiver may be granted by the Planning Board if: (1) a facility is deemed necessary in the interest of national defense or public safety and the applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the Planning Board that the proposed facility will not have an unreasonable impact on protected locations. The Planning Board shall consider the request for a waiver as part of the review of a completed wind energy facility application. In granting a waiver, the Planning Board may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

15.6 Definitions

Terms used herein are defined below for the purpose of this noise ordinance.

(1) AMBIENT SOUND: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

(2) CONSTRUCTION: Activity and operations associated with the development or expansion of a facility or its site.

(3) EMERGENCY: An unforeseen combination of circumstances which calls for immediate action.

(4) EMERGENCY MAINTENANCE AND REPAIRS: Work done in response to an emergency.

(5) ENERGY SUM OF A SERIES OF LEVELS: Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section B (1 through 3).]

(6) EXISTING FACILITY: A facility constructed or approved under a pertinent ordinance prior to the effective date of this ordinance or a proposed facility for which the permit application is complete for processing on or before the effective date of this ordinance. Any development with a permit approval which has been remanded to the Planning Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and this ordinance shall apply to the existing noise sources at that facility.

(7) EXISTING HOURLY SOUND LEVEL: The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

(8) EQUIVALENT SOUND LEVEL: The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

NOTE: For convenience, a one-hour equivalent sound level should begin approximately on the hour.

(9) HISTORIC AREAS: Historic sites administered by the Bureau of Parks and Recreation of the Maine Department of Agriculture, Conservation and Forestry, with the exception of the Arnold Trail.

(10) HOURLY SOUND LEVEL: The equivalent sound level for one hour measured or computed in accordance with this ordinance.
(11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA:** Any site or area designated by Rumford for passive recreation that is open and maintained for public use and which:

(a) has fixed boundaries,
(b) is owned in fee simple by Rumford or is accessible by virtue of public easement,
(c) is identified and described in the Rumford comprehensive plan, and
(d) has been identified and designated at least nine months prior to the filing of the applicant's permit application.

(12) **MAXIMUM SOUND LEVEL:** Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: $L_{AF,max}$.

(13) **MAXIMUM SOUND:** Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

(14) **RESIDENCE:** A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

(15) **PRE-DEVELOPMENT AMBIENT:** The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

(16) **PROTECTED LOCATION:** Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site at the time a permit application is submitted; or any location within a State Park, Baxter State Park, National Park, Historic Area, a nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy, The Appalachian Trail, the Moosehorn National Wildlife Refuge, federally-designated wilderness area, state wilderness area designated by statute (such as the Allagash Wilderness Waterway), or locally-designated passive recreation area; or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands of the Maine Department of Agriculture, Conservation and Forestry as a protected location.

At protected locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas; and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Planning Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Planning Board may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.
This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17) QUANTIFIABLE NOISE STANDARD: A numerical limit governing noise from developments that has been duly enacted by ordinance by a local municipality.

(18) ROUTINE OPERATION: Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.

(19) SHORT DURATION REPETITIVE SOUNDS: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

(20) SOUND COMPONENT: The measurable sound from an audibly identifiable source or group of sources.

(21) SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

(22) SOUND PRESSURE: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

(23) SOUND PRESSURE LEVEL: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

(24) TONAL SOUND: for the purpose of this ordinance, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

NOTE: Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:
15.7 Measurement Procedures
These procedures specify measurement criteria and methodology for use with wind energy facility applications, compliance and complaint response. They provide methods for measuring the sound from operation of the wind energy facility and set forth the information to be reported.

(1) Measurement Criteria
(a) Measurement Personnel
Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the Planning Board.

(b) Measurement Instrumentation
A sound level meter or alternative sound level measurement system used shall meet all of the Type 0 or 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 0 or 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 61672-1 and ANSI 1.43.

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of the American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11 and IEC 61260, Type 3-D performance.

(d) The acoustical calibrator used shall be of a type recommended by the manufacturer of the sound level meter and one that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.

(e) The microphone windscreen used shall be of a type recommended by the manufacturer of the sound level meter.

(f) Anemometer(s) used for surface (10 meter (m)) (32.8 feet) wind speeds shall have a minimum manufacturer specified accuracy of ±1 mph providing data in one second integrations and 10 min. average/maximum values for the evaluation of atmospheric stability.

(g) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp.

(2) Equipment Calibration
(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Institute of Standards and Technology.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

(c) Anemometer(s) and vane(s) shall be calibrated annually by the manufacturer to maintain stated specification.

(4) Compliance Measurement Location, Configuration, and Environment
(a) Compliance measurement locations shall be at nearby protected locations that are most likely affected by the sound from routine operation of the wind energy facility subject to permission from the respective property owner(s).
(b) To the greatest extent possible, compliance measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 75-foot radius around the sound and audio monitoring equipment.

(c) To the greatest extent possible, meteorological measurement locations shall be at the center of open flat terrain, inclusive of grass and a few isolated obstacles less than 6 feet in height for a 2500-foot radius around the anemometer location. The meteorological data measurement location need not be coincident with the sound and audio measurement location provided there is no greater than a 5 mile separation between the data collection points and the measurement locations have similar characterization, i.e. same side of the mountain ridge, etc.

(d) Meteorological measurements of wind speed and direction shall be collected using anemometers at a 10-meter height (32.8 feet) above the ground. Results shall be reported, based on 1-second integration intervals, and shall be reported synchronously with hub level and sound level measurements at 10-minute measurement intervals. The wind speed average and maximum shall be reported.

(e) The sound microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

(f) When possible, measurement locations should be at least 50 feet from any sound source other than the wind energy facility's power generating sources.

(5) Compliance Data Collection, Measurement and Retention Procedures

(a) Measurements of operational, sound, audio and meteorological data shall occur as set forth in subsections G (5)(g through j).

(b) All operational, sound and meteorological data collected shall be retained by the wind energy facility for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(c) All audio data collected shall be retained by the wind energy facility for a period of four weeks from the date of collection unless subject to a complaint filed in accordance with the complaint protocol approved by the Planning Board and is subject to inspection by the Planning Board and submission to the Planning Board upon request. Specific audio data collected that coincides with a complaint filed in accordance with the approved complaint protocol shall be retained by the wind energy permit holder for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(d) Written notification of the intent to collect compliance data must be received by the Planning Board prior to the collection of any sound level data for compliance purposes. The notification shall state the date and time of the compliance measurement period.

NOTE: Notice received via electronic mail is sufficient regardless of whether it is received during business hours.

(e) Compliance data from the operation of a wind energy facility shall be submitted to the Planning Board, at a minimum:

1. Once during the first year of facility operation;
2. Once during each successive fifth year thereafter until the facility is decommissioned;
3. In response to a complaint regarding operation of the wind energy facility as set forth in subsection C (2)(j) and any subsequent enforcement by the Code Enforcement Officer; and
4. For validation of an applicant's calculated sound levels when requested by the Planning Board.

(f) All sound level, audio and meteorological data collected during a compliance measurement period for which the Planning Board has been notified that meets or exceeds the specified wind speed parameters shall be submitted to the Planning Board for review and approval. All data submittals shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data.
(g) Measurement shall be obtained during weather conditions when the wind turbine sound is most clearly noticeable, generally when the measurement location is downwind of the wind energy facility and maximum surface wind speeds < 6 miles per hour (mph) with concurrent turbine hub-elevation wind speeds sufficient to generate the maximum continuous rated sound power from the nearest wind turbines to the measurement location. A downwind location is defined as within 45° of the direction between a specific measurement location and the acoustic center of the five nearest wind turbines.

NOTE: These conditions typically occur during inversion periods usually between 11 pm and 5 am.

(h) In some circumstances, it may not be feasible to meet the wind speed and operations criteria due to terrain features or limited elevation change between the wind turbines and monitoring locations. In these cases, measurement periods are acceptable if the following conditions are met:

1. The difference between the $L_{A90}$ and $L_{A10}$ during any 10-minute period is less than 5 dBA; and
2. The surface wind speed (10 meter height) (32.8 feet) is 6 mph or less for 80% of the measurement period and does not exceed 10 mph at any time, or the turbines are shut down during the monitoring period and the difference in the observed $L_{A50}$ after shut down is equal to or greater than 6 dBA; and
3. Observer logs or recorded sound files clearly indicate the dominance of wind turbine(s).

(i) Measurement intervals affected by increased biological activities, leaf rustling, traffic, high water flow, aircraft flyovers or other extraneous ambient noise sources that affect the ability to demonstrate compliance shall be excluded from all compliance report data. The intent is to obtain 10-minute measurement intervals that entirely meet the specific criteria.

(j) Measurements of the wind energy facility sound shall be made so as to exclude the contribution of sound from other facility equipment that is exempt from this ordinance.

(6) Reporting of Compliance Measurement Data
Compliance Reports shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data or upon request by the Planning Board and shall include, at a minimum, the following:

(a) A narrative description of the sound from the wind energy facility for the compliance measurement period result;
(b) The dates, days of the week and hours of the day when measurements were made;
(c) The wind direction and speed, temperature, humidity and sky condition;
(d) Identification of all measurement equipment by make, model and serial number;
(e) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations;
(f) All A-weighted equivalent sound levels for each 10-minute measurement interval;
(g) All $L_{A10}$ and $L_{A90}$ percentile levels;
(h) All 10 minute 1/3 octave band linear equivalent sound levels (dB);
(i) All short duration repetitive events characterized by event amplitude. Amplitude is defined as the peak event amplitude minus the average minima sound level immediately before and after the event, as measured at an interval of 50 milliseconds (“ms”) or less, A-weighted and fast time response, i.e. 125 ms. For each 10-minute measurement interval short duration repetitive sound events shall be reported by number for each observed amplitude integer above 5 dBA.
(j) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp. Should any sound data collection be observed by a trained attendant, the attendant's notes and observations may be substituted for the audio files during the compliance measurement period;
(k) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present; and
Section 16. Decommissioning Plan

Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.
CHAPTER 34
Obscenity Ordinance

No person with knowledge of the content and character shall display or exhibit for sale in a public place any book, newspaper, magazine or publication depicting obscene, lewd and indecent pictures and/or the exploitation of nudity.
CHAPTER 34-A
Licensing and Regulation of Sexually Oriented Businesses

ADOPTED JUNE 13, 2006

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

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

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

Section 3. Definitions.

A. Adult Book, Video, and/or Amusement Store: An establishment having as a substantial or significant portion of it stock in trade in "sexual devices," and/or printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.

B. Adult Entertainment Facility: A public or private establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or featuring topless or nude dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers and patrons who may be encouraged to perform in a sexually explicit manner, perform “specified sexual activities” or display “specified anatomical areas.” It shall also include any establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the
prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of “specified sexual activities;” or offers sadomasochistic acts or bondage and discipline to patrons or performs such acts on employees or other entertainers.

C. Adult Spa. An establishment or place primarily in the business of providing (i) a steam bath or sauna, (ii) other bathing or hot tub services, or (iii) “rub-down” or other pseudo-massage services by a person or persons not licensed as a Massage Therapist by the State of Maine.

D. Corporation: The use of “corporation” in this ordinance shall mean a “corporation”, “limited liability company” or “partnership” as defined under Maine state law.

E. Sexually Oriented Business: Sexually oriented businesses include, but are not limited to, adult video, book and/or amusement stores and adult entertainment facilities and adult spas.

F. Residence: Any structure which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium or a mobile home.

G. Sadomasochistic Acts or Acts of Bondage and Discipline: Flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

H. Sexual Device: A device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.

I. Specified Sexual Activities: Activities that contain or produce

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact, as defined by Maine law, or sodomy;
3. Fondling or other touching of human genitals, pubic region, buttock or female breast.

J. Specified Anatomical Areas: Areas including, but not limited to:

1. Human genitals, pubic region, buttocks or the female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

Section 5. Application; Investigation and Issuance of License.

A. Application. An application for a sexually oriented business license shall:

1. Annually complete and file an application prescribed by the Town Clerk;
2. Deposit the license fee and a processing fee, established by the Selectpersons in the Schedule of License, Permit and Application Fees, in advance with the Town Clerk;
3. Submit the completed application to the Town Clerk, together with: attested copies of the articles of incorporation and by-laws, if the applicant is a corporation; evidence of partnership, if
a partnership; or articles of association and by-laws, if the applicant is an association, as well as a list of all officers and directors;

4. File an affidavit that identifies all owners, financial investors, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding three (3) years;

5. File the release authorized by 16 M.R.S. § 620(6) (Criminal History Record Information Act) with the application for each officer, owner, manager or partner of the applicant;

6. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner; and

7. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

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

1. The Code Enforcement Officer shall verify that the premises at which the establishment will be located comply with all applicable laws and building codes of the town and state and the State Plumbing Code and shall report his or her findings in writing to the Town Clerk;

2. The Health Officer shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

3. The Fire Chief shall inspect the location or proposed location to determine if all state laws and codes and all town ordinances concerning fire and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

4. The Town Manager shall investigate the application, including the criminal history record information required under Section 5(a)(5) above and shall report his or her findings in writing to the Board of Selectpersons; and

5. The Town Manager shall arrange for public notice of the public hearing on the application in a newspaper of general circulation at least 10 days before the public hearing before the Board of Selectpersons and the Town Manager shall forward the application and other documents to the Board of Selectpersons for public hearing and action.

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

D. **Issuance of License.** The Board of Selectpersons, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this ordinance. The license shall be issued upon determination by the Board of Selectpersons, based upon the record, evidence and testimony at the public hearing, that the application meets the requirements of this ordinance. The license may not be transferred or assigned.
Section 6. Standards for Denial. An application for a sexually oriented business license shall be denied by the Board of Selectpersons in the following circumstances:

A. The applicant is a corporation not licensed to do business in the State of Maine;

B. The applicant is an individual who is less than 18 years of age;

C. The applicant has submitted an incomplete application, made an incorrect statement of a material nature or failed to supply additional information required by the Town Clerk or Board of Selectpersons that is reasonably necessary to determine whether the license can be issued;

D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has been denied a sexually oriented business license for making an incorrect statement of a material nature within the immediately preceding five (5) years;

E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has had a license granted pursuant to this ordinance, or a similar ordinance provision in any other municipality, revoked for any reason during the immediately preceding five (5) years;

F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has violated any Massage Ordinance, Public Indecency Ordinance, Paid Sexual Contact Ordinance or a similar ordinance in any other municipality within the immediately preceding five (5) years; or

G. The site on which the sexually oriented business is proposed is a prohibited site under Chapter 4 of the Land Use Code.

H. The application in any other way fails to meet the requirements of this ordinance.

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

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

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

Section 10. Prohibited Sites.

A. A sexually oriented business shall not be located within one thousand feet (1000’), as measured along the shortest straight line, of a residence, school, church, synagogue, playground, park or other area where minors congregate.

B. The main entrance of a sexually oriented business shall be located a minimum of five hundred feet (500’), as measured along the shortest straightest line, from the main entrance of another business.

C. A sexually oriented business must have a continuous 6-foot high solid fence along all boundary lines it has in common with any of the following:

1. a church, synagogue or other house of religious worship;
2. a public or private elementary or secondary school;

3. a residence;

4. a day care facility;

5. a public park or public recreational facility;

6. a library;

7. another sexually oriented business.

Section 11. Prohibited Activities.

The following activities are prohibited:

A. All acts of public indecency, as defined in 17-A M.R.S. § 854, are prohibited in sexually oriented businesses.

B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client. Patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.

C. Patrons or clients shall not directly pay or give any gratuity or object of value to any dancer, performer, employee, owner or officer of the sexually oriented business. Dancers, performers, employees, owners or officers shall not solicit any pay, gratuity or object of value from any patron or client. This shall not prevent the owner or his/her agents from charging admission to the premises and charging for products such as meals and drinks not associated with any “specified sexual activity.”

D. Dancers, performers, employees, owners or officers, patrons, or clients of a sexually oriented business shall not (1) perform, offer to perform or agree to perform sexual intercourse with each other or any patron or client, or (2) commit, offer to commit or agree to commit any sexual act with each other or any patron or client or (3) make, offer to make or agree to make sexual contact with each other or any patron or client;

E. Patrons and clients of sexually oriented business shall not (1) perform sexual intercourse with any dancers, performers, employees, owners or officers of the sexually oriented business, or (2) commit any sexual act with any dancers, performers, employees, owners or officers of the sexually oriented business, or (3) make sexual contact with any dancers, performers, employees, owners or officers of a sexually oriented business.

F. Dancers, performers, employees, owners, or officers or patrons or clients of sexually oriented business shall not participate in any specified sexual activities, any sadomasochistic acts or acts of bondage or display any specified anatomical areas. All specified anatomical areas of all dancers, performers, employees, owners, officers, patrons, and clients must be covered by a completely opaque material such that no part of the specified anatomical area is visible from any angle or orientation at any time.

G. Any establishment licensed to sell, furnish or otherwise provide for the consumption of alcoholic beverages on site shall not be permitted to operate as an Adult Entertainment Facility, and no Adult Entertainment Facility shall sell or otherwise provide for the consumption of alcoholic beverages on the premises.

In the event the sexually oriented business licensee is a lessee of the premises on which the sexually oriented business is located, both the licensee and the owner shall be responsible for compliance with this section, and both the licensee and the owner shall be legally responsible for any violations.
Section 12. Dancers and Other Performers. A sexually oriented business must observe the following restrictions on dancers and other live performers:

A. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.

B. No dancing or other performance shall occur closer than ten (10) feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

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

A. No viewing area, booth, or cubicle which is provided for the viewing or reading of adult oriented materials may be occupied by more than one person at a time.

B. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be illuminated during all hours of operation by a minimum of 1.0 foot candle, as measured at floor level.

C. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be physically constructed and arranged in such a manner that the entire interior thereof is clearly visible from the common areas of the premises. Visibility into such viewing area, booth or cubicle shall not be obscured by doors, curtains, partitions, drapes or other material or object.

D. No licensee shall, within or on the grounds of, any licensed premise permit any person to engage in masturbation, any sexual act, or specified sexual activities or display any specified anatomical areas.

E. Except as provided herein, no wall of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall have any aperture, hole or other opening.

F. No licensee shall permit the presence of any person under the age of 18 years within or on the grounds of the licensed premise.

G. All interior surfaces of every viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be composed of smooth textured, nonabsorbent, and easily cleanable materials.

H. The premises and especially all surfaces of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be maintained in a clean, sanitary condition.

Section 14. Existing Sexually Oriented Businesses.

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

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

Section 15. Enforcement. This ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectpersons. If court action is required to enforce this ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney’s fees.
Section 16. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Appeals. An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectpersons may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.
CHAPTER 34-B
Paid Sexual Contact Ordinance

ADOPTED JUNE 11, 1996

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

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

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

Section 2. Sexual Contact for Pecuniary Benefit Prohibited.

A. Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

B. Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

C. Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

D. Leasing or otherwise permitting a place controlled by the defendant in any action to enforce this Ordinance, alone or in association with others, to be used as a site for sexual contact for pecuniary benefit to any person is prohibited.

Section 3. Enforcement.

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

Section 4. Penalties.

The violation of any provision of this Ordinance shall be punished by a fine not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of any Town license for a premises or business in which sexual contact for pecuniary benefit is transacted.
Section 5. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity or the remaining portions thereof.
CHAPTER 34-C
Public Nudity Ordinance

ADOPTED JUNE 11, 1996

AMENDED JUNE 10, 1997

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

(1) As used in this ordinance:

(a) **“Entity”** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(b) **“Nude”** means the showing of:

1. Human or female genitals or pubic area with less than a fully opaque covering; or

2. Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

3. The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast; but shall not include any portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or

4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) **“Person”** means any live human being ten years of age or older.

(d) **“Place Provided for Set Apart for Nudity”** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's officers, portions of hospital, and similar places in which nudity or exposure is necessarily customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person’s conduct of being nude is used for his or her profit or where
being nude is used for the promotion of business or is otherwise commercially exploited.

(e) “Public Place” means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but or not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurant, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof, such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

(2) It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

(3) A person violating section (2) of this ordinance has committed a civil violation for which a fine not exceeding five hundred dollars ($500.00) may be charged to the person(s) and/or entity(ies) violating section (2).

(4) This ordinance shall not be deemed to address photographys, movies, video presentations, or any other non-live performances.

(5) This ordinance may be prosecuted by the Town Solicitor or by private action brought by an aggrieved party in a court of competent jurisdiction.

(6) Interpretation - Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance.

(7) Conflict within this Ordinance or with other Ordinances - Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

(8) Separability - Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
CHAPTER 35
Transportation of Waste Refuse, Garbage and Debris
Over Town Ways

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

Section 2. All vehicles, trucks or trailers used for the transportation of waste, refuse, garbage or debris shall be covered in such a manner so as to completely prevent littering along Rumford Town streets and ways.
Any appointive officer of the Town may be removed by the Board of Selectpersons from his or her office if:

a. He or she fails to attend, without good and sufficient cause, at least 50 percent of the regularly scheduled meetings of his or her office.

b. He or she is convicted of a Class A, B or C crime as defined by Title 17-A of the Maine Revised Statutes.

c. He or she is convicted of a Class D or E crime involving moral turpitude.

d. He or she uses Town property without proper authority.

e. He or she uses his or her office, without authority, to influence the actions of any subordinate, employees and other departments.

f. He or she violates the provision of Chapter 38.

g. For cause.

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

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

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

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

ADOPTED JUNE 10, 1997

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

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

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

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

Section 5. Notwithstanding any other provisions of these ordinances, if the laws of this State require that action to discipline or remove an employee be taken only by a specified municipal officer or body, that law shall supersede these ordinances.
No elected official of the Town of Rumford may maintain employment with the Town of Rumford during his or her term in office other than the position to which he or she is elected.
CHAPTER 36-C
Recall of Elected Officials

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

Section 1. Authority
This Ordinance is adopted pursuant to Title 30-A MRSA §2602 (6)

Section 2. Applicability
Any elected official of the Town of Rumford, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectpersons, Assessors, Tax Collector, Town Clerk-Treasurer. This Ordinance does not apply to Directors of MSAD. 43.

Section 3. Grounds for Recall
An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office.

a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or

b. In the case of Selectpersons, absence from at least half of the regularly scheduled meetings of the Board of Selectpersons during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this Ordinance does not require the Selectpersons to schedule meetings at any specified interval; or

c. In case of two or more violations of the Rumford, Maine Town Charter and or Ordinances; as determined by the Town Attorney, or

d. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatsoever, except as otherwise provided in this Ordinance; or

e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by the court or other body of competent jurisdiction of such violations has made a final determination.

f. Failure or refusal of a Selectperson to order an election as provided in this Ordinance. In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered an absence within the meaning of the Section.

Section 4. Petitions for Recall

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

b. The Petition shall be addressed to those members of the Board of Selectpersons having no interest in the subject matter of the petition; if petitions for the recall of all Selectpersons are submitted, then the petitions will be addressed to the Town Clerk.
c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.

d. If recall of more than one person is being sought, there shall be a separated petition for each person whose removal is being sought.

e. Each page of the petition shall provide a space for the voter’s signature, address and printed name.

f. All petition pages shall be filed as a single document.

Section 5. Clerk’s Certification

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

Section 6. Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.

b. The Selectpersons, upon receipt of the certified petition, shall within 25 days time of receipt, order an election by secret ballot, pursuant to 30-A MRSA §2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case, the Selectpersons may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

c. In the event that the Selectpersons fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectpersons failure or refusal to order the required election.

d. If at any time, between the time of ordering the election and the date of the election, the person whose recall is sought requests a public hearing, the Selectpersons will promptly schedule such a public hearing on the recall election.

Section 7. Ballots for the Recall Election

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

Section 8. Result of Election

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

Section 9. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provision of Maine law.
CHAPTER 36D
Municipal Personnel Policy

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

All Town of Rumford employees will be subject to the terms and conditions stipulated in the Municipal Personnel Policy unless otherwise provided in a collective bargaining agreement.
CHAPTER 37
Board of Appeals

AMENDED JUNE 14, 1983
AMENDED JUNE 10, 1997
AMENDED JUNE 12, 2007
AMENDED JUNE 9, 2009

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

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

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

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

Section 2. Organization.

A. The Board shall consist of five (5) members appointed by the Board of Selectpersons serving staggered three (3) year terms.

B. Neither a municipal officer nor his spouse may be a member or associate member of the Board.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member who is being challenged.

D. A member of the Board may be dismissed for cause as defined in Chapter 36, and shall not sit on any appeal from said dismissal.

E. There will be two (2) associate members appointed by the Board of Selectpersons. The Chairperson of the Board of Appeals shall designate which associate shall serve in the stead of the absent members.

Section 3. Procedure.

A. The Chairperson shall call meetings of the Board as required. The Chairperson shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least three (3) members. The Chairperson shall preside at all meetings of the Board and be the official spokesman of the Board.

1. All requests for appeal shall be submitted in writing to the Chairperson, through the Town Manager’s Office, in a sealed envelope addressed to the Board of Appeals. The request shall include copies of any written decisions as well as reference to the chapter and sections(s) or actions being appealed and remedy sought.
B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary are deemed public, shall be filed in the Town Clerk’s office and may be inspected at reasonable times.

C. The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chairperson upon good cause shown.

D. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

E. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, agency or office and the municipal officers within seven (7) days of their decision.

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to the Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury.
Any complaints against an employee shall be submitted, in writing, to the Department Head of the department where said employee works with a copy of the complaint forwarded to the employee within five (5) working days. If the Department Head decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the employee. The Department Head and the Employee concerned shall attend the hearing. The person or persons making the complaint will be asked to attend such hearing. It is understood that the Town does not have power to compel the person to attend the hearing. However, if the person or persons making the complaint fail to appear, the hearing on the complaint shall proceed despite said person’s absence. A written copy of the Department Head’s decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Town Manager within seven (7) working days. If the Town Manager decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the Town Manager. A written copy of the Town Manager's decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Board of Selectpersons within seven (7) working days. The Chair of Board of Selectpersons may determine if the complaint should be acted on, and, if so, shall direct the item be placed on the agenda of the next regularly scheduled Selectperson’s meeting.

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

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

The violation of this Chapter may serve as grounds for removal from office pursuant to Chapter 36.
CHAPTER 39-A
Addressing Ordinance
ADOPTED JUNE 13, 2006

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

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

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

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

a. Municipal map(s) for official use showing road names and numbers;

b. An alphabetical list of property owners as identified by current tax records, by last name, showing assigned numbers; and

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

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

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

The following criteria shall govern the naming system:

a. No two roads will be given the same name (e.g. Back Road and Back Lane);

b. No two roads will have similar-sounding names (e.g. Pike Lane and Bike Lane);

c. Each road will have the same name throughout its entire length.
Section 6. Numbering System. The following criteria shall govern the numbering system:

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

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

b. All number origins shall begin from Bridge Street or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the number interval falling closest to the center of the driveway of said structure, with the following exception:

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

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

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

a. Number on the Structure or Residence. Where the residence or structure is within fifty feet (50’) of the edge of the road right-of-way, the assigned number shall be displayed on the side of the residence or structure that faces the roadway assigned as long as the number is visible and unobstructed from the roadway. If the number is obstructed the structure will fall under section 7(b).

b. Number at the Road Line. Where the residence or structure is over fifty feet (50’) from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, or on some structure at the property line adjacent to the access drive of the residence or structure.

c. Size, Color, and Location of Number. Numbers shall be that of a color that contrasts with their background color and shall be a minimum of four inches (4”) in height. Numbers shall be located to be visible and unobstructed from the road at all times of year.

d. Proper Number. Every person whose duty it is to display an assigned number shall remove any different number, which could be mistaken for or confused with the number assigned in conformance with this ordinance.

e. Type of Numbers Displayed. Numerical numbers shall be used on all structures. If the owner chooses to display alphabetized script or Roman numerals, the owner must also display numerical numbers in conjunction with the latter choices. Numerical numbers will be displayed in such a manner as not to be confused with the script or Roman numerals.
f. **Interior Location.** All residents and occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

g. Any numbers displayed on a post or other place other than the numbered structure shall be placed on the same side of the roadway as the numbered structure is located and positioned as close to the driveway of said structure as possible.

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

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

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

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

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

**Section 10. Enforcement.** It will be the duty of the Addressing Officer or his or her designees to enforce this ordinance. Violation of any part of this ordinance will be subject to a fine of $10.00 a day up to a maximum of $2,500.
CHAPTER 40
Political and Yard Sale Signs and Advertisement Banners Ordinance

ADOPTED JUNE 9, 2009

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

CHAPTER 40, TITLE
AMENDED JUNE 14, 2011

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

Section 1. Political Signs.

No political signs shall be posted on the Island or near the Information Booth. Signs must not impair the view of the Rumford Falls from any location. They will not be allowed on Town owned property. The time of placement of political signs shall be governed by the State Statute and removed within forty-eight (48) hours after the closing of the election voting hours.

Section 2. Yard Sale Signs.

The time of placement shall not be more than twenty-four (24) hours before the yard sale and removed within four (4) hours after the end of the sale. The yard sale signs will not be allowed on Town owned property.

Section 3. Advertisement Banners.

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

Section 4. All Signs and Banners.

All signs shall not exceed 500 square inches, and banners shall not exceed 30 square feet. All temporary signs must be displayed on their own stakes. There shall be no alcoholic messages or logos allowed as part of any signs or banners covered by this ordinance.

Section 5. Penalties.

A ten (10) dollar fine will be assessed for each day of noncompliance with any section of the ordinance. The candidate or persons associated with the signs shall be responsible for payment of the penalty.
CHAPTER 41
Special Amusement Ordinance
ADOPTED JUNE 12, 2007

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

Section 2. Purpose. The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S. § 1054 and 30-A M.R.S. § 3001.

Section 3. Definitions.

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

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

Section 4. Permit Required.

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

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

1) Name of the applicant;
2) Applicant’s residence address;
3) Name of applicant’s business to be conducted;
4) Applicant’s business address;
5) Nature of applicant’s business;
6) Location to be used;
7) Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically;
8) Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the Selectpersons in the issuing of the permit, including but not limited to a copy of the applicant’s current liquor license;
9) What type of music will be offered at the establishment (e.g., live band, jukebox, karaoke, etc.);
10) What type of dancing, if any, will be offered at the establishment (e.g., “exotic” dancers, floor dancing by the public, etc.);
11) What type of entertainment is being offered.
C. No permit shall be issued for any person, business, event, act or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, or rules and regulations of the Town.

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

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

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

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

Section 5. Inspections.

A. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee or person in charge of the premises, to give to any authorized officer, official or employee of the Town requesting the same sufficient samples of the material or commodity for analysis.

Section 6. Suspension or Revocation of a Permit. The Selectpersons may, after a public hearing, preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any Town ordinances, rules and regulations or state law.

Section 7. Rules and Regulations. The Selectpersons are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of the permitted premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 8. Permit and Appeal Procedures.
A. Any licensee requesting a special amusement permit from the Selectpersons shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit has been denied.

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

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

Section 10. Live Entertainment Regulation.

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

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

Section 11. Penalties.

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

B. In addition to any other penalty which may be provided, the Selectpersons may suspend the special amusement permit of any licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty; however, no license or special amusement permit shall be suspended unless a written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 12. Separability. The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 13. Effective Date. This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
CHAPTER 42
Licenses for Victualers, Innkeepers and Lodging Houses

ADOPTED JUNE 12, 2007

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

Section 1. Authority.

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

Section 2. Purpose.

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

Section 3. Definitions.

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

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

“Licensing Board” means the Selectpersons of the Town.

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

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

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

Section 4. License Required.

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

Section 5. Hearing.

A. Victualer’s License. The Selectpersons shall hold a hearing on any original application for a victualer’s license within thirty (30) days of the date of the request received at which time the testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the
Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The applicant shall be provided written notice of the hearing date.

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

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

**Section 6. Suspensions and Revocations.**

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

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

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

**B.** Be heard in the licensee’s own defense.

**Section 7. Appeal.**

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

**Section 8. Fees and Expiration.**

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

**Section 9. Penalties.**

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

**Section 10. Effective Date.**

This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
Section 1. Changeable Message Signs. Changeable message signs are permitted provided that each message remains fixed on the display surface, but which may be changed at reasonable intervals by electronic process or remote control and do not include any flashing, intermittent or moving light or lights. Signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention.

Section 2. Definitions.

“Electronic Message Sign (or Display)” - A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

“Dissolve” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

“Fade” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

“Frame” – A complete, static display screen on an Electronic Message Display.

“Frame Effect” – A visual effect used on an Electronic Message Display to change from one message to another.

“Scroll” – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

“Time & Temperature Sign” – A special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.

“Travel” – A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

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

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

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

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

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

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

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

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

**Section 4. Penalties.** Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished as follows:

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

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

**Section 5.** The requirement of this ordinance shall complement the sign requirements contained in Chapter 25-C of these ordinances.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force from and after the date of its official adoption by the Town of Rumford.
CHAPTER 44
Protection of Veterans’ Memorial Areas and Monuments Ordinance
ADOPTED JUNE 12, 2007

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

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

Section 3. Penalties. Any person or organization violating the provisions of this ordinance shall be fined $50.
CHAPTER 45
Sex Offender Ordinance
ADOPTED JUNE 9, 2009
AMENDED JUNE 8, 2010
AMENDED JUNE 14, 201, Section 4.A.

Section 1. Authority.

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

Section 2. Purpose.

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

Section 3. Definitions.

Registered Sex Offender – An individual convicted of a sex offense in this state or another jurisdiction means a conviction for any current or former Maine crime listed in former Title 17, §§ 2922 to 2924 or Title 170A, Chapter 11 or 12 or Title 17-A, §556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earliest specified current or former Maine crimes.

Section 4. Restrictions.

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

Section 5. Exceptions.

A. This ordinance does not restrict the residence of a person who lived in an area restricted pursuant to Section 4 prior to the adoption or amendment of this Ordinance.

B. This Ordinance is not premised on a person’s obligation to register pursuant to Title 34-A, Chapter 15.

Section 6. Violation; Injunctive Relief and Penalties.

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of $500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney’s fees, expert witness fees, or any other associated costs.
Section 7. Severability.

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

Section 8. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of June 8, 2010.
CHAPTER 46
Prohibition Against Abusive Solicitation
ADOPTED JUNE 9, 2009

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

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

(1) “Solicitation” means any request made in person seeking an immediate donation of money or other item of value. A person shall not be deemed to be in the act of solicitation when he or she passively displays a sign or gives any other indication that he or she is seeking donations without addressing his or her solicitation to any specific person, other than in response to an inquiry by that person.

(2) “Donation” means a gift of money or other item of value and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is a substantial a gift.

(3) “Abusive solicitation” means to do one or more of the following while engaging in solicitation or immediately thereafter:

(a) Blocking or impeding the passage of the person solicited;
(b) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited declines to make a donation;
(c) Threatening the person solicited with physical harm by word or gesture;
(d) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
(e) Touching the solicited person without the solicited person’s consent;

Section 3. Penalties. Any person who engages in abusive solicitation as defined herein shall be guilty of a violation of this article and, upon conviction, shall be punished by a fine or not less than twenty-five dollars ($25.00) nor more than one hundred fifty dollars ($150) for each offense. The Town may also seek, and the court may order, injunctive relief designed to prevent any further violations of this chapter.
CHAPTER 47
Gender Neutral References
ADOPTED JUNE 9, 2009

All existing ordinances and all future ordinances shall be gender neutral, unless the context otherwise requires or the modification would cause the ordinance to be unlawful.
Any monies raised or appropriated for, or donated to, the Rumford Performing Arts Committee shall not be deposited into the General Fund of the Town, but will be carried forward into the next budget year to be used by the Rumford Performing Arts Committee for future performances or, with permission of the Board of Selectpersons, to make improvements to the Rumford Falls Auditorium. No salaries will be paid from these funds. If the Rumford Performing Arts Committee ceases to exist, then and only then, will any monies that have accrued be transferred into the General Fund of the Town.
CHAPTER 49
Locomotives Idling in Residential Areas

ADOPTED JUNE 8, 2010

It is unlawful for a locomotive engine to be parked idling within 1,000 linear feet of a residence for a period greater than three (3) consecutive hours. Violation of this Ordinance will result in a civil fine not less than $1,000.00 per offense.
CHAPTER 50
AMENDMENTS TO ORDINANCES
ADOPTED JUNE 8, 2010

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

Chapter 1 A, Section 1, Sections 2 (c) and (d); Chapter 2, Sections 1 (b) and (c); Chapter 3, Sections 4, 5, 6; Chapter 4, Sections 1 and 1(A), 3, 4, 7; Chapter 10 (a), Section 1 (e); Chapter 11, Section 1, 4, 6, 7; Chapter 13, Section 2; Chapter 15-B, Section 4; Chapter 16, Section 3; Chapter 21, Section 3; Chapter 37, Section 2 (D) and (E), Section 3 (A) (C); Chapter 41, Section (4).
Chapter 51
Exemptions from Excise Tax

ADOPTED JUNE 12, 2012

Section 1. Military Duty.

A resident of the Town who is on active duty serving in the United States Armed Forces and, who is (1) either permanently stationed at a military or naval post, station, or base outside this State or (2) deployed for military service for a period of more than 180 days, may apply for an exemption from paying excise tax on that resident's vehicle. To apply for this exemption, the resident must present to the Tax Collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is (1) permanently stationed at that post, station or base or (2) is deployed for military service for a period of more than 180 days. For purposes of this ordinance, “United States Armed Forces” includes the National Guard and the Reserve of the United States Armed Forces. For the purpose of this ordinance, “deployed for military service” has the same meaning as in 26 M.R.S. § 814(1)(A).
Chapter 53
Property Assessed Clean Energy (PACE) Ordinance
ADOPTED JUNE 12, 2012

Section 1. Purpose and Enabling Legislation.

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

B. **Enabling Legislation.** The Town enacts this ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S. § 10151, et seq.).

Section 2. Title and Definitions.

A. **Title.** This ordinance shall be known and may be cited as “the Town of Rumford Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

B. **Definitions.** Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1) **Energy Saving Improvement.** “Energy Saving Improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
   
   a) Will result in increased energy efficiency and substantially reduced energy use and:
   
   b) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or
   
   c) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
   
   d) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2) **Town.** “Town” shall mean the Town of Rumford.

3) **PACE Agreement.** “PACE Agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
Section 3. PACE Program.

A. Establishment; Funding. The Town hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the Town’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the Town’s PACE program.

B. Amendment to PACE program. In addition, the Town may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Town shall be responsible for administration of loans made from those other funding sources.

Section 4. Conformity with the Requirements of the Trust.

Standards Adopted; Rules Promulgated; Model Documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Town’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Town shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

Section 5. Program Administration; Municipal Liability.
A. **Program Administration.** PACE Administration Contract. Pursuant to 35-A M.R.S. § 10154(2)(A)(2) and (B), the Town will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Town. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

1) the Trust will enter into PACE agreements with owners of qualifying property in the Town’s PACE district;

2) the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

3) the Trust, or its agent, will disburse the PACE loan to the property owner;

4) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

5) the Trust, or its agent, will be responsible for collection of the PACE assessments;

6) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

7) the Trust or its agent on behalf of the Town, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. **Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Town shall adopt and implement an education and outreach program so that citizens of the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. **Assistance and Cooperation.** The Town will assist and cooperate with the Trust in its administration of the Town’s PACE program.

D. **Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Section V, §1(A) above, a Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

E. **Liability of Municipal Officials; Liability of Town.**

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.
# A REVISED CODE OF ORDINANCES FOR THE TOWN OF RUMFORD

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A REVISED CODE OF ORDINANCES
FOR THE TOWN OF RUMFORD
(Including Amendments, Adoptions and Repeals of June 14, 2016)

INTRODUCTION

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

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

EFFECTIVE DATES

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

FORMALITIES

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

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

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

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

All specific fees deleted and replaced with “fees established by the Board of Selectpersons in the Schedule of License, Permit, Application and Other Fees” by amendment on June 12, 2007.
CHAPTER 1
Board of Selectpersons

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

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

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

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

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

CHAPTER 1, Sections Numbering Changed
AMENDED JUNE 12, 2007

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

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

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

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

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

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

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

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

Section 5. Annual Report. No later than December 31st of each year, the Board shall cause to be published an Annual Town Report. It shall contain the reports of the Town Manager, Board of Selectpersons, the School Board, the Board of Assessors, the Auditor, the Park Commission, the Library Trustees, the Town Clerk-Treasurer, the Tax Collector, the Health Officer, the Building Inspector and such other reports as may be prescribed by the general law.
or by the Board, it shall contain copies of the warrant of the Annual Town Meeting and a record of the action taken at such meetings. It shall also contain copies of the warrants of any Special Town Meetings. It shall contain a completed text of any ordinance revisions that were voted affirmative at the annual election meeting. It shall also contain an annual calendar setting out in detail a chronology of all municipal activity, to be prepared by the Town Manager. It shall be the duty of the Town Manager to see that all the material required for the Annual Town Report, as outlined in the preceding section, is properly prepared and submitted in time for inclusion in the Annual Town Report.

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

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

**Section 8. Multi-Year Contracts.** The Board of Selectpersons shall be authorized to enter into multi-year agreements for contracted services or grant opportunities to the Town, provided that funds for the first fiscal year of the agreement are available and provided that payments and performance for subsequent fiscal years are contingent upon the annual approval of the legislative body to raise and appropriate subsequent annual payments in each year of the contract or grant. The estimated requirements covering the period of the agreement must be reasonably firm and continuing, and such agreement will serve the best interests of the Town by encouraging effective competition or otherwise promoting economies in Town procurement.
CHAPTER 1A
Town Manager

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

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

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

CHAPTER 1A, Section 1
AMENDED JUNE 8, 2010

CHAPTER 1A, Section 1
AMENDED JUNE 14, 2016

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

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

A. The Selectpersons shall file a written preliminary resolution with the Town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.

B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.

C. Upon request for a public hearing, the Selectpersons shall hold one at least 10 days, but not more than 30 days, after the request is filed.

D. After the public hearing, or at the expiration of the time permitted, the manager to request the public hearing, if no such request is made, the Selectpersons may adopt or reject the resolution of removal.

E. The Selectpersons may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

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

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

Section 3. Absence or Disability of Town Manager. The Town Manager may designate a qualified administration official of the Town to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Selectpersons. If the Town Manager does not make this designation, the Selectpersons may appoint a Town official to perform the Manager's duties during the absence or disability or until the Manager returns or the disability ceases.
CHAPTER 2
Budget Material and Presentation

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

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

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

Section 1. Preparation of Material. During the 1st week of February, annually, tentative budget programs for the ensuing fiscal year shall be prepared by department heads requiring funds from general and special appropriations of the Town, and submitted to the Town Manager. The Town Manager shall prepare the budget requests and present them to the Finance Committee and schedule appropriate hearings.

Section 2. Form of Budget. The Finance Committee shall have the right to prescribe the form in which the budgets are submitted and shall also have the right, after receiving such budgets, to request additional information concerning the same, which information shall be promptly and accurately provided.

Section 3. Presence at Hearings. The Finance Committee shall have the right to request the presence of Town officials, members of the boards, department heads and other persons who assisted in preparing budget material to attend scheduled public hearings or executive sessions of the Committee for the purpose of participating in discussions relative to the same, and such requests shall be complied with.

Section 4. Town Manager to Coordinate. It shall be the duty of the Town Manager to coordinate the budget operations established by the provisions of this Chapter, and to see that all budget material, as herein provided, is timely submitted.
CHAPTER 3
Finance Committee

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

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

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

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

Section 1. Power and Duties. It shall be the duty of the Finance Committee to make definite recommendations to the voters at every annual and special meeting relative to all articles in the warrant for such meeting involving the appropriation and expenditure of moneys. The Committee shall also serve in the capacity of a financial planning agency for the Town. All meetings of the Finance Committee shall be open to the public and such public notice shall be given by the Chairperson as the Committee shall determine.

Section 2. Meetings. Meetings of the Finance Committee will be called by the Chairperson as needed, in addition to the Organization Meeting (per Town Charter Article XIV, Section 3) and budget meetings outlined in the Chapter 3, Section 4, below.

Section 3. Special Meetings. Special Meetings, as required, shall be called in a manner provided by the Town Charter (Article XIV, Section 4).

Section 4. Budget Meetings. Upon receipt of the budget for the ensuing fiscal year from the Town Manager, the Committee shall hold as many budget meetings as are required to complete its budgetary work and submit their final recommendations at least 50 days prior to the Secret Ballot Election to the Town Manager to give reasonable time for absentee ballots to be prepared. The Committee shall hold as many public meetings as they may require.

Section 5. Hearings on Warrant. The Committee shall hold a public hearing during the month of April, to consider and hear comment on the articles in the warrant for the next Annual Town Meeting.

Section 6. Public Planning Meetings. The Committee may hold public planning meetings to discuss and hear comment on municipal planning and board future programs.
CHAPTER 4
Police and Fire Departments

Chapter 4, Section 1. Powers and Duties. The Town Manager, with the approval of the Board of Selectpersons shall be responsible for the operation and administration of the Police and Fire Departments of the Town, including the selection and control of the personnel. In the execution of this assignment, and without limiting the generality of the foregoing, the Town Manager shall exercise and perform specifically, subject to the provisions of the Town Charter and any collective bargaining agreement in effect, the following powers and duties:

A. To make and administer rules for the appointment, promotion, demotion, discipline, retirement and discharge of the members of said departments, provided, however, that the Town Manager shall not, under such rules, delegate his power to select or appoint personnel.

B. To make and administer rules governing the duties and conduct of the members of said departments.

C. To fix the salaries of the chief and the investigator of the police department and the chief of the fire department.

D. To prepare the annual budget for said departments in accordance with the provisions of these Ordinances.

E. To approve all disbursements for the accounts of said departments and to certify the same to the Board of Selectpersons.

Section 2. Organization of Police and Fire Departments.

A. The Police Department shall consist of a Chief and or Public Safety Director and such other officers, patrolmen and special patrolmen as the Board of Selectpersons shall from time to time determine.

B. The Fire Department shall consist of a Chief and or Public Safety Director and such other officers, regular men and call men as the Board of Selectpersons shall from time to time designate. All references to...
employees designate both sexes, and where the male gender is used, it shall be construed to include male and female employees. All references to the Chief of either department shall mean Chief or Public Safety Director as determined by the Board of Selectpersons.

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

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

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

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

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

Section 8. Disciplinary Action. Disciplinary action involving any permanent member of either department, including the Chief, shall be governed by Chapter 360A and Section 6 and 7 of this chapter.

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

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

Section 11. Interference with Police and Fire Protection. It shall be unlawful for any person or persons, within or without the Police and Fire departments to conspire with others in any acts or acts, or to take part in concerted action, formally organized or otherwise, which is designed to, or tends to interfere with or deprive the citizens of the Town of Rumford of the protection for which the police and fire departments are maintained. The Chiefs shall take such action as is necessary to bring about the prosecution of any person violating the provisions of this section.
CHAPTER 5
Park Commission

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

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

Section 1. Powers and Duties.

(a) The Park Commission shall be and is hereby charged with the duty of developing, maintaining and operating all publicly owned cemeteries, and all public parks, athletic fields, recreational and playground areas and facilities, now existing or hereafter established by vote of the Town excepting playground areas under the control of the School Department, to such extent as funds are provided or made available thereof.

(b) The Commission, in its discretion, shall have the authority to permit the use of the athletic facilities under its jurisdiction by persons and organizations, other than public school activities, under such terms and conditions as it may determine. In connection with public school activities, it shall have the right to impose such conditions relative to the use of such facilities as it may determine just and proper to the end that special expenses involved shall be absorbed by the user.

(c) All incidental income resulting from the operation shall be paid to the Town Treasurer on a monthly basis and shall be allocated to the Park and Recreation Commission in addition to the Town appropriation, so that the funds may be drawn upon for the Park and Recreation Commission's expenses.

(d) Any incidental income, revenues and monies remaining in the Park and Recreation Commission Account at the end of the fiscal year shall be carried forward into the Park and Recreation Capital Account.

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

Section 3. Executive Agent. The Town Manager or his designated representative shall act as executive agent of the Commission, and shall attend meetings of the Commission when requested by the Commission Chairperson.
Section 1. **Powers and Duties.** The Board of Library Trustees shall be and is charged with the duty of maintaining and operating the Rumford Public Library, and shall be and is hereby invested with all powers necessary to that end. The Board shall accomplish the purposes herein stated within the means provided by appropriations of the Town, assistance rendered by the State and private gratuities. All incidental income resulting from the operation shall be paid in to the Town Treasurer monthly, and shall be allocated to the Library Budget in addition to the Town appropriation, so that the funds may be drawn upon for Public Library expenses.

Section 2. **Meetings.** The Board shall hold regular monthly meetings as determined by the Board to conduct library business as needed. The annual organization meeting shall be held as outlined in the Town Charter, Article XV. Special meetings may be held as provided by the Town Charter.
Section 1. Duties. The Town Auditor shall conduct an annual audit of the financial operations of all departments of the Town and of the accounts of all officials who handle funds of the Town. Such audit shall be performed in accordance with generally accepted auditing practices for municipalities and shall at least meet the minimum requirements of the general law. As soon as may be, following the close of the fiscal year, he shall make a final report covering the entire year, which report shall embody the results of his findings and such suggestions, as he may deem advisable concerning the affairs of the Town. He shall render such report to the Board of Selectpersons, and a copy to the Finance Committee and to the State Auditor. He shall do such other things and perform such other duties as may be prescribed by general law of the State.

Section 2. Irregularities. Whenever the Auditor finds evidence of irregularities in the accounts of the Town or its officials, or of practices which do not comply with the general law, the provisions of the Town charter, or these Ordinances, he shall report the same forthwith to the Finance Committee and to the Board of Selectpersons.
CHAPTER 8
School Committee

REPEALED JUNE 12, 2007
Section 1. Duties. The Town Treasurer shall perform all duties prescribed by the general law, and all such duties as may be essential to the functions usually associated with such office, and shall be custodian of all funds of the Town, whatever be the source of origin, and shall be responsible for the preservation and disbursement of the same, and shall keep an accurate record of all such receipts and disbursements, and in addition thereto shall keep a complete and accurate record of:

(a) The Town debt, both temporary and long term.
(b) All bequests, gifts and trust funds.

Section 2. Trust Funds. All trust funds shall be invested by the Town Treasurer, with the approval of the Board of Selectpersons, in compliance with the direction, if any, of the donors. The proceeds only of such investments, unless otherwise directed by the donors, shall be used for carrying out the purposes of the trusts. In no instance shall the principal of such funds be used, or pledged as security for any purpose. It shall be the duty of the Town Treasurer to keep such funds segregated, to collect the income and disburse the same, with the approval of the Board of Selectpersons.
CHAPTER 10
Town Clerk

Section 1. **Ordinances.** It shall be the duty of the Town Clerk to keep the Ordinances of the Town currently revised and to prepare a revised copy for printing, from time to time, as the Town may appropriate funds therefore.
CHAPTER 10A
The Planning Board

Section 1. Powers and Duties.

(a) The Planning Board shall prepare a Comprehensive Plan and carry on the broad concept of continuing planning as set forth by State Statutes and Municipal Ordinance (30 M.R.S. § 4961).

(b) The Planning Board shall update and revise the Comprehensive Plan as necessary. Each plan must be submitted to the municipal officers for consideration of submission to the legislative body for review and acceptance.

(c) The Board shall perform such duties and exercise such other powers as are provided by Rumford ordinance and the laws of the State of Maine.

(d) The Board shall be coordinated with other branches of the municipal government in order to carry out the projects and goals of the Comprehensive Plan and other duties prescribed by State and Municipal Law.

(e) The Planning Board may, with the approval of the municipal officers, be authorized to contract with Federal, State, and private agencies.

Section 2. Organization and Rules.

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

The officers shall be a Chairperson and a Secretary who shall be elected from among the membership for a term of one year, or until their successors are elected.

(b) **Meetings**: Regular meetings shall be held on the first Wednesday of each month in the Planning Office of the Municipal Building. All meetings are open to the public.

(c) The Board shall act in accordance with its accepted Ordinances and business will be conducted in accord with Maine Statutes, Town ordinances, and Roberts Rules where pertinent.
CHAPTER 11
Records

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

CHAPTER 11, Section 1 Records
AMENDED JUNE 14, 1994

Section 1. Meetings. The Secretary of all boards and commissions shall keep a complete and accurate record of each meeting, regular or special, of his or her board or commission, after the approval of the minutes by the appropriate boards and within 7 days following such meeting shall file copy thereof with the Town Clerk. The Town Clerk shall keep such records in appropriate books and binders which shall be open to public inspection during business hours.

Section 2. Records and Accounts. All records and accounts of every official department or agency of the Town shall be open to inspection at reasonable times and under such regulations as the Town Manager may establish, except such records of the Town Clerk as are by general law withdrawn from public inspection.

Section 3. Form of Certain Records. The Town Manager, with the approval of the Board of Selectpersons, shall prescribe the method and form of keeping records by the Building Inspector, Health Officer and other appointive officers and agents of whom records are required.

Section 4. Police and Fire Departments. The Board of Selectpersons shall prescribe the method and form for keeping the records of the Police and Fire Departments.

Section 5. Legal Opinion. The Town Manager shall keep available for reference a record of all opinions obtained by the Town.

Section 6. Reports on Financial Status. On or before the 15th day of each month, the Town Manager with the assistance of the Treasurer and Auditor shall make a written report to the Board of Selectpersons showing the status of each account. Said reports, or a copy thereof, shall be filed with the Town Clerk and kept available for public inspection.

Section 7. Meeting Dates. On or before the 1st day of July of each year, the Chairperson of all Town Boards, Committees and Commissions, shall notify the Town Manager, in writing, of the time and place of the regular meetings of their respective agencies for the ensuing year. The Town Manager shall assemble and publish at least once in a local newspaper, or by any other means as determined by the Selectpersons, an appropriate schedule of such meetings, post a copy thereof in the Municipal Building and file a copy thereof with the Town Clerk.

Section 8. Record of Tax Sales, etc. The Town Treasurer, in connection with all sales of unmatured tax liens, and the Board of Selectpersons in connection with the sales of all tax-acquired property, shall keep complete records of such transactions in appropriate books to be provided therefore.
Section 1. Municipal Building, Designation. The public building erected by the Town of Rumford and by the County of Oxford for the use for municipal and county purposes shall be known and designated as the Rumford Municipal Building.

Section 2. Business Hours. The Municipal Building and all Town offices shall be open for business Monday through Friday for at least eight (8) consecutive hours on each day, unless otherwise directed by the Town Manager or Board of Selectpersons. The Town Manager may only issue an order for a temporary closing of the Municipal Building and/or Town offices for emergent circumstances. The Board of Selectpersons has the sole authority for changing the hours or days that the Municipal Building and/or other Town offices are open for business on a permanent basis, provided that a notice of such change is published in a paper of local circulation at least seven (7) days prior to such change. Holidays shall be observed by Town offices, as determined by the Board of Selectpersons.

Section 3. Rental of Auditorium. The auditorium of the Municipal Building may be made available for private use for such fee and under such conditions and stipulations as the Board of Selectpersons shall determine.
CHAPTER 13
Financial Procedures

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

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

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

Section 1. **Income Receipts.** All money collected by the Town shall be paid by the receiving agency to the Town's Treasurer. The Treasurer shall deposit such funds into the appropriate Town account as designated by the Board of Selectpersons.

Section 2. **Use of Receipts.** Funds received by the Town shall be used as directed by the Town’s current budget and/or the Board of Selectpersons in their capacity as agents for the Town’s people.

Section 3. **Remittance of Tax Collector.** All money received by the Tax Collector shall be delivered to the Town Treasurer, and identified by title (e.g., Taxes Receivable or Tax Liens) and year of assessment.

Section 4. **Extension of Credit.** No officer or agent of the Town shall extend credit for material furnished or services rendered to individuals, groups, or corporations without the prior consent of the Board of Selectpersons. The Board of Selectpersons are responsible for taking all reasonable precautions to insure that the Town is reimbursed for all goods and/or services.

Section 5. **Private Use of Equipment.** No equipment, materials, or service of the Town shall be made available without the direct approval of the Board of Selectpersons or the Town Manager.

Section 6. **Funds with Designated Uses.** All funds designated for special purposes or projects by a vote of the Town, by agreement, or by law shall be accounted for separately and safeguarded in order to insure that they are used as designated. These funds shall be invested as directed by the Board of Selectpersons, with the advice of the Finance Committee, and in a manner consistent with the laws and regulations of the State of Maine.

Section 7. **Overdrafts and Surpluses.**

(a) It is the duty of all municipal officers and staff to comply with the laws of the State of Maine and to refrain from exceeding their approved budget without appropriate approval of the Town Manager and the Board of Selectpersons.

(b) Any deficit that does occur must be properly accounted in accordance with generally accepted accounting principles.

(c) In the event of unavoidable expenditures that will exceed the budgeted amount, the Board of Selectpersons may seek to cover the overdraft from within the department, so long as the department’s budget is not exceeded or the Board shall call a special Town Meeting to seek further appropriations.

(d) In the event that expenditures for any account do not exceed the amount budgeted for them, the Board of Selectpersons shall either lapse the excess to Undesignated Fund Balance (a/k/a Surplus) or designate the balance to be carried forward.
Section 8. **Trust Funds.** The Board of Selectpersons acting with the advice of the Finance Committee are authorized to accept funds to be held in trust and used as is customary for such funds or as directed by the Trust documents.

Section 9. **Monies Received From Cable T.V. Franchise Agreement.** Monies received from the cable television franchise agreement shall be paid to the Town Treasurer to be disbursed as follows: two thirds (2/3) of the total to be allocated for cable access programming use and one third (1/3) of the total by vote of the Board of Selectpersons. In the event of a surplus at the end of the fiscal year, it shall be transferred to the undesignated fund balance.
CHAPTER 14
Radio Interference

Section 1. **Interference Unlawful.** It shall be unlawful for any person, firm or corporation to operate any electrical machinery or equipment which interferes with radio reception. Whoever violates the provisions of this section shall be punished by a fine not to exceed $10.00, provided however, that such operator shall have had written notice of at least 3 days within which to eliminate the source of the interference.
CHAPTER 15
Hawking and Peddling

Section 1
AMENDED JUNE 12, 2007

Sections 1-A and 3
ADOPTED JUNE 12, 2007

Section 1-B
ADOPTED JUNE 9, 2009

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

Section 1 and 1B
AMENDED JUNE 10, 2014

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

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

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

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

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

Section 3. Penalties. Any person, business or other entity in violation of this ordinance shall be subject to the following penalties: 1) first violation - $50 fine; 2) any subsequent violation – permit revoked and towing from the site at the expense of the person or business or other entity.
CHAPTER 15-A
Sound Trucks

It shall be unlawful for any person to use or operate a sound truck on the streets and highways in the Town of Rumford, without first obtaining a permit to do so from the Town Manager with the approval of the Board of Selectpersons.
CHAPTER 15-B
Pawnbrokers

ADOPTED JUNE 9, 1987

AMENDED JUNE 14, 1994

Section 1. License Required. It shall be unlawful for any person, firm or corporation to carry on any commercial business as a Pawnbroker or dealer in used personal property without first obtaining a license from the Board of Selectpersons. Any such license issued shall require the licensee to comply with all the provisions of this Ordinance. Failure to comply with the provisions may be cause for penalties and/or revocation of the license.

Section 2. (a) Records Required. Every Pawnbroker licensed pursuant to the provisions of this Ordinance shall keep in a separate book, open for inspection by any law enforcement officer, a written record showing the time of purchase of each article purchased by him, a brief description of such articles, any identification numbers, and the name, residence and date of birth of the person from whom such articles were purchased or received.

(b) Form of Records. All records shall be kept and maintained in order of date of purchase and contained either in a bound volume or ledger or in a binder in which the pages can be affixed.

Section 3. Daily Report of Licensee. Every person licensed as a Pawnbroker shall make out, and have available for periodic collection, a legible and current list, upon blanks furnished by the Chief of Police, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license or similar item which confirms the person's identification by date of birth and by physical description.

Section 4. Receiving articles from minors, thieves regulated. No one licensed under this Ordinance shall purchase or receive any article from any person under the age of eighteen (18) years without the written consent of parent or guardian, or from a person known to be a receiver of stolen property or known to them as previously selling property they have stolen.

Section 5. Retention of Articles Purchased. No pawnbroker shall sell, destroy or alter any property pawned until it has remained in his possession for three (3) months after the expiration of the time for which it was pawned.

Section 6. (a) Violations. Anyone licensed pursuant to this Ordinance who violates any of the provisions of this Ordinance is punishable by a fine not to exceed the sum of $500.00 for each violation and revocation of his license.
CHAPTER 16
Excavations and Deposits in Streets

Section 1. Permits Required. It shall be unlawful for any person or corporation to make or cause to be made any excavation within the limits of a public highway, or to deposit or cause to be deposited within the limits of a public highway or sidewalk, any material excepting garbage and refuse, placed in metal or other suitable containers for collection, without first obtaining a written permit therefore from the Board of Selectpersons. Such permits shall be issued by the Town Manager.

Section 2. Snow and Ice. It shall be unlawful for any person, firm or those in plowing for hire or their agents to deposit snow and ice upon any public way or rights of way which obstructs or interferes with the free passage of foot or vehicular traffic. It shall be unlawful to deposit snow and ice so as to obstruct any fire hydrant.

Public Way Defined. As used in this section "public ways" shall mean any public street, road, sidewalk or private way laid out under authority of statute, ways dedicated to public use, ways upon which the public has access, ways under control of Rumford Public Works Department or any body having like powers.

Section 3. Written permit and decal required. It shall be unlawful for any person, firm or those plowing for hire to plow across any public way or deposit snow and ice adjacent to rights of way within the Town without first obtaining a written permit and or decal for snow removal equipment. At no time shall any written permit allow the placing of snow or ice upon any public way. Issued permits shall describe in detail any rights or restriction applying to individual permits and shall be issued by the Town Manager. The fees for written permits shall be established by the Selectpersons in the Schedule of License, Permit and Application Fees.

Section 4. Enforcement. Any violation of this chapter by any person engaged in obstructing, depositing or plowing without a written permit shall be subject to an initial written warning by a police officer and shall upon demand remove such obstructions and deposits. Failure to remove upon demand or a violation after a written warning shall be a civil violation. In addition to any fine imposed, the cost of removal of the obstruction or deposit shall be added to the judgment.
CHAPTER 17
Regulations as to Bicycles and Skateboards

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

Section 1. Manner of Operation.

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

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

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

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

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

Section 2.

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

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

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

In addition to the above penalty any person 17 years or older who violates any provisions of this Ordinance shall also be subject to a $35.00 fine.
CHAPTER 18
Stop Signs

Section 1. Favored Ways. The Board of Selectpersons is hereby empowered to designate from time to time, by vote therefore, certain streets or ways or portions thereof, at points of intersection with other streets or ways, as "favored ways," and to revoke thereafter any such designation. No such designation of a favored way shall become effective as to the regulation of traffic at such point of intersection until and unless said board shall cause to be placed or erected, and be maintained, suitable warning signs at the unfavored approaches to such intersection.

Section 2. Intersection Defined. For the purpose of this Ordinance, an intersection shall be deemed to be that area formed by the juncture of two or more streets or ways and common to both or all and whether or not such streets or ways cross each other after such juncture. Every street or way intersecting a street or way designated as “favored,” as aforesaid, shall, for the purpose of this Ordinance, be known as an unfavored street or way.

Section 3. Stopping of Vehicles. It shall be unlawful for any person operating or in control of a vehicle, however propelled, and including bicycles, to cause or permit the same to enter an intersection from an unfavored way, as defined in section 2 hereof, without first causing said vehicle to be brought to a complete stop immediately before entering such intersection.

Section 4. Defacing Signs. It shall be unlawful for any person to damage, deface, destroy or move a warning or “stop” sign erected or maintained under the provisions of Section 1 hereof, or any other traffic sign or signal erected or maintained under authority of these Ordinances.
CHAPTER 19
Traffic Regulations

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

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

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

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

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

CHAPTER 19, Traffic Regulations
AMENDED JUNE 14, 1994

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

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

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

Section 1. Interference with Snow Removal. No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or be parked in any public street or public right-of-way from November 1st to April 15th inclusive, between the hours of 11:00 p.m. and 6:00 a.m. for a period of more than two hours, but notwithstanding the foregoing, in no event shall such standing or parking between the hours of 11:00 p.m. and 6:00 a.m. be legal if it interferes with or hinders the plowing, loading or removal of snow from such public street or way. The Board of Selectpersons shall have the authority to change the date of November 1st to any day during the month of November but in no instance beyond the date of December 1st and also the date of April 15th but in no instance prior to March 1st.

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

Any vehicle parked or standing in a manner other than that described above may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such Police Officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinance.

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

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

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

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

Sign a receipt for said vehicle.

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

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

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

Upon any bridge or other elevated structure upon a highway;

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

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

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

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

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

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

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

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

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

1. Where diagonal, right angle, or angle parking is permitted.

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

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

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

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

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

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

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

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

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

Unattended vehicles which are traffic hazards.

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

Section 4. Definitions. The following terms, whenever used or referred to in this Ordinance, shall have the following meanings unless the context otherwise clearly indicates.
The work “vehicle” shall mean any device in, upon or by which any person or property is or may be transported upon a highway.

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

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

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

Section 5. Parking of Trailers. No person or persons shall park a camp trailer or like device used for living quarters by either persons or animals on any public street, way or municipally operated or controlled parking lot otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.
CHAPTER 20
Metered Parking

REPEALED MARCH 5, 1979
CHAPTER 21
Sanitation and Safety Measures

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

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

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

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

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

CHAPTER 21, Section 8 Curfew
AMENDED JUNE 10, 2008

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

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

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

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

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

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

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

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

Section 7. Parades. It shall be unlawful for any person or persons to parade or hold demonstrations in the public streets or highways without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Board of Selectpersons.
Section 8. Curfew.

(a) Definitions

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

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

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

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

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

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

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

(b) Offenses

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

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

(c) Defenses

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

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

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

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

(4) in motor vehicle involved in interstate travel;

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

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

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

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

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

(10) married, or otherwise legally emancipated.

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

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

(e) Penalties

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

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

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

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

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

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

(f) Severability

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

Section 9. Loitering.

(a) It shall be unlawful for any person to loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to: (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the Section.

(c) Any such violation shall constitute a separate offense on each successive day continued.
**Section 10. Tag Days.** It shall be unlawful for any person or persons to hold tag days in the Town of Rumford without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Town Manager.

**Section 11. Unoccupied and Abandoned Buildings (REPEALED June 9, 2015)**
CHAPTER 21-A
Sewer Use
Discharge of Pollutants

Section 1. It shall be unlawful for any person, partnership, joint venture, charitable organization and corporation to introduce any pollutant into the Town of Rumford’s sewerage systems or treatment facilities which:

- Is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307 (a) of the Federal Pollution Control Act, as amended;
- Creates a fire or explosion hazard in the Town of Rumford’s treatment works;
- Causes corrosive structural damage to the Town of Rumford’s treatment works, including all wastes with a pH lower than 5.0;
- Contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the Town of Rumford’s treatment works; or
- In the case of a major contributing industry, as defined herein, contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Federal Pollution Control Act, as amended.

Section 2. A forty-five (45) day notification to the Town of Rumford shall be required of a:

- Proposed substantial change in volume or character of pollutants over that being discharged into the Town of Rumford’s treatment works on May 20, 1974;
- Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants, or
- Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be subject to Section 301 of the Act if it were discharging such pollutants;

The Town of Rumford shall notify the Regional Administrator, U.S. Environmental Protection Agency, Region 1 of any discharge specified in this Section within 30 days on which the Town of Rumford is notified of such discharge.

Section 3. Any industry discharging into the Town of Rumford’s treatment works is required to perform such monitoring of its discharge as the Town of Rumford may reasonably require, including the installation, use, and maintenance of monitoring equipment methods, to keep records of the results of such monitoring to the Town of Rumford. Such records shall be made available for the Town of Rumford to the Regional Administrator upon request.

Section 4. The Town of Rumford’s authorized representative shall have the authority to enter into, upon, or through the premises of any industry discharging into the Town of Rumford’s treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under subsection 3 above, and to sample any discharge into the Town of Rumford’s treatment works.
CHAPTER 21-B
Curbside Recycling
ADOPTED JUNE 3, 1991

Section 1. It shall be unlawful for any person, partnership, charitable organization or corporation to dispose of recyclable solid waste in any manner inconsistent with appropriate rules established by the Rumford Board of Selectpersons.

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

Section 2. Solid Waste, including recycling materials, shall continue to be picked up from all residential properties within the Town of Rumford.

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

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

The effective date of this chapter shall be March 1, 1992.

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

Section 3. All provisions of this chapter are enforceable by duly authorized police officers and the municipal officers.

Section 4. Any person, partnership, charitable organization or corporation who violates this Chapter shall be subject to a civil penalty, payable to the Municipality, of not more than $100.00 for each violation. Each day of a violation shall be considered a separate violation. Such person, partnership, charitable organization or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Town of Rumford.
CHAPTER 21-E  
Consumer Fireworks Prohibition  
ADOPTED JUNE 9, 2015

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

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

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

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

2) DISPLAY means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks for special effects.

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

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

Section 5: Penalties.

1) Any person who uses consumer fireworks in the Town of Rumford shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred ($400.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

2) Any person who offers for sale consumer fireworks in the Town of Rumford shall be punished by a fine of not less than five hundred dollars ($500.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than one thousand dollars ($1000.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

3) Seizure and disposal of fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are being used, sold or offered for sale in violation of this section and shall forfeit such seized consumer fireworks to the State for disposal.
CHAPTER 22
Motor Vehicles for Hire

Section 1 adding fines for non-compliance
ADOPTED JUNE 11, 2002

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

New Section 3
ADOPTED JUNE 12, 2007

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

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

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

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

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

<table>
<thead>
<tr>
<th>TEN YEARS</th>
<th>FIVE YEARS</th>
<th>THREE YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B or C Felonies</td>
<td>Assault</td>
<td>Driving to endanger</td>
</tr>
<tr>
<td>Misdemeanor sexual assault</td>
<td>Operating Under Influence</td>
<td>Three moving motor vehicle</td>
</tr>
<tr>
<td>Habitual Offender</td>
<td>Operating after suspension</td>
<td>violations per 29-A M.R.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 19</td>
</tr>
</tbody>
</table>

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

Upon compliance with the requirements of this Ordinance, the owner of the taxi cab service shall be issued an owner’s license. Upon compliance with all terms of this Ordinance, a driver shall be issued an appropriate license. All owners of any taxicab service are required to comply with all state laws respecting smoking.
Section 3. **Display of License.** Drivers while on duty are required to display their valid drivers’ licenses in the vehicles so that passengers can view their valid licenses. In addition, a copy of the valid Town license of the person or entity permitted to engage in the business of carrying passengers for hire shall be on display in all vehicles being used for said business and are available on request.

Section 4. **Fines for Noncompliance.** Any person, firm, limited liability company, corporation or other entity which operates a business of carrying passengers for hire in violation of this ordinance shall be subject to a fine of $100 per day from the date of occurrence of any violation.
CHAPTER 23
Sidewalks

Section 2
AMENDED JUNE 10, 2014

Section 1. Locations. The Board of Selectpersons is hereby authorized to set apart for sidewalk purposes, as public convenience and necessity requires, such portions of the streets and highways within the Town as may be needed and appropriate for such purpose.

Section 2. Construction, etc. Unless otherwise provided, in special instances, by vote of the Town, the construction, curbing and paving of sidewalks shall be authorized by the Selectpersons only on the basis that one-half of the total cost of the project shall be borne by the Town and the other half by the abutting owners. No such project shall be commenced unless and until each abutting owner has paid, or reasonably secured payment, to the Town his portion of the cost thereof. This section applies to new sidewalks and does not pertain to the maintenance, repair or reconstruction of existing sidewalks.
CHAPTER 23-A
Driveway Culverts

The Board of Selectpersons is hereby authorized to install driveway culverts on any street or way in said Town of Rumford provided the abutting owner or owners shall pay one-half the cost of said culvert and one-half the cost of the installation thereof.
That $400,000.00 each year be taken from Excise Tax receipts and placed in Permanent Road Improvement Fund. Selectpersons to advise at each Annual Town Meeting the proposed Permanent Street Improvement Program for ensuing year and cost figure of same.
CHAPTER 23-C
Capital Improvement

CHAPTER 23-C Capital Improvement
AMENDED JUNE 12, 1984

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

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

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

The Finance Committee may recommend Amendments on any portion of the Capital Plan to the appropriate departmental authority for its review, prior to making a final recommendation on funding levels required by the plan.
CHAPTER 24
Use of Dangerous Weapons

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

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

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

“built-up areas” shall mean any section of the Town where dwelling houses or business structures are situated less than 150 feet apart for a distance at least 1/4 of a mile.
CHAPTER 25-C  
Building Code  
ADOPTED  
JUNE 8, 2004  
Inclusion of International Residential Code  
AMENDED JUNE 12, 2007  
AMENDED JUNE 10, 2008  

Section 1. Adoption of Code.  

Certain documents, three (3) copies of which are on file in the Office of the Town Clerk of the Town of Rumford, being marked and designated as the International Building Code, 2003 (“IBC”) and Appendices A-J, and the International Residential Code 2003 (“IRC”), published by the International Code Council, are hereby adopted as the Building Code of the Town of Rumford as adopted by the Town of Rumford, Maine for regulating the construction, alteration, movement, enlargement, replacement, repair, removal demolition, equipment, use and occupancy, location and maintenance of buildings and structures; providing for the issuance of permits and the collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building and Residential Codes, on file in the Office of the Town Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this article, subject to Section 2 of this ordinance. The IRC shall apply to detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided.  

Section 2. Deletions, Additions, Insertions.  

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

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

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

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

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

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

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

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

Elevator Standards. Elevator standards adopted pursuant to 32 M.R.S. § 15228, as amended;
Energy Efficient Standards. Energy efficient standards adopted pursuant to 32 M.R.S. § 1415-D, as amended; and

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

From the International Building Code:

Section 113.1-113.4 inclusive: Violations;
Section 114.3 Unlawful Continuance;
Section 115.3 Method of Service;
Section 116.1 Disregard of Unsafe Notice;
Section 117.1 Cost of Emergency Repairs;
Section 112.1-112.3 inclusive: Board of Appeals; and
Appendix A Section A101 Building Official.

From the International Residential Code:

Appendixes A, B, D, L, Q and P;
Chapter 2 Section R202 Definitions – Building Official; and
Chapter 1 Section R112 Board of Appeals.

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

A. To the International Building Code:

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

A101.1 Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and ordinances, and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford. The building official shall generally be informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The Building Official is the Town Official charged with the administration and enforcement of this code. The Building Official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

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

Section 113 Violations.
113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any buildings or structures or equipment regulated by this code, or cause same to be done in conflict with or in violation of any of the provisions of this code.

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

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

113.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, punishable by a fine or not more than $1,000.00 or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. Each day that a violation continues shall deemed a separate offense.

(3) Chapter 1 add Section 114.3 to read:

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

(4) Chapter 1 add Section 112 to read:

Section 112 Appeals

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

(5) Chapter 1 add Section 115.4 to read:

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

(6) Chapter 1 add Section 116 to read:

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

(7) Chapter 1 add Section 117 to read:

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

B. To the International Residential Code:

To Chapter 2 Section R202 Definitions – Building Official

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

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

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

International Building Code:

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

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

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

Section 104.8 Liability. Replace the word “jurisdiction” in the first and second sentence with the words “The Town of Rumford”;
Section 108.2 Schedule of Permit Fees. Insert the words “based upon the estimated cost of construction which shall be established by the Board of Selectpersons.”

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

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

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

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

International Residential Code:

Chapter 1 add Section R112 to read:

Section R112 Appeals

R112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official’s decision and shall state the particular portion of the decision appealed from the reasons for the appellant’s disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.
CHAPTER 25-D
Fire and Life Safety Code

ADOPTED JUNE 14, 2005

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

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

Section 1. Adoption of the Code

It is hereby adopted and incorporated herein by reference, as if completely and specifically set forth in its entirety, for the purpose of prescribing minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion and dangerous conditions, the following codes prepared by the National Fire Protection Association: the “NFPA 1, Uniform Fire Code 2009 edition” and the “Life Safety Code (NFPA 101) 2009 edition” as prepared and published by the National Fire Protection Association and the whole thereof as a guideline with revisions as approved by the Board of Selectpersons. Not fewer than three (3) copies of such Codes have been and now are now filed in the office of the Town Clerk for public use, examination and inspection.

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

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

Section 2. Insertions, Deletions, Additions

DELETION:

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

Section 3. Violations

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

Section 4. Enforcement

The Fire Chief shall be the Town Official principally responsible for the investigation and enforcement of the provisions of this ordinance. This ordinance may also be investigated or enforced by any member of a fire department designated by the Fire Chief. This ordinance may also be enforced by the Code Enforcement Officer or Building Inspector.
Section 5. Appeals

An appeal of a decision of the Town Official may be made to the Board of Appeals by any person aggrieved by a decision or interpretation by the Town Official made under the provisions of this ordinance. Appeals must be brought within (10) days of the date of the Town Official's decision. The appeal shall be in writing and filed in the Town Manager's office and shall state the particular portion of the decision appealed from and the reasons for the appellant's disagreement with the Town Official. Notification of the date of the hearing shall be sent by the Chairperson of the Board of Appeals to the appellant by first class mail with proof of mailing to the address supplied by the appellant to the Town. The appeal hearing shall follow the hearing procedures established in Chapter 29 Section 201. A written decision of the Board of Appeals shall be sent to the appellant and to the Town Official and filed with the Town Clerk no later than thirty (30) days after the hearing date.
CHAPTER 25-E
Abandoned Buildings
ADOPTED JUNE 9, 2015

Section 1. Purpose.

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

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

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

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

Section 2. Definitions.

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

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

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

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

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

Section 3. Applicability.

A. This ordinance applies to all vacant or abandoned buildings located within the Town of Rumford.
B. Notwithstanding any portion of this ordinance, this ordinance does not apply to primary residences of members of the armed forces on active duty, or residences of persons on extended vacations or seasonal living arrangements with the intention to make use of the property, unless the property is not maintained to the maintenance standard in Section 7.

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

Section 4. Registration Required.

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

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

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

D. Standard Vacant Building Registration Permit.

(1) The Code Enforcement Officer shall issue a standard vacant or abandoned building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this ordinance.

(2) A standard vacant or abandoned building registration permit is valid for 1 year from the date of approval.

(3) The Code Enforcement Officer, upon issuance of any permit in this ordinance, shall provide a copy of the permit to the Police Chief, and Fire Chief of the Town.

E. Interim Vacant or Abandoned Building Inspection Permit.

(1) If a vacant or abandoned building is inspected and determined not to meet one or more of the maintenance standards in this ordinance, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this ordinance.

(2) When issuing orders under Subsection D (1), the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant or abandoned building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 6 months.

(3) All work done pursuant to this ordinance must be done in compliance with the applicable building, fire prevention, fire and life safety and zoning codes.

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

Section 5. Permit Application.
A. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises, be free from nuisance and in good order in conformance with vacant building maintenance standards (as set forth below in Section 7), and other codes adopted by the Town of Rumford.

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

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

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

1. The name, street address, telephone number and e-mail address of an individual designated by the owner or owners of the vacant or abandoned building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this ordinance regarding the vacant building.

2. The name of any property manager responsible for management and maintenance of the property, along with their 24 hour-a-day contact information.

3. The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

4. If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.

5. A fee, as established by the Select Board in the Schedule of License, Permit, Application and Other Fees, shall be charged for a vacant building registration permit or interim permit. No fee shall be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, the fee becomes due immediately.

Section 6. Inspection.

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

Section 7. Vacant Building Maintenance Standards.

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
A. Building Openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening. Bare or unprotected wood is not permissible. Weather protection shall be achieved through painting, siding, shingles, etc. Plastic sheeting and/or tarps shall not be permitted as a means of protecting openings.

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

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

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

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

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

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

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

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

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

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

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

Section 8. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S. § 4452. Fines shall be no less than $100 and no more than $2,500 for each offense. Each violation of a separate provision of this ordinance and each day of violation shall constitute a separate offense.
CHAPTER 25-F
Disorderly House
ADOPTED JUNE 9, 2015

Section 1. Definitions.

(1) **DISORDERLY HOUSE** shall mean any dwelling to which the police or sheriff have responded a certain number of times, as prescribed in Section 4 below, involving the conduct of the owner, tenant(s) or the owner’s or tenant(s)’ co-habitants, guests or invitees that the Town Select Board has found to unreasonably disturb the community, the neighborhood or an individual. Such conduct includes, but is not limited to: loud music, boisterous parties, fights involving the owner or tenants of the dwelling or their invitees, the arrest of the owner, tenants or their invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law and other similar activities.

(2) **DWELLING** shall mean any single or multi-family residence or part thereof, including garages, outbuildings, exterior grounds and separate apartments.

(3) **OWNER’S ADDRESS** shall mean the address provided by the owner of a dwelling with the Town for the purposes of assessment and tax collection.

Section 2. Incident Reports and Notice of Disorderly House.

(1) If a dwelling is visited by the police or sheriff in relation to conduct described in Section 1(1) above, the police or sheriff shall send a warning to the owner regarding the disturbance at the dwelling, within three (3) business days, to the owner at the owner’s address.

(2) If a dwelling is visited by the police or sheriff, in relation to conduct described in Section 1(1) above, and within the frequency provided in Incident Table in Section 4 below, the Select Board may convene a hearing to determine whether the dwelling is a Disorderly House.

(3) The owner of the dwelling shall be provided a written Notice of Hearing by either of the following methods: (a) by hand-delivery to the owner’s address by a police officer or sheriff; or (b) by mailing both by certified mail with return receipt requested and by first class mail with certificate of mailing to the owner’s address.

(4) The Notice of Hearing shall provide the date, time and location of the hearing and specify the incidents to be addressed at the hearing before the Select Board.

(5) The hearing notice shall request the owner or the owner’s designated agent to appear at the hearing in order to present the owner’s position and offer any evidence on the incidents that the owner wishes the Select Board to consider. The notice shall include a warning that the failure of the owner to attend the hearing without justifiable excuse may result in a finding that the house is a Disorderly House and result in prosecution in the Maine District Court.

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

Section 3. Violations.

(1) The following are violations of this ordinance:

(a) Violation of a Consent Agreement entered into under Section 2(6); or

(b) Conduct as described in the definition of Disorderly House in Section 1(1) above in the frequency specified in the Incident Table in Section 4 below.

(2) A violation of this ordinance shall result in a civil penalty of not less than $100 nor more than $2,500, plus attorney’s fees and costs for enforcing this ordinance.

Section 4. Incident Table.

The following number of incidents will determine a Disorderly House:

<table>
<thead>
<tr>
<th>Units per Dwelling:</th>
<th>Number of Visits by Police or Sheriff in Any 30 Day Period for Activity Described in Section 1(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or less</td>
<td>3</td>
</tr>
<tr>
<td>6 to 10</td>
<td>4</td>
</tr>
<tr>
<td>11 or more</td>
<td>5</td>
</tr>
</tbody>
</table>
CHAPTER 25-G
Roof Drains
ADOPTED JUNE 14, 2016

Section 1. Purpose.

A. There are several properties within the limits of the Town which have roof drains which are
flowing into the sewer system instead of into the storm drain system in violation of Department of
Environmental Protection’s regulations and in violation of an order from the Department of
Environmental Protection which requires that all roof drains in the Rumford-Mexico Sewerage
District be disconnected from the sewer system and be connected to the storm drain system.

B. Roof drains create an overload on the Rumford-Mexico Sewerage system when there are heavy
rains and when the accumulated snow melts on the flat roofs in the Town.

C. The purpose of this Ordinance is to provide a mechanism for enforcing that roof drains be
disconnected from the sewer system and be connected to the storm drain system.

Section 2. Definitions.

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

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

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

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

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

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

Section 3. Applicability.

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

Section 4. Compliance.

A. The owner of a building which has a roof drain or gutter system which deposits water into the
sewer system must disconnect from the sewer system and connect to the storm drain system.
Owners are responsible for ascertaining whether their roof drains are connected to the sewer
system. Owners are required to provide a plumber’s certification or other documentation
satisfactory to the Town that their roof drains are connected to the storm drain system if required
by the Town within thirty (30) days of a written request by the Town’s Code Enforcement Officer.
B. The Town’s Code Enforcement Officer and/or Plumbing Inspector are authorized to make all necessary building inspections to ascertain compliance by the building owner with this Ordinance and to cite any violations of this Ordinance.

C. A building owner who does not cooperate with a building inspection for verification of compliance with this Ordinance shall be responsible for the reasonable attorney’s fees and costs of the Town for obtaining an administrative search warrant.

D. The Town’s Code Enforcement Officer may enter into a Plan of Compliance with a violator; however, all Plan of Compliance may only be for a period of time no longer than 180 days. An extension of an additional 180 days may be granted for good cause shown by the building owner.

E. Any owner of a building which fails to remove a roof drain from being connected to the sewer system is in violation of this Ordinance and subject to fines and penalties below in Section 5 – Violations and Penalties.

Section 5. Violations and Penalties

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

Section 6. Effective Date

This Ordinance is in effect upon adoption at the Annual Secret Poll Meeting of June 14, 2016.
CHAPTER 26
Enforcement and Penalties

AMENDED JUNE 9, 1987

Section 1.  Enforcement.  The Board of Selectpersons is hereby charged with the duty to enforce, through the appropriate police and fire department, all Ordinances of the Town.

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

Section 3.  Penalties.  Any person, firm, corporation who violates any provisions of these Ordinances for which no specific penalty is provided, shall be punishable by a fine not to exceed the sum of $1,000.00 for each violation to include any restitution or court costs.

Section 3A.  Fines.  A minimum judgment for a first offense shall be, not less than $35.00;
Second offense not less than $100.00
Third offense not less than $300.00
Fourth offense not less than $500.00

Section 3B.  Restitution.  In addition to any fine imposed restitution may be ordered.
CHAPTER 27
Severability

Section 1. Intention. Notwithstanding any other evidence or intent, it is hereby declared to be the controlling intent of the voters of the Town of Rumford that if any provision of these Ordinances, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remaining provisions of these Ordinances, and the application of the provision, held to be invalid, to persons or circumstances, other than those adjudicated, shall not be affected.
CHAPTER 28
Mobilehome and Trailer Ordinance

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

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

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

CHAPTER 28
REPEALED JUNE 14, 2005
**CHAPTER 29**  
Subdivision Regulations

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

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

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

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

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

CHAPTER 29, Section 101 Definition  
AMENDED JUNE 14, 2005

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

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

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

**Article 1. Definitions**

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

- **Board** - means the Town of Rumford Planning Board.

- **Engineer** - means a person designated by the Selectpersons to act in that capacity.

- **Subdivision** - For the purposes of these Regulations, subdivision shall be as defined in 30-A M.R.S. § 4401. Lots of forty (40) or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Town of Rumford Shoreland Zoning Ordinance.

- **Urban areas** - means areas designated as urban compact by the Maine Department of Transportation.

- **Street** - means a way for vehicular traffic including highway, road, avenue, lane, or other designation, but excluding driveways serving not more than two (2) contiguous lots.

  (1) **“Arterial Street”** - means a street used primarily for fast or heavy traffic.
(2) “Collector Street” - means a street that carries traffic from minor streets to the major system of arterial streets.

(3) “Minor Street” - means a street used primarily for access to abutting properties.

(4) “Alley” - means a street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.

**Freshwater Wetland** - means fresh water swamps, marshes, bogs and similar areas which are:

(1) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils: and

(2) Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**River, Stream or Brook** means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

(1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

(2) It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

(3) The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

(4) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

(5) The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

**“Manufactured Housing”** means:

(1) “Mobile Home” which is a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of mobile home homes are included. Those two types are:

(a) Those units constructed after June 15, 1976, commonly called “newer mobile homes,” that the manufacturer certifies are constructed in
compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; and

(b) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

(2) “Modular homes” which are structures that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, of the Maine Revised Statutes and rules adopted under that chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

“Mobile home park” means a parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes. All mobile home parks shall be reviewed by the Planning Board pursuant to this ordinance and 30-A M.R.S. § 4358, as amended.

“Mobile home park lot” means the area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home. A mobile home park lot shall be designated on a mobile home park plan.

“Mobile home subdivision or development” means a parcel of land approved by the Planning Board for the placement of manufactured homes on individually owned lots. All mobile home subdivisions or developments shall be reviewed by the Planning Board pursuant to subdivision ordinance of the Town.

“Permanent foundation” for manufactured housing means:

(1) For “newer mobile homes,” as defined in paragraph A, subparagraph (1) above, a foundation that conforms to the installation standards established by the Manufactured Housing Board; or

(2) For “modular homes,” as defined in paragraph A, subparagraph (2), a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the International Building Code.

“Pitched, shingled roof” for manufactured housing means a roof with a pitch of two or more vertical units for every twelve horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.
“Abutter” or “abutting property” means a property owner of record with the Town Assessors’ office whose property borders the subject property before the Planning Board.

Article 2. Procedure for Approval of Subdivision Plan

Section 201. Whenever a subdivision is proposed and before the sale of any part thereof, the subdivider shall apply to the Board for approval (the Board shall, when receiving subdivision for approval, find that the criteria set out in Title 30-A M.R.S. ' 4404 and the standards contained herein have been met, in accordance with the following procedures.

A. Pre-application - Prior to filing an application for Conditional Approval, the subdivider may submit a written description and simple sketch plan describing the proposed subdivision. Within thirty (30) days from the date of such submission, the Board shall inform the subdivider that plans do or do not generally conform to these Regulations. When the Board finds that they do not conform to the Regulations, it shall express the reasons therefore.

B. Preliminary Subdivision Plan - Upon the subdivider determining his general program, the subdivider shall prepare a Preliminary Subdivision Plan, with accompanying data, and submit a written application to the Board and an application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the subdivider shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for each abutting property owner to the proposed subdivision who must be notified by the Town. Upon receipt by the Board of the Preliminary Subdivision Plan and the application fees, the Board shall provide a dated receipt to the subdivider and notify by mail all abutting property owners of the proposed subdivision. The preliminary data shall contain three prints with a scales of not less than 100 feet to the inch or other scale as mutually agreed upon.

The size shall be 24" x 36" maximum and shall contain the following information and conditions.

(1) Name and title of subdivision.

(2) Graphic map scale, date, and magnetic north point.

(3) Boundaries of tract based on an actual field survey made and certified by a Professional Land Surveyor accompanied by a copy of the deed from which the survey was based.

(4) Name of owner(s) and engineer(s) or surveyor(s).

(5) Names and addresses of abutting owners.

(6) Name, location, width, profile, and cross-section of all existing and proposed streets.

(7) Kind, location, profile and cross-section of all existing and proposed drainage.

(8) Location of features, natural and man-made, affecting the subdivision, including water bodies, rivers, streams, brooks, wetlands, wooded areas, significant wildlife habitats, location and elevation of any 100-year floodplains, location of known or potential archaeological or historic resources, location of documented rare or endangered species, location of direct watersheds of Great Ponds, location of
scenic sites or views as identified in the Town of Rumford Comprehensive Plan, railroads, ditches, building, etc.

(9) Location of utilities - water, electrical lines, etc.

(10) Sanitation existing and proposed location, size, profile, and cross-section of sanitary sewers; or description plan, location or other means of sewage disposal with evidence of soil suitability (soils analysis).

(11) Lines and dimensions of lots.

(12) Topographic map if ground slope is more than 5 or less than 1.

(13) Soil erosion and sediment control plan.

(14) The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project as proposed.

(15) Other studies to be made when required. In addition to the Preliminary Plan, the Board may cause to be undertaken by the subdivider or by the town engineer or others, any studies it deems necessary to desirable to protect and assure the health, safety and welfare of the citizens of the Town of Rumford, including the future occupants of such subdivision whether residential, commercial or industrial.

C. Within thirty (30) days of the Board issuing a dated receipt of a Preliminary Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Preliminary Plan.

D. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

E. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

Approval, if granted, shall not constitute approval of the Final Subdivision Plan but a conditional approval of the Preliminary Subdivision Plan only. This may serve as a guide in the preparation of the final Subdivision Plan, which must be submitted in accordance with these Regulations and the conditions, of Preliminary Plan approval.

F. Final Subdivision Plan - The Final Subdivision Plan and data shall be submitted with application within six (6) months after approval of the Preliminary Subdivision Plan; otherwise, such approval shall become null and void.

The Final Subdivision Plan shall conform substantially to the Preliminary Subdivision Plan as approved. The final plan submitted by the subdivider shall consist of 3 prints and two reproducible, stable based transparent originals embossed with the seal of the professional who prepared the plan. The Final Subdivision Plan shall contain the following information and be subject to the following conditions:
(1) All information required for a preliminary plan.

(2) Existing and final proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

(3) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

(4) Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U.S.G.S. datum; or other datum approved by the Board.

(5) Location of all permanent monuments properly identified to whether existing or proposed.

(6) Suitable space to record, on the plan, final approval by the Planning Board, with conditions, if any, and also the date of such approval as follows:

Certificate of Approval: The Planning Board of the Town of Rumford, Maine, hereby approves this plan in accordance with the provisions of the Rumford Subdivision Regulations and the Statutes of Maine.

____________________________________
____________________________________
____________________________________
____________________________________

Members of the Planning Board of the Town of Rumford, Maine

(7) Accompanying Data. The Final Plan shall be accompanied by a statement from the Rumford Water District Superintendent of conditions on which the district will supply water, and approving the size and locations of mains, valves and hydrants proposed; and a statement from the Fire Chief approving the number, size and location of hydrants proposed.

(8) Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.

(9) If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

(10) The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit
as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

(11) Performance Guarantee. As a condition to final approval of any subdivision, a performance guarantee shall be submitted with the Final Plan.

(a) Certified Check or Surety Bond. The subdivider shall tender either a certified check payable to the Treasurer of the Town of Rumford or a faithful performance bond running to the Town of Rumford and issued by a surety company acceptable to the Board, in an amount of money to be determined by the Board with the advice of the various town departments and agencies concerned.

The check or bond shall be equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in the final plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of such check or bond. Extensions of date of completion may be made by the Board, but in no instance shall said extension be for a period exceeding three (3) years.

(b) Release of Check or Bond. Before voting to release such check or bond, the municipal officers shall determine to its satisfaction in part by a written certification signed by the Town Clerk and by the Board Chairperson that there have been submitted to them by the subdivider or his agent written statements signed by:

1. The Town Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan; that the sewage or means of waste disposal have been constructed and are in place in conformance with the Final Plan.

2. The Water District Superintendent stating that the water mains and hydrants have been installed and are in place in conformance with the Final Plan.

3. A Professional Land Surveyor, paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the Final Plan.

(12) Conditional Agreement. The subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Rumford. Such agreement shall be endorsed in writing on the Final Plan, and shall provide that the Board may approve the Final Plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until:

(a) It shall have been certified to the Town Clerk and the Planning Board in the manner set forth in 11(b) above, that all of the street and utility improvements required have been installed and completed at the
expense of the subdivider in accordance with all applicable provisions of the Final Plan;

(b)  A certificate of compliance covering the lots and streets or portions of streets involved, has been signed by the Town Engineer and the Board Chairperson, and a copy of such certificate has been recorded with the Oxford County Registry of Deeds.

(13) A sum equal to 1% of the cost of required improvements as determined by the Board shall be deposited by the subdivider with the Town Clerk to cover costs incurred by the Town for engineering inspection and legal expenses. The minimum shall be one hundred dollars ($100.00).

(14) Improvements shall be guaranteed against failures for a period of one (1) year from the date of completion, the form of guarantee to be subject to approval by the Board.

(15) The subdivider shall offer the dedication of all streets, parks, or other public open spaces, by deeding, as the improvements are completed as determined by the Board. Approval of the Final Subdivision Plan by the Board, however, shall not constitute an acceptance by the town of such dedication until said deeds have been accepted by the town meeting as streets and ways are accepted.

(16) No transfer or sale shall be made of any land in a proposed subdivision until the Final Subdivision Plan has been approved by the Board, the approval noted on four (4) copies of such plan and the plan filed in the office of the Town Clerk. Two (2) copies of the approved plan shall be returned to the subdivider and the others retained by the Board. Unless the subdivider records the approved Final Subdivision Plan in the Oxford County Registry of Deeds within ninety (90) days after the date of approval, such approval shall expire. (Chapter 90-A Section 61, V, A.)

G. Public Hearings - The Planning Board may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.

(1) Public Hearing Procedures

(a) Presiding Officer

1) The presiding officer at any hearing shall be either (a) a member of the Board selected by those members present at the hearing, or (b) a qualified employee or representative of the Board, as designated by the Board.

2) The presiding officer shall have the authority to:
   a) Rule upon issues of evidence,
   b) Regulate the course of the hearing,
   c) Rule upon issues of procedure,
   d) Certify questions to the Board for its determination,
   e) Take such action as may be ordered by the Board or that is necessary for the efficient and orderly conduct of the hearing, consistent with these Regulations and applicable statutes.
In special cases, where good cause appears, the presiding officer may permit deviation from these procedural rules insofar as compliance therewith is found to be impractical or unnecessary.

(b) General Conduct

1) Opening Statement. The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.

2) Transcription of Testimony. All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.

3) Witnesses. Witnesses shall be sworn. Witnesses will be required to state for the record their names, residence and who they represent, if anyone, for the purpose of the hearing.

4) Testimony in Written Form. Any time, prior to or during the course of the hearing, the presiding officer may require that all or part of the testimony to be offered as such a hearing be submitted in written form at such time and in such form as may be specified. All persons offering testimony in written form shall be subject to questioning. This subsection (b-4) shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.

(3) Continuance. All hearings conducted pursuant to these Regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the Board or the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the presiding officer shall notify interested persons and the public in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

(4) Regulation of Certain Devices. The placement and use of television cameras, still cameras, motion picture cameras or microphones at Board hearings, may be regulated by the Board or the presiding officer.

(5) General Evidence.

(a) Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Board’s experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.
(b) **Official Notice** - The Board may, at any time, take official notice or relevant laws, official regulations and transcripts of other hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Board shall include in its final decision those facts of which it took official notice, unless those facts are included in the transcript of the record.

(c) **Documentary and Real Evidence**

1. All documents, materials and object offered in evidence as exhibits shall, if accepted be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The presiding officer may require, after prior oral or written reasonable notice, that any person offering any documentary or photographic evidence shall provide the Board with a specified number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not to be reasonable susceptible of reproduction.

2. All written testimony and documents, materials and objects admitted into evidence shall be made available during the course of the hearing for public examination.

(d) **Record of Application.** In any proceeding involving an application, the application filed with the Board including exhibits and amendments thereto, shall be placed into evidence.

(e) **Objections.** All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefore shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the ruling of the presiding officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.

(6) **Offer of Proof.** An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.

(7) **Public Participation.** Any person may participate in a hearing by making oral or written statements of such person’s position on the issues, and submit written or oral questions through the presiding officer, within such limits and on such terms and conditions as may be fixed by the Board or presiding officer.

(8) **Testimony and Questions.**

(a) **Direct Testimony.** Direct testimony shall be offered in the following order:
i. The applicant and representative and witnesses the applicant selects,

ii. Board staff members and consultants,

iii. State, municipal and other governmental agencies and representatives thereof,

iv. Other interested persons.

(b) Questions. At the conclusion of the testimony of each witness questioning of witnesses shall be in the following order:

i. Board members, counsel, staff and consultants may be permitted by the presiding officer to ask questions at any time.

ii. The applicant,

iii. Federal, state and other governmental agency representatives,

iv. All other persons may have the opportunity to question such witness by oral or written questions through the presiding officer.

(c) The presiding officer may require that all examination, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.

(d) Varying Order of Appearance. When circumstances warrant the presiding officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are questioned.

(9) Conclusion of Hearing. At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

(10) Reopening the Record. At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with regulations provided, however, that the Board shall give notice of such further proceeding, in writing, to the applicant at least 10 days prior to such proceedings, and further provided that the Board shall notify other interested persons and the public in such manner as is appropriate.

(11) Record. The record of the hearing shall consist of the application, the transcript of the hearing, all exhibits, and proposed findings of fact and conclusions of the presiding officer, if any.

(12) Petitions to correct Mis-statements of Fact. The Board may also receive written petitions to correct mis-statements of fact in draft orders.

(13) Representatives. The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Board and staff shall be sent.
(14) **Rulings.** The Chairperson or presiding officer may be over-ruled by a majority vote of the Board members present or on any decision or ruling relating to a hearing.

(15) **Computation of Time.** All computations of time under these Rules shall be in the same manner as provided by *Maine Rules of Civil Procedure*, Rule 6 (a), (b) and (e).

**H. Appeals.** An applicant or an abutting property owner may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager=s Office within ten (10) days of the date of the Planning Board=s written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will establish a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described below in section 30150A(C)(2). The Board of Appeals shall use the same procedure for administration of the hearing as is established in 201(E) above. A written decision of the Board of Appeals shall be sent to the appellant and filed with the Town Clerk no later than thirty (30) days after the hearing date.

**Article 3. Design Standards**

**Section 301.** All required improvements in a subdivision shall be constructed in accordance with the design standards outlined below and in the appropriate schedule established by the Board.

**A. General** - General requirements shall consist of the following.

1. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.

2. Minimum Lot Size to be 10,000 sq. feet with 100 feet of frontage on the street for lots within municipal sewage; and in rural areas without municipal sewage 40,000 sq. feet with 150 feet on frontage on the street. The use of lots within the subdivision shall conform to the requirements of all applicable health and town regulations.

3. Where a proposed park, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area when the Board deems such requirements to be proper and reasonable.

**B. Streets** - The arrangement, type and location of streets shall conform to the Comprehensive Plan or Official Map and shall be considered in relation to existing and planned streets, topography, public convenience and safety, and the uses of the land to be served by such streets. Streets shall be of such width as to provide an adequate system for present and future traffic needs with the minimum right of way being fifty (50) feet.

1. Where not shown in the Comprehensive Plan or Official Map, the arrangement of streets in a subdivision shall either:

   (a) Provide for the continuation of existing street or
(b) Conform to a plan approved by the Board to meet a particular situation where topographical or other conditions make continuance of existing street impracticable.

2. Minor streets shall be so laid out that their use by through traffic will be discouraged.

3. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision.

4. Where the subdivision lots will be accessed by off-site public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.

5. Where a subdivision will be accessed from Route 2 it shall be limited to two points of access through the use of common access or shared driveways.

6. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

7. Where a subdivision abuts or contains a railroad right-of-way or arterial street, the Board may require marginal access streets or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

8. Reserve strips controlling access to streets shall be prohibited except where their controls are in accordance with conditions approved by the Board.

9. Dead-end streets shall be avoided. Where unavoidable and designed to be dead-end streets permanently, their length shall be as approved by the Board and shall terminate in a turn-around with a diameter of at least sixty-five (65) feet.

10. Where any Plan includes a dead-end street, not designed to be so permanently, the subdivider shall make such temporary provisions for turn-around as the Board deems necessary.

11. Street names shall not duplicate the names of existing streets and shall be subject to approval by the Board.

12. Streets shall conform to the following minimum design and construction:

(a) Width of right-of-ways.

   i. Collector Streets - 60 feet.

   ii. Local Residential Street - 50-60 feet.

(b) Width of pavements.

   i. Collector Streets - Two 10 foot traffic lanes, and one 8 foot parking lanes or paved shoulder.
ii. **Local Street** - Two 10-foot traffic lanes, and one 8 foot parking lane or paved shoulder.

(c) Angle of street at intersection shall not be less than 60 degrees.

(d) Street grades shall be minimum of 1.0 percent.

(e) Property lines at intersections shall be rounded with a minimum radius of 20 feet.

(f) All streets shall be crowned in accordance with good engineering practices, and be provided with adequate drainage. Type of base course and wearing surface shall be approved by the Superintendent of Public Works with a minimum of 24” gravel for street base.

(g) All shall be developed to the full width of the right-of-way.

(h) Sidewalks may be required at the discretion of the Board and shall be at least 4 feet minimum width.

(i) The standard specifications, Highway and Bridges, as used by the Maine Department of Transportation shall be the Standard Specifications to govern the building of streets in the aforementioned subdivisions.

13. Alleys shall be provided in commercial and industrial districts, except where provisions are made for other approved access, adequate for the uses proposed.

C. **Easements** - Easements preferably centered on lot lines, shall be provided for utilities where necessary. Where a subdivision contains a stream or drainage way, a storm water or drainage easement shall be provided conforming substantially to the lines of such water course, and of adequate width with a minimum drainage easement of twenty (20) feet. Proper provisions shall be made for protective flood control measures.

D. **Open Space Subdivisions** - It is the policy of the Town of Rumford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Rumford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Rumford.

This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the subdivider. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of these Regulations if such subdividers commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

1. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest and other open space
resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

2. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S. ' 4404 and these Regulations.

3. Pre-application Procedure

Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

4. Application Procedure

Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under these Regulations.

5. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of these Regulations and other Town of Rumford Ordinances.

(a) Allowable Density

(1) Allowable density shall be based upon one of the following methods as determined by the applicant:

i. Net Residential Density Method which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

1. area in proposed rights-of-way;
2. area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
3. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
4. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
5. area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

ii. Simplified Method, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.
The Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it make a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 3.d.4.a-d.

6. **Layout and Siting Standards**

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

(a) Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;

(b) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;

(c) In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses:

(d) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

7. **Space Standards**

(a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

(b) The required minimum land area per dwelling unit for the building envelope may be reduced to twenty thousand (20,000) square feet. The building envelope shall contain a minimum of twenty thousand (20,000) square feet of land area that does not include 100 year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area required by these Regulations.
(c) Minimum street frontage requirements contained Section 301(a)(2) may be waived or modified by the Board provided that:

1. Any applicable provisions regarding streets in Subsection 6 below are satisfied; and

2. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.

(d) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.

(e) No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development.

8. Streets

The Board shall require private streets to comply with the design standards set forth in Section 301(b) except as provided in Subsection (a) below.

(a) Travel ways and shoulders of privately-owned streets within open space subdivisions shall meet the following minimums:

1) Streets serving three (3) to ten (10) units: Sixteen (16) foot travel way and four (4) foot shoulders.

2) Streets serving eleven (11) to fifty (50) units: Twenty (20) foot travel way and four (4) foot shoulders.

9. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Ordinance.

(a) Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat recreation (active or passive), and resource conservation.

2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
(b) **Notations on Plan.** Open space, common lands, streets or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

(c) **Ownership of Open Space Land.** Open space land may be held in private ownership; or owned in common by a Homeowners= Association; transferred to a non-profit organization such as a conservation trust or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in section.

The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

10. **Homeowners Associations or Agreements.**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots or owned in common by a Homeowners' Association or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Board and included in the deed for each lot.

E. **Surface Drainage**

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.

2. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

F. **Erosion and Sediment Control**

The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

G. **Phosphorous Export**
Subdivisions proposed within the direct watershed of Davis Pond, Joes Pond or the Mt. Zircon Reservoir shall be designed to limit phosphorus runoff.

I. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in *A Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.

2. Phosphorus control measures shall meet the design criteria contained in *A Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development* (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

H. Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

I. Ground Water Quality

1. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:

   (a) A map showing the basic soils types.

   (b) The depth to the water table at representative points throughout the subdivision.

   (c) Drainage conditions throughout the subdivision.

   (d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   (e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.

   (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.
2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S. § 601.

3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

J. Protection of Significant Wildlife Habitat.

Applicants proposing to subdivide land in or within seventy-five (75) feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

K. Endangered and Threatened Species.

The Board shall consider a proposed subdivisions impact on state documented endangered species.

Article 3-A. Mobile Home Park Standards

Section 301-A. These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

Section 302-A. Lot Size, Width and Density. Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on 30-A M.R.S. § 4358, as amended.

A. Lots served by public sewer:
   -minimum lot area — 6,500 square feet
   -minimum lot width — 50 feet.

B. Lots served by individual subsurface sewage disposal systems:
   -minimum lot area — 20,000 square feet
   -minimum lot width — 100 feet

C. Lots served by a central subsurface wastewater disposal system:
   -minimum lot area — 12,000 square feet
   -minimum lot width — 75 feet

D. The overall density of a mobile home park served by a central subsurface wastewater disposal system approved by the Department of Human Services shall be no greater than
one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

(1) the area required for road rights-of-way; and
(2) the area required for buffer strips, if any; and
(3) the additional area for open space, storage or recreation applicable to other residential developments within the municipality for mobile home parks that are served by a public sewer, provided that the area is not greater than 10% of the combined area of the individual lots within the mobile home park; and
(4) the area of any setbacks required by Title 38 of the Maine State Statutes.

E. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

F. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

Section 303-A. Lot Setbacks.

A. The following lot setbacks shall apply to all manufactured housing units:

<table>
<thead>
<tr>
<th>setback</th>
<th>requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>front</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>10 feet (on lots served by public sewer)</td>
</tr>
<tr>
<td>side</td>
<td>10 feet</td>
</tr>
<tr>
<td>rear</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply. If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in the municipality.

B. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile park to be varied provided that no home may be closer that 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.

C. Carports of non-combustible materials are not subject to side setback requirements.

D. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

Section 304-A. Lot Coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

Section 305-A. Buffer Strips.

A. A 50 foot wide buffer strip shall be provided along all property boundaries that:
(1) abut residential land which has a gross density of less than half of that proposed in the park, or

(2) abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

B. Within 25 feet from the exterior boundaries of the mobile home park and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project. No structures, streets or utilities may be placed in the buffer strip except a utility may cross the buffer strip to provide service to the mobile home park.

Section 306-A. Parking. For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

Section 307-A. Road Standards.

A. Roads in a mobile home park shall meet the standards contained in the Town of Rumford Subdivision Ordinance, Article 3 (Design Standards) Sec.301(b) and the provisions of this section. Where the standards are in conflict, the stricter standard shall apply, unless it is in conflict with 30-A M.R.S. § 4358.

(1) Private Roads. Privately-owned roads within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile Home park roads shall have a right of way of at least 23’ of which 20’ must be paved. On-street parking shall be prohibited.

(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town of Rumford shall meet the minimum road acceptance standards for public roads as required by the Town.

(3) Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

(a) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

(b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 3 percent.

(4) No mobile home lot may have vehicular access directly onto a public street, unless such street is constructed in a manner which shall not impair the safety of the public.

Section 308-A. Utility Requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.
Section 309-A. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

Section 3010-A. Skirting. The area between the platform and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

A. Approved vinyl or metal mobile home skirting; or
B. A poured concrete wall; or
C. A mortared or loose laid masonry wall; or
D. Painted wood or similar materials.

Section 3011-A. Siding. All structures in a mobile home park shall have siding which provides a residential appearance. Tar paper, vapor barrier (e.g., typar), asbestos shingles and asphalt shingles shall be deemed not in compliance. Aluminum or vinyl siding are acceptable forms of siding. Anyone installing vapor barrier must have siding covering the vapor barrier within one (1) year from the date of commencement of the installation of the vapor barrier.

Section 3012-A. Roofing. All structures in a mobile home park shall have pitched, shingled roofs as described in section 101(M). Tar paper is not an acceptable material for a roof.

Section 3013-A. Permanent Foundation. All structures in a mobile home park shall be on a permanent foundation as described above in section 101(L).

Section 3014-A. Standards for Earlier Built or Non-Compliant Manufactured Housing. The purpose of these standards is to establish a condition of safety that will allow manufactured housing to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park or their invitees. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

A. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.

B. A person holding a master’s license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards hereafter revised or enacted.

C. A person holding a master’s license issued by the State of Maine Electrician Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

Section 3015-A. Approval Process for Mobile Home Park Construction or Alteration.
A. It shall be unlawful for any person to construct or alter a mobile home park as defined in this ordinance unless such person shall first have obtained a building permit and an Approved Plan (as required by the Planning Board) from the Town Planning Board as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this ordinance unless such person shall first have obtained a license from the State of Maine and filed a copy of same with the Town Clerk.

B. An application for construction, expansion or alteration of a mobile home park shall be obtained from the Town Manager’s office and shall be filed with the Town Clerk. An expansion of an existing mobile home park shall be treated in the same manner as the new construction of a new mobile home park. The application shall be fully completed in type-writing or legible writing, signed by the applicant and shall contain the following, when applicable:

1. Two mylar plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:
   a. Name and address of applicant;
   b. Name or title of mobile home park;
   c. Area and dimensions of the tract of land;
   d. Scale, date, direction of magnetic north;
   e. Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
   f. Number, size and location of all mobile home sites including the location of the permanent foundation on each site;
   g. Name(s) of abutting owners;
   h. Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other right-of-ways;
   i. Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
   j. Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
   k. Location of water lines, sewer lines, septic systems, etc.;
   l. Kind, location and profile of all existing and proposed drainage;
   m. Location and proposed uses of area proposed for outdoor recreation;
   n. Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
   o. Location of existing and proposed pedestrian walkways;
   p. Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
q. Location of existing and proposed fences, hedges, etc.

r. An on-site soils investigation by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.

s. Evidence that the Maine Department of Human Services, Division of Health Engineering, has been provided with copies of the plan and all other submittals.

2. Copies of deeds establishing ownership in the parcel or parcels of land being developed.

3. Copy of an existing license for operating the mobile home park if already in existence.

4. An application fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees*. In addition, the applicant shall pay an additional fee established by the Selectpersons in the *Schedule of License, Permit and Application Fees* for each abutter to the parcel who must be notified by the Town.

C. The Town Clerk, after determining that the provisions of Sections A and B of this section have been met, shall:

1. Notify the Code Enforcement Officer, Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation in writing as to the feasibility of any such mobile home park with respect to the areas of their responsibilities to the Planning Board;

2. Refer the application to the Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing by first class mail to the last known address of the abutter of the time, date and place of the public hearing.

3. The hearing shall be conducted as in Section 201(F) above.

D. The Planning Board within thirty (30) days after the conclusion of such hearing shall make its written determination known to the applicant as to whether the application is denied or granted. The Planning Board shall take into consideration whether:

1. the proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Shoreland Zoning Ordinance of the Town;

2. the street and road patterns in the proposed mobile home park or alterations of same are adequate for use intended and for ingress and egress for the protection of the mobile home park inhabitants, their invitees, property and the public;

3. the proposed mobile home park or alterations to an existing mobile home park otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts;
4. the proposed mobile home park or alterations to an existing mobile home park meet with the requirements of this ordinance and the ordinances and laws of the Town.

E. The Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of same.

F. If the Planning Board grants final approval of the said application, the Plan shall be signed by the Planning Board, if a plan was required by the Planning Board. Upon being provided with a recorded copy of the signed Plan by applicant or the applicant's licensed surveyor or engineer, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit for the construction of said mobile home park. In the event that a Plan was not required by the Planning Board and the Planning Board approves the application, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit. The Code Enforcement Officer and Building Inspector shall monitor the construction or expansion of the mobile home park or the alterations to an existing one.

G. An applicant or an abutter may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager’s Office within ten (10) days of the date of the Planning Board’s written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will set a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described above in section 3015-A(2).

Section 3016-A. No plan which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback and other requirements the Town has established for that use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes for conditions of approval:

A. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

B. No dwelling unit other than a manufactured housing unit shall be located within the park.

Section 3017-A. No mobile home park existing at the time of the effective date of this ordinance shall be altered in any way except in compliance with the provisions of this ordinance.

Section 3019-A. Violations.

A. No manufactured home shall be located anywhere in the Town without certification of payment of Maine State sales tax. A person, corporation or other entity which has a mobile home located in the Town without having paid sales tax shall be subject to a fine of $125.00 per day, up to a maximum fine of $2,500.

B. A person, corporation or other entity operating a mobile home park in violation of this section shall be subject to a fine of $125 per day for each violation, up to a maximum fine of $2,500.
Article 4. Required Improvements

Section 401. The Board shall specify what improvements shall be required to meet the needs of a proposed subdivision. Such improvements shall include streets, storm drainage, sanitary sewers and water mains. The required improvements shall conform to design standards set forth in these Regulations as follows:

a. Streets as outlined in Section 301(b) above.

b. Storm drainage shall be installed with necessary manholes and catch basins to the grade, line, type of pipe, and size as determined by the Board.

c. All sanitary sewers shall be installed with necessary manholes to the size, grade, line, type of pipe and type of joints as determined by the Board on the advice of the Town Engineer.

d. Water Mains. Town water mains with hydrants shall be provided. A minimum of 6” water main is required for all street and shall be installed in compliance with requirements of the Board of Trustees of the Rumford Water District.

e. Construction by Town. The Town may agree to construct the sewer, storm drains and the wearing surface of the streets; if recommended by the Board, and approved by vote by the Town Meeting. In making its recommendation, the Board shall consider economic feasibility, cost of construction, cost per unit served, and benefits to the community.

Article 5. Waivers.

Section 501. The terms of these Regulations may be waived from time to time by the Board in accordance with the following sections:

a. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of these Regulations are strictly applied, it may waive the necessity for strict compliance with the requirements of these Regulations in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of these Regulations or the comprehensive plan.

b. In granting waivers to any of these standards in accordance with Section 501(a) the Board shall require such conditions as that will assure the objectives of these Regulations are met.

c. When the Board grants a waiver to any of the improvements required by these Regulations, the final plan. to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

Article 6. Violations and Enforcement.

Section 601. These Regulations shall be enforced by the Code Enforcement Officer.

a. No plan of a division of land that would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these Regulations.
b. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

c. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party. The Selectpersons, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these Regulations and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectpersons shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

d. Utility installations, ditching, grading or construction of streets, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and endorsed as provided for by these Regulations.

Article 7. Amendments.

The Board may from time to time amend these Regulations, and any policies adopted by the Board. The procedure for such amendments or amendment shall be the same as follows for the adoption of these Regulations or policies.

Article 8. Validity.

If any article, section, subdivision, sentence, clause, or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.
CHAPTER 30
Regulation As To Dogs

CHAPTER 30 REPEALED JUNE 8, 2004

CHAPTER 30-A
Seizure of Animals by Animal Control Officer without Court Order

CHAPTER 30-A REPEALED JUNE 8, 2004

CHAPTER 30-B
Ordinance Regarding Domestic Animals

CHAPTER 30-B REPEALED JUNE 12, 2012
CHAPTER 30-C
Domestic Animals: Regulation and Enforcement

ADOPTED JUNE 12, 2012
AMENDED JUNE 14, 2016, Section 11

Section 1. Definitions.

As used in this ordinance, unless the context otherwise indicates:

A. “Domestic Animal” shall mean any animal kept within the Town limits of Rumford.

B. “Dog” shall mean any domesticated canine animal kept within the Town limits of Rumford.

C. “Cat” shall mean any domesticated feline animal kept within the Town limits of Rumford.

D. “Pet” shall mean a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

E. “Impoundment Fees” shall mean any and all Fees as described in Town’s Schedule of License, Permit and Application Fees.

F. “Owner” shall mean any person or persons, firm association or corporation owning, or keeping, harboring or in possession of, or having the control of a domestic animal.

G. “At Large” shall mean a dog off the premises of the owner and not under the control of the “owner” or a member of his immediate family or a person left in charge of the dog, either by leash, cord, or chain.

H. “Kennel” shall be defined as it is defined under 7 M.R.S. § 3907.

I. “Leash” shall mean a leash, cord, chain, or other comparable material which must be of a gauge suitable for controlling said dog and shall not be longer than six feet.

J. “Service Dog” A service dog is a guide dog or signal dog, which has been individually trained to provide assistance to an individual with a disability and is partnered with a disabled person. Dogs, whose sole function is the provision of emotional support, well-being, comfort or companionship, are not considered service dogs. The crime deterrent effects of a dog’s presence do not qualify a dog as a service dog and a dog individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service dog.

K. “Household” shall mean the same dwelling place or residence where a group of people live together. Examples of a household can be an apartment, a house, a flat or a room in a boarding home.

L. “Wolf hybrid” means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.
Section 2. Licensing Required.

A. No dog may be kept within the Town limits of Rumford, unless the dog has been licensed by its owner or keeper in accordance with the laws of the State of Maine. Dogs must be current with all required shots under Maine state law before they will be licensed in the Town.

B. In addition to all the Maine Animal Welfare Laws Dealing With Dog and Kennel Licensing [7 M.R.S. §§ 3921 – 3939B], any person or persons who have previously licensed a dog within the State of Maine, and who have knowingly or unknowingly let one or more years lapse without renewing a license for the same dog, shall be charged back fees for each year the dog was kept unlicensed within the Town limits of Rumford. Back license fees shall be in the amount of the dog license fees in effect at the time the back fees are being charged. No additional late fees will be charged with any back fees.

C. Any person who harbors a dog who was over the age of six (6) months of age as of April 1st of the previous year shall pay to the Town license fees for each year that the dog was over the age of six (6) months in addition to the current year’s licensing fee before the dog will be licensed in the Town.

D. A dog which qualifies as a service dog, as defined in this Ordinance, and for whom the owner can provide a certificate of training and a current rabies vaccination will be given a service dog license at no charge.

Section 3. Number of Dogs Limited.

A. It shall be unlawful for any person or persons to keep or harbor within the Town limits more than three (3) dogs over six (6) months old on April 1st in or about any premises occupied by any one (1) family without an inspection of the premises and the dogs by the Animal Control Officer and the written approval of the Animal Control Officer stating that the premises at which the dogs will be kept is sufficient for the maintenance of four (4) or more dogs and that the dogs will not disturb the peace and tranquility of the neighbors of the household where the dogs will be kept. No more than four (4) dogs may be kept in any one household without obtaining a kennel license, if applicable, pursuant to Section 4 of this Ordinance. The Animal Control Officer shall have the right to inspect the circumstances of the dogs and their living arrangements on an annual basis prior to the Town’s issuance of licenses for four (4) or more dogs in one household.

B. Persons found to be harboring four (4) or more dogs without proper authorization are subject to the penalties in Section 17 of this Ordinance.

Section 4. Kennel Licensure.

A. Any person or persons, keeping or harboring within Town limits, five (5) or more dogs over the age of six (6) months on April 1st in or about any premises occupied by any one (1) household, must put in a request for a kennel license at the Town Clerk’s office. Applicants must meet State of Maine requirements for a kennel license, and if they do not qualify, must license all dogs individually after inspection and written authorization from the Animal Control Officer.

B. In order to be granted a kennel license, an owner of five (5) or more dogs must submit the fee established by the State of Maine pursuant to the Animal Welfare Laws of the State of Maine and submit a completed application for a kennel license in the Town Clerk’s Office and establish that:

   1. The dogs are kept and used for the purpose of breeding, hunting, show, training, field trials, sledding, competition or exhibition.
2. Any property where the kennel is located is owned by the owner of the dogs. If the property where the kennel is located is being rented or leased by the dog owner, a copy of the written permission for such kennel from the landlord must be given to the Town Clerk along with the application.

3. The kennel location is not a duplex or an apartment building where more than one (1) family resides.

C. After submitting the application, the applicant for a kennel license must contact the Animal Control Officer to arrange a time and day for the Animal Control Officer to visit and inspect the location, grounds and structure where the dogs will be kept. No license will be issued by the Town until the Animal Control Officer has inspected and approved the proposed kennel location.

D. The Animal Control Officer shall be the sole authority to issue a kennel license. The Animal Control Officer also has the authority to revoke any existing kennel license of an existing kennel. Refusal to issue a license or revocation of an existing license shall be for the following grounds:

1. Improper or inadequate structure;
2. Improper or inadequate ventilation;
3. Inadequate or cramped conditions;
4. Inadequate bedding materials;
5. Inadequate temperature control;
6. Nuisance noise/barking conditions which violate Section 6 of this Ordinance;
7. Failure to comply with state law; and
8. Other good cause.

An owner will be hand-delivered by the Animal Control Officer or sent by the Animal Control Officer, by first class mail with certificate of mailing, a written copy of the grounds for failure to issue or revocation of a license at the address provided on the application of the owner. A revocation of a license may be hand-delivered to the owner by the Animal Control Officer.

The owner will be given 10 days to correct the situation(s) listed in the written notification. The owner must contact the Animal Control Officer for a date and time of re-inspection. Upon a second inspection, if the Animal Control Officer finds that there is still a failure to comply, the owner will again be given a written copy of the violations found. The owner will have another ten (10) day period to make the corrections.

The owner will be entitled to a third inspection, which he or she must request from the Animal Control Officer. If the Animal Control Officer finds failure to comply with the requested corrections, the owner requesting a kennel license will be denied for that year and may not make another request for a kennel until the following January licensing period. An owner whose license was revoked shall similarly not be eligible for applying for a license until the next year after a failed third inspection.
E. In the event that an owner is denied kennel license after the third inspection, or has his or her license revoked, the owner must license individually any dogs he or she possesses, with the written authorization of the Animal Control Officer as detailed in Section 3 of this ordinance. In event that the Animal Control Officer does not give written authorization for dogs in excess of the limits established in this Ordinance, any excess dogs must be removed permanently from the premises by selling, giving away or humanely disposing of the additional dogs.

F. Persons found to be harboring four (4) or more dogs without proper kennel licensing or without written approval of the Animal Control Officer are subject to all of the penalties contained in Section 17 of this Ordinance.

Section 5. Running At Large.

A. No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this Ordinance, if the dog is controlled by a leash, or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper. Nothing in this Ordinance shall be held to require the leashing of any dog while on owner’s premises.

B. A leash shall not be more than six feet long. Any dog that is being walked on a leash on any public way or place shall not be under the control of a child unless that child is of suitable size to be able to completely control the dog.

Section 6. Barking or Howling Dog. No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. A person who keeps or maintains a dog who’s barking or howling can be heard at or beyond the boundary of the property on which the dog is located violates this section. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

Section 7. Proper Outside Facilities for Dog House. It shall be unlawful for any owner as defined within this Ordinance who shelters a dog or dogs out of doors within the Town limits to provide any less than the minimum standards set forth by 7 M.R.S. § 4015, as amended.

Section 8. Tethering of Animals.

A. When domestic animals are confined by a chain or similar device, the chain shall be attached to both the domestic animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar or harness that in no way cuts into the domestic animals flesh or impinges the circulation of the domestic animal or impairs its ability to ingest food or water or to vocalize.

B. The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs. For sled dogs, the length of the chain shall be not less than 1 ½ times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot or 3 times the length of the dog from the tip of its nose to the base of its tail if tied to a stationary point.

C. Multiple domestic animals confined by a chain or similar device shall be kept far enough apart to prevent the restraining devices from becoming entangled.
D. Dogs that are tethered at a pivot point permitting a 360 degree area of movement will be 2 ½ times the length of the dog from the tip of its nose to the base of its tail.

E. As prescribed by Maine State Animal Welfare Laws pursuant to 7 M.R.S. § 4015 or a successor statute, no domestic animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind, when extreme heat or extreme cold will be harmful to its health.

Section 9. Rabies.

A. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.

B. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies.

C. No person shall fail or refuse to surrender any animal for disposition by the Animal Control Officer as required herein when demand is made therefor by the Animal Control Officer.

Section 10. When Domestic Animals May Be Killed.

If any dangerous, fierce or vicious domestic animal cannot be safely taken up and impounded, such domestic animal may be slain by any policeman or duly authorized Animal Control Officer. In all cases, where any domestic animal has bitten a person or caused an abrasion of the skin of any person, if slain by any policeman, whether by order of the court or otherwise, and a period of less than ten (10) days has elapsed since the day on which the domestic animal bit any person, it shall be the duty of the policeman slaying said domestic animal to forthwith deliver the carcass and brain to the Animal Control Office who shall forward the brain intact to the Environmental Testing Lab in Augusta, Maine.

Section 11. Seizure of Animals by Animal Control Officer without Court Order.

The Animal Control Officer, who has reasonable cause to believe that a violation of 17 M.R.S. § 1031, as amended, or 17 M.R.S. § 1032, as amended, or according to any successor statutes, has taken place or is taking place, may take possession of the cruelly treated domestic animal by following the procedure established under 17 M.R.S. § 1021.

Section 12. Impoundment.

A. Dogs.

1. Dogs found running “at large” shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a period of not less than six (6) days unless beforehand claimed by its owner. If unclaimed at the end of six (6) days the dog may be disposed of in a humane manner or the Town or its duly authorized agent may transfer title of said dog.

2. When dogs are found running “at large” and their ownership is known, such dogs need not be impounded by the Town, though its duly authorized agents may cite the owner of such dogs to appear in court to answer charges of violation of this ordinance.

3. The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as established by the Selectpersons in the Schedule of License, Permit and Application Fees, unless charges of cruelty to animals (7 M.R.S. §
4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded dog. In this event, the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

B. Cats or other Domestic Animals.

1. Cats and other domestic animals who are stray, abandoned, thought to be homeless or that are wandering and causing destruction to another’s property shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a minimum of 48 hours unless feral, in which the cat need not be held more than 24 hours. Unless the cat or domestic animal is believed or known to have an owner, the cat or domestic animal may be disposed of in a humane manner or the Town or its duly authorized agents may transfer title of said cat or domestic animal.

2. The owner shall be entitled to resume possession of any impounded cat or domestic animal upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals (7 M.R.S. § 4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded cat or domestic animal. In this event, the cat or domestic animal shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

Section 13. Impoundment Fees.

Any domestic animal, excluding cats, impounded hereunder may be reclaimed as herein provided upon payment by the owner of the fees established by the Board of Selectpersons in the Schedule of License, Permit and Application Fees for each domestic animal, excluding cats, to be paid to the Animal Control Officer, Police Department or Town Clerk prior to release of animal from the shelter. The designated animal shelter may not release the animal to the owner without receipt showing payment of the impoundment fee to the Town.

Section 14. Defecation.

The owner of any domestic animal shall take all responsible means to avoid the defecating of his or her domestic animal on any property other than the owner’s property. In the event of the defecation of a domestic animal on the property of another, the owner shall immediately remove the feces and dispose of same in an appropriate manner.

Section 15. Nuisance Animals.

A. No owner or keeper shall permit or allow any animal to make sounds common to its species if such sounds recur in such a manner to cause a nuisance to other persons, including businesses. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

B. No owner or keeper of any reptile, including all snakes, shall permit or allow any person to display, exhibit, transport, or allow to be visible in any public area any reptile that is not contained within a suitable cage or kennel. This section does not apply to any owner or keeper of reptiles, including all snakes that are displayed or exhibited for educational purposes, except they must be contained in suitable cage or kennel during transport.
Section 16. Wolf Hybrids

A person may not keep a wolf hybrid in the State unless that person holds a valid permit to possess wildlife in captivity issued by the Department of Inland Fisheries and Wildlife under 12 M.R.S. § 12152

Section 17. Penalties.

A. Defecation Violations. Every person convicted of a violation of Section 14. Defecation shall be subject to a fine of not less than $50 for a first offense, not less than $100.00 for a second offense, and not less than $150.00 for each subsequent offense plus all court costs incurred by the municipality for prosecuting a violation of this section.

B. Other Violations. Every person convicted of a violation of any provision of this Ordinance, excluding Section 14. Defecation, shall be subject to a fine of not less than $25.00 nor more than $100.00 for each violation for each day that a violation exists, not to exceed a total of $2,500.00 plus all court costs incurred by the municipality for prosecuting a violation under this Ordinance.

Section 18. Prosecution of Complaints.

In order for any complaint made to the Town regarding violations of this Ordinance to be prosecuted in court, the complainant must make a signed statement to the Animal Control Officer or a Police Officer.

Section 19. Validity.

It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the municipality that if any provisions of the ordinance be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.
CHAPTER 31
Right-of-Ways

Article 1. Definitions

Section 101. For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

a. The word “street” shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians.

b. The word “person” shall mean any individual, firm or copartnership or corporation.

Article 2. Interference with Public Use

Section 201. It shall be unlawful for any person or persons to hereafter place within the right-of-way of any public street, within the Town of Rumford, any wall, structure, building or part thereof, fence, lawn, trees, or bushes, where same will interfere with the public use of said road or street which uses include but are not limited to the following:

a. Snow removal
b. Drainage
c. Visibility
d. Safety of Traveling Public

Article 3. Removal

Section 301. Any structure, wall, fence, lawn, trees or bushes placed within the right-of-way without the written permission from the Board of Selectpersons shall be removed by the Town of Rumford at the expense of the person having placed or having authorized the placement of the above.

Article 4. Variances

Section 401. The Board of Selectpersons may modify the terms of this Ordinance on the occurrence of the following:

a. A written petition for a hearing sent to the Board of Selectpersons requesting modification, and,

b. Publication of said petition in the Rumford Falls Times newspaper at least one week prior to the hearing on the petition, and,

c. A finding by the Board that an extraordinary hardship may result from strict compliance with these Regulations, and,
d. That the Board of Selectpersons is satisfied that said variance will not interfere with the intent and objectives of the Permanent Road Improvement Program of the Town of Rumford.
CHAPTER 32
Snowmobile and ATV Registration Funds

Chapter 32, Section 1. Snowmobile Registration Funds
AMENDED JUNE 14, 1994

Chapter 32, Section 2. All Terrain Vehicles Agent Fee Funds.
ADOPTED JUNE 10, 2003

Section 1. The snowmobile registration refund received annually by the Town of Rumford from the Maine Department of Inland Fisheries and Game shall be placed into the Rumford Snowmobile Recreation Fund to be used exclusively for the construction, development, maintenance and improvement of snowmobile trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of snowmobiling for the public within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford Snowmobile Recreation Fund, under the supervision of said municipal officers. On May first, annually, any unexpended funds in the Rumford Snowmobile Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in Section 1.

Section 2. All Terrain Vehicles Agent Fee Funds. The All Terrain Vehicles (ATVs) Agent Fee Funds collected annually by the Town of Rumford as part of the registration fee for ATVs registered in the Town of Rumford shall be placed into the Rumford ATV Recreation Fund to be used exclusively for the construction, development and improvement of ATV trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of ATV traveling within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford ATV Recreation Fund, under the supervision of said municipal officers. On May 1st annually, any unexpended funds in the Rumford ATV Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in this section.
CHAPTER 33-A
Flood Hazard

REPEALED JUNE 9, 1987
CHAPTER 33
SHORELAND ZONING

ADOPTED JUNE 11, 1991
AMENDED JUNE 8, 1993
AMENDED JUNE 11, 2002
AMENDED JUNE 9, 2009
CHAPTER 33, SECTION 16
AMENDED JUNE 8, 2010

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Section 2. Authority

Section 3. Applicability

Section 4. Effective Date
   A. Effective date of Ordinance and Ordinance Amendments
   B. Repeal of Municipal Timber Harvesting Regulation.

Section 5. Availability

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C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.  
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E. Individual Private Campsites  
F. Commercial and Industrial Uses  
G. Parking Areas  
H. Roads and Driveways  
I. Signs  
J. Storm Water Runoff  
K. Septic Waste Disposal  
L. Essential Services  
M. Mineral Exploration and Extraction  
N. Agriculture  
O. Timber Harvesting  
P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting  
Q. Erosion and Sedimentation Control  
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A. Administering Bodies and Agents  
B. Permits Required  
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G. Installation of Public Utility Service  
H. Appeals  
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Section 17. Definitions
Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date

A. Effective date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on June 11, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance amendments, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance, or Ordinance amendments within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance amendments if the Ordinance, or Ordinance amendments is approved by the Commissioner of the Department of Environmental Protection.

B. Repeal of Municipal Timber Harvesting Regulation.

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B (5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of “forest management activities” and “residual basal area”.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

**Section 7. Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

**Section 8. Amendments**

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

**Section 9. Districts and Zoning Map**

A. **Official Shoreland Zoning Map**

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map, which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. **Certification of Official Shoreland Zoning Map**

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. **Changes to the Official Shoreland Zoning Map**

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

**Section 10. Interpretation of District Boundaries**

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerline of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

**Section 11. Land Use Requirements**
Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance, or amendments thereto, shall be allowed to continue, subject to the requirements set forth in this section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs a and b below:

   a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

   b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

2. Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback
requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

Any nonconforming structure which is located less than the required setback from the water body, tributary stream or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50 percent or less of the market value of the structure, excluding
normal maintenance and repair, may be reconstructed in place if a permit is obtained from the code enforcement officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider in addition to the criteria in section 12.C.2 above, the physical condition and type of foundation present, if any.

4 Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12.C.1.a above.

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Nonconforming Lots

1. Nonconforming Lots: A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of section 12.E.3.a are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl, and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.

3. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   a. Areas devoted to manufacturing, fabricating, or other industrial activities;
   b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
   c. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds.

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses
All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)
No: Prohibited
PB: Allowed with permit issued by the Planning Board
CEO: Allowed with permit issued by the Code Enforcement Officer
LPI: Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP: Resource Protection
LR: Limited Residential
LC: Limited Commercial
GD: General Development
SP: Stream Protection
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<th>LAND USES</th>
<th>DISTRICT</th>
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<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>SP</td>
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<tr>
<td>hunting, fishing and hiking</td>
<td>RP</td>
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<td>2. Motorized vehicular traffic on existing roads and trails</td>
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<td>3. Forest management activities except for timber harvesting</td>
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<td>4. Timber harvesting</td>
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<td>5. Clearing or removal of vegetation for activities other than</td>
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<td>timber harvesting</td>
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<td>6. Fire prevention activities</td>
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<td>7. Wildlife management practices</td>
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<td>8. Soil and water conservation practices</td>
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<td>9. Mineral exploration</td>
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<td>10. Mineral extraction including sand and gravel extraction</td>
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<td>11. Surveying and resource analysis</td>
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<td>12. Emergency operations</td>
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<tr>
<td>14. Aquaculture</td>
<td>PB</td>
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<td>15. Principal structures and uses</td>
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<td>PB9</td>
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<td>A. One and two family residential, including driveways</td>
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<td></td>
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<td></td>
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<td>B. Multi-unit residential</td>
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<td></td>
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<td>C. Commercial</td>
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<td>E. Governmental and institutional</td>
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<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
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<td>PB4</td>
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<td>16. Structures accessory to allowed uses</td>
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<td>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</td>
<td></td>
</tr>
<tr>
<td>a. Temporary</td>
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<td></td>
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<td>b. Permanent</td>
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<td>18. Conversions of seasonal residences to year-round residences</td>
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<td>19. Home occupations</td>
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<td>20. Private sewage disposal systems for allowed uses</td>
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<td>21. Essential services</td>
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<td>A. Roadside distribution lines (34.5kV and lower)</td>
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<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
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<td></td>
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<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
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<td>D. Other essential services</td>
<td>PB6</td>
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<td>PB</td>
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<tr>
<td>22. Service drops, as defined, to allowed uses</td>
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<td></td>
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<td></td>
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<td>23. Public and private recreational areas involving minimal structural development</td>
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<td></td>
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<td>24. Individual, private campsites</td>
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<td>25. Campgrounds</td>
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<td>26. Road construction</td>
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</tbody>
</table>
27. Parking facilities
no no7 PB PB PB
28. Marinas
PB no PB PB PB
29. Filling and earth moving of <10 cubic yards
CEO CEO yes yes Yes
30. Filling and earth moving of >10 cubic yards
PB PB CEO CEO CEO
31. Signs
yes yes yes yes Yes
32. Uses similar to allowed uses
CEO CEO CEO CEO CEO
33. Uses similar to uses requiring a CEO permit
CEO CEO CEO CEO CEO
34. Uses similar to uses requiring a PB permit
PB PB PB PB PB

1In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3In RP not allowed in areas so designated because of wildlife value.
4Provided that a variance from the setback requirement is obtained from the Board of Appeals.
6See further restrictions in Section 15( L)(2).
7Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8Except as provided in Section 15(H)(4).
9Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
10Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district.
11Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12Permit not required, but must file a written “notice of intent to construct” with CEO.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable:

A. Minimum Lot Standards

1. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Activity</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Shore Frontage (feet)</th>
<th>Minimum Road Frontage (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
<tr>
<td>Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
<td>125</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
</tbody>
</table>

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record,
or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fish habitat.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding area, uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

8. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

D. Campgrounds
Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds and streams which flow to great ponds:

1. Auto washing facilities

2. Auto or other vehicle service and/or repair operations, including body shops

3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms

5. Commercial painting, wood preserving, and furniture stripping

6. Dry cleaning establishments

7. Electronic circuit assembly

8. Laundromats, unless connected to a sanitary sewer

9. Metal plating, finishing, or polishing

10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

11. Photographic processing

12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

   b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary steams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the
installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15.H.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in the Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 15Q.

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands roads and driveway shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:
<table>
<thead>
<tr>
<th>Grade (percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
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<tr>
<td>3-5</td>
<td>200-135</td>
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<tr>
<td>6-10</td>
<td>100-80</td>
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<td>11-15</td>
<td>80-60</td>
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<td>16-20</td>
<td>60-45</td>
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<tr>
<td>21+</td>
<td>40</td>
</tr>
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</table>

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential, and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be allowed provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.
J. **Storm Water Runoff**

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. **Septic Waste Disposal**

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. **Essential Services**

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. **Mineral Exploration and Extraction**

**NOTE:** This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 17.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of section 15.M.4 below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond and within seventy-five (75) feet, horizontal distance, of the normal high-water line of
any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

   a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

   b. The final graded slope shall be two and one-half to one (21/2:1) slope or flatter.

   c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with Conservation Plan.
O. Timber Harvesting

1. In a resource protection abutting a great pond, timber harvesting shall be limited to the following:
   a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards.
   b. Beyond the 75 foot "no-harvest" strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 1 inch in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
   a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
      1. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
      2. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100), horizontal distance, feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
   b. Timber harvesting operations exceeding the 40% limitation in paragraph (a.) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
   c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
   d. Timber harvesting equipment shall not use stream channels as travel routes except when:
      1. Surface waters are frozen; and
2. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75), horizontal distance, feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance,. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section P.1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.
Diameter of Tree at 4-1/2 feet Above Ground Level (inches) | Points
--- | ---
2 - < 4 in. | 1
4 – <8 in. | 2
8-< 12 in. | 4
12 in. or greater | 8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

2. Each successive plot must be adjacent to, but not overlap a previous plot;

3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15. P paragraphs 2 and 2.a above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
Section 15.P.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15.P.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
   a. Mulching and revegetation of disturbed soil.
   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
   c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland .

T. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A MRSA Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
   a. The replacement culvert is not more than 25% longer than the culvert being replaced;
   b. The replacement culvert is not longer than 75 feet; and
   c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property, or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
D. Procedure for Administering Permits

1. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.

2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.

3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:
   a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board’s agenda following receipt of the completed application, or
   b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing.

4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

5. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

6. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
   a. Will maintain safe and healthful conditions;
   b. Will not result in water pollution, erosion, or sedimentation to surface waters;
   c. Will adequately provide for the disposal of all wastewater;
   d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
   e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
   f. Will protect archaeological and historic resources as designated in the comprehensive plan;
   g. Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district.
   h. Will avoid problems associated with flood plain development and use; and
   i. Is in conformance with the provisions of Section 15, Land Use Standards.
If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exception

In addition to criteria specified in Section 16.D above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residence in the Resource Protection District provided that the applicant demonstrates that all of the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Oxford County Registry of Deeds before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:
   a. Located on natural ground slopes of less than 20%; and
   b. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the Town of Rumford, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps it is deemed to be ½ the width of the 100-year floodplain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures located within the Resource Protection District is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, are set back from the normal high-waterline of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the
appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

   a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

   b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

   a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

   b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

   c. The Board shall not grant a variance unless it finds that:

      (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

      (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

         a. That the land in question cannot yield a reasonable return unless a variance is granted;

         b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

         c. That the granting of a variance will not alter the essential character of the locality; and

         d. That the hardship is not the result of action taken by the applicant or a prior owner.

   d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with
the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court.

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Public Hearing Procedures and Notification Requirements – Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time, and place of the hearing:
1. Given to the Applicant.

2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and

3. Published at least one (1) time, in a newspaper having general circulation in the town. The date of the publication must be at least seven (7) days prior to the hearing.

J. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

   a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

   b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

   c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, MRSA section 4452.
NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However in a Resource Protection District the maximum penalty is increased to $5,000.

Section 17. Definitions

**Accessory structure or use**: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture**: the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

**Aggrieved party**: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Aquaculture**: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area**: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement**: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility**: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Campground**: any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy**: the more or less continuous cover formed by tree crowns in a wooded area.

**Commercial use**: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**DBH**: the diameter of a standing tree measured 4.5 feet from ground level.

**Development**: a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements**: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability**: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
**Driveway**: a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two family dwelling or less.

**Emergency operations**: operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services**: gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure**: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Expansion of use**: the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family**: one or more persons occupying a premises and living as a single housekeeping unit.

**Floor area**: the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities**: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland**: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

**Foundation**: the supporting substructure of a building or other structure, excluding wood sills and post supports, but including basements, slabs, frost walls or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland**: freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses**: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating.
facilities, excluding recreation boat storage buildings, waterfront dock facilities, boat yards and boat building facilities, navigation aides, retaining walls, industrial uses requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

**Great pond**: any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great pond classified GPA**: any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

**Ground cover**: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Height of a structure**: the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Home occupation**: an occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure**: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase nonconformity.

For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream or wetland than the closest portion of the existing structure from the water body, tributary stream or wetland. Included in this allowance are expansions, which in-fill irregularly shaped structures.

**Individual private campsite**: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire places, or tent platforms.

**Industrial**: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional**: a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
Lot area: the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat bait and tackle shops, and fuel service facilities.

Market value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width: the closest distance between the side lot lines of a lot.

Mineral exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

Native: indigenous to the local forests.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils: the following soil series as described and identified by the National Cooperative Soil Survey:

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Recreational facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

Residual Basal Area: the sum of the basal area of trees remaining on a harvested site.

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Service drop: any utility line extension which does not cross or run beneath any portion of a water body provided that:
1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback**: the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage**: the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone**: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance of the normal high waterline of a stream.

**Shoreline**: the normal high-water line, or upland edge of a freshwater wetland.

**Skid trail**: a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash**: the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Stream**: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within a shoreland zone.

**Structure**: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

**Substantial start**: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system**: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained slope**: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.
**Timber harvesting**: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that is less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

**Tributary stream**: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland**: the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation**: all live trees, shrubs, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Volume of a structure**: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body**: any great pond, river, stream.

**Water crossing**: any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland**: a freshwater wetland.

**Wetlands associated with great ponds and rivers**: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Woody Vegetation**: live trees or woody, non-herbaceous shrubs.

**Drafted by AVCOG/JAM**

**Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)**
CHAPTER 33-A
FLOODPLAIN MANAGEMENT ORDINANCE

ADOPTED JUNE 9, 1987
ENACTED JUNE 13, 1995
AMENDED JUNE 11, 2002
AMENDED JULY 6, 2009

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(TOWN OF RUMFORD NOTE: THIS DOCUMENT DRAFTED BY MAINE STATE PLANNING OFFICE.)

60.3 (d) Rev. 2/09
(Ordinance prepared February 17, 2009 by SPO/dlt)
ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Rumford, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Rumford, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Rumford, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Rumford has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Rumford having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Rumford, Maine.


ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Rumford, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development including all materials and labor;
F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones AE, from data contained in the "Flood Insurance Study- Oxford County," as described in Article I; or,
   b. in Zone A:
      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25 for all minor development and $50 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study – Oxford County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   
   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   
   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
   
   a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE shall:
   
   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
   
   b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
   b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawls spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
   a. be engineered and certified by a registered professional engineer or architect; or,
   b. meet or exceed the following minimum criteria:
      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:

   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones AE and A shall:

   a. have the containment wall elevated to at least one foot above the base flood elevation;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
C. Within 10 working days, the Code Enforcement Officer shall:
   1. review the Elevation Certificate and the applicant’s written notification; and,
   2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

**ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

**ARTICLE IX - APPEALS AND VARIANCES**

The Board of Appeals of the Town of Rumford may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:
   1. a showing of good and sufficient cause; and,
   2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
   3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
4. a determination that failure to grant the variance would result in “undue hardship,” which in this sub-section means:
   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
   c. that the granting of a variance will not alter the essential character of the locality; and,
   d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
   1. other criteria of Article IX and Article VI.K. are met; and,
   2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
   1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
   2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairperson of the Board of Appeals that:
   1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
   2. such construction below the base flood level increases risks to life and property; and,
   3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals
   1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.
ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - means a small detached structure that is incidental and subordinate to the principal structure.

**Adjacent Grade** - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Area of Special Flood Hazard** - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base Flood** - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** - see Structure.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Code Enforcement Officer** - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

**Development** - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**Elevated Building** - means a non-basement building

a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

**Elevation Certificate** - An official form (FEMA Form 81-31, 02/06, as amended) that:

a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
**Historic Structure** - means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)** - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth’s crust, glacial rebound, and subsidence and the increasing use of satellite technology.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community’s Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.
**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

**Variance** - means a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - means the failure of a structure or development to comply with a community's floodplain management regulations.

**ARTICLE XIV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).
CHAPTER 33-B
Site Plan Review Ordinance
ADOPTED JUNE 11, 2002

Section 1. Purpose.

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Rumford, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

Section 2. Authority, Validity, Severability and Amendments.

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).

2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Rumford, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. Validity and Separability: Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. Effective Date: The effective date of this Ordinance is ________________, the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectpersons to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectpersons shall conduct a public hearing on any proposed amendment.

Section 3. Applicability.

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

3. Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.

2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

3. All nonstructural uses of land for agricultural or forestry purposes.

4. Home occupations which meet the following conditions do not need Site Plan approval.
   a. The home occupation is incidental and secondary to the primary residential use of the premises;
   b. Do not employ persons who do not make the residence their permanent home;
   c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
   d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
   e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VIILA.

Section 4. Administration.

A. The Planning Board of the Town of Rumford shall administer this Ordinance.

B. No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from
D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner’s agent as designated in writing by the owner.

E. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectpersons who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administering and enforcing the provisions of this Ordinance. Prior to revising the fee schedule the Selectpersons shall hold a public hearing. This application fee shall be made by check payable to the Town of Rumford and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.

F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

Section 5. Application Procedure.

A. Pre-Application Meeting

1. Prior to submitting an application for development, the applicant or the applicant’s authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

   The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.

3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairperson to act as the Board’s representative.

4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.
B. **Site Plan Review Application Requirements**

1. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board’s regular scheduled meeting.

2. One copy of the plan(s), which may be reduced to 8-1/2" X 11", shall be mailed or delivered to each member of the Planning Board and Code Enforcement Officer at least seven (7) days prior to the Planning Board’s regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development.

3. **Notice to Abutters**: Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board’s consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. **Submission Requirements**

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
   
   a. Owner’s name, address and signature.

   b. Names and addresses of all abutting property owners.

   c. Sketch map showing general location of the site within the Town.

   d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

   e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

g. The location of all building setbacks.

h. The location, size, and character of all signs and exterior lighting.

i. The area of the parcel and street frontage.

j. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

k. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.

m. A storm water drainage plan showing:

1. The existing and proposed method of handling storm water run off.

2. The direction of flow of the run off through the use of arrows.

3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

4. Engineering calculations used to determine drainage requirements based upon a 100-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

n. Location of aquifers and aquifer recharge areas, if mapped.

o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.

p. Location and elevation of the 100-year flood plain.

q. If the development site is located in the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond the name of that watershed shall be indicated on the plan.

r. A utility plan showing provisions for water supply and waste water disposal.
s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.

3. A written, narrative statement by applicant that supplies the following information and is substantiated by the appropriate documents.

   a. Evidence by the applicant of right, title or interest in the property for which the application covers.

   b. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold.

   c. Total floor area and ground coverage of each proposed building and structure and percent lot covered by each building or structure.

   d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.

   e. Method of solid waste disposal.

   f. Erosion and sedimentation control plan.

   g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.

   h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.

   i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin.

   j. The applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water and streets.

   k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.

   l. If public water and/or sewer are to be used, a statement from the water and sewer departments as to the availability of public water and/or sewer lines.

   m. An estimate of the date when construction will start and when the development will be completed.

   n. A description of the current or most recent use of the building or land including type of product(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours and other items as the Planning Board may find necessary.
Traffic data shall include the following when required by the Planning Board:

1) the estimated peak hour and average daily traffic to be generated by the proposal;
2) existing traffic counts on surrounding roads;
3) traffic accident data covering the most recent three-year period for which such data is available.

A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 2, Route 5, Route 120, Route 108, Route 232, Intervale Road, Milton Road, South Rumford Road or Wyman Hill Road.

The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

If located in the direct watershed of David and Joes Ponds and the Mt. Zircon Reservoir Pond a phosphorous control plan prepared in accordance with Section VII.9.a.

The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

Section 6. Application Review.

A. Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in 30-A M.R.S. § 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board.
Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

Section 7. Performance Standards.

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. **Preserve and Enhance the Landscape**: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

   Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

   The Board shall assess the proposed activities impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic site, the Planning Board shall require the applicant to minimize such effects.

2. **Relationship of the Proposed Structures to the Environment**: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse affect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

   a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

   b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

   c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
3. **Vehicular and Pedestrian Access:** The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

a. **Vehicular Access:** The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

1) The proposed development shall provide safe vehicular access to and from public and private streets.

   a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

   The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

   (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

   (2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver’s seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curblines or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

**MINIMUM SIGHT DISTANCE**

**Posted Speed Limit**

- 25 mph 200’
- 30 mph 250’
- 35 mph 305’
- 40 mph 360’
- 45 mph 425’
- 50 mph 495’
- 55 mph 570’
c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway of proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

f) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

g) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

   (1) the proposed development will generate 100 or more peak hour site trips.

   (2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.

   (3) Current or projected capacity deficiencies near the development.

   (4) Sensitive neighborhood areas adjacent to the development.

   (5) The proximity of site drives to other drives or intersections.

2) **Vehicular access to Route 2 & 108** shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

   a) Where a proposed development is to be located at the intersection of Route 2 or 108 and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.

   b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

   c) The maximum number of curbcuts to a particular site shall be governed by the following:
(1) No low volume traffic generator shall have more than one two-way access onto a single street.

(2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 2 or 108.

d) Curb cut widths and design shall conform to the following standards:

(1) **Low volume driveways**: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time shall:

   (a) have two-way operation;

   (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;

   (c) not require a median;

   (d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and

   (e) comply with the following geometric standards:

   **NOTE**: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

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<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
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<tr>
<td>W</td>
<td>20-30*</td>
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<td>24-30*</td>
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   *Upper values apply where major street speed and/or volume is high.

(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:

   (a) have either two-way or one-way operation and be a minimum of 50 feet in length;

   (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
(c) not require a median;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and

(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

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*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.

(b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;

(c) be striped for 2 to 4 lanes, with each lane 12 feet wide;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;

(e) have a “STOP” sign control and appropriate “Keep Right” and “Yield” sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and

(f) comply with the following geometric standards;
NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

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<th>Desired Value (ft.)</th>
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*For industrial developments with a high percentage of truck traffic maximum values are desired.

g) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

h) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written fording that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 108 where full access presently exists and cannot be provided by Route 2 or 108 and/or adjacent side street.

4. **Parking and Circulation**: The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient offstreet parking space is provided that conforms to the following:

1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
4) Off-street parking spaces shall comply with the following standards.

(a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

(b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required in the following:

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Wholesale/warehouse</td>
<td>one per 1,200 sq. ft. of storage or gross floor area</td>
</tr>
<tr>
<td>Industrial/manufacturing</td>
<td>one per employee on maximum working shift</td>
</tr>
<tr>
<td>Hotels, motels, tourist homes</td>
<td>one per room plus ½ per employee</td>
</tr>
<tr>
<td>Nursing/convalescent homes</td>
<td>1/2 per bed</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>one per classroom</td>
</tr>
<tr>
<td>Secondary</td>
<td>five per classroom</td>
</tr>
<tr>
<td>Theaters/auditoria/churches</td>
<td>one per five seats and one space per 100 sq. ft. of area for assembly</td>
</tr>
<tr>
<td>Eating/drinking establishments</td>
<td>one per three seats</td>
</tr>
</tbody>
</table>

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public’s interest, may be provided for by the Town of Rumford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.
If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

6. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

7. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

8. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Planning Board may require the applicant to obtain, at the applicant’s expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time “impact fee” may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

9. Water Pollution: The development will not result in water pollution. In making this determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

a. Phosphorus Export. When required by the Planning Board, projects proposed within the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond shall be designed to limit phosphorous run off.
1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10. Ground Water: The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

11. Floodplain Protection: The proposed development will avoid problems associated with floodplain development and use.

12. Shoreland Areas: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Rumford, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Rumford.

13. Water Supply: The development shall have sufficient water available for the reasonably foreseeable needs of the development, and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

   a. When connection to a public water supply is proposed, the water system will be designed and installed in accordance with the rules, terms and conditions of the Rumford Water District. The Planning Board shall require a statement from the Rumford water District of the conditions under which the District will supply water, and the approval of the size and location of mains, valves and hydrants proposed.

14. Sewage Disposal: The development shall provide for adequate sewage disposal.

   a. In cases where municipal sewage is proposed, the system shall conform with all the standards of the Rumford Sewage Department. The Planning Board shall require a statement from the Superintendent of the Rumford Sewer Department and the Rumford-Mexico Sewer District that states whether capacity is available for the development.

   b. Where a septic system is to be used, it shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules.

15. Stormwater Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site.
16. **Soil Erosion and Sediment:** Soil erosion and sedimentation of water courses and water bodies shall be minimized. The Planning Board shall find that the standards set forth in the *Maine Erosion and Control Handbook for Construction: Best Management Practices* (March 1991 and as amended) will be used.

17. **Exterior Lighting:** All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

18. **Noise:** The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
   
   a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

   Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)
   (measured in dB(a) scale)

<table>
<thead>
<tr>
<th></th>
<th>7 a.m. – 10 p.m.</th>
<th>10 p.m. – 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Commercial</td>
<td>65</td>
<td>55</td>
</tr>
<tr>
<td>Industrial</td>
<td>70</td>
<td>70</td>
</tr>
</tbody>
</table>


   c. The following uses and activities shall be exempt from the sound pressure level regulations.

   1. Noise created by construction and temporary maintenance activities between 6:30a.m. and 8:00 p.m.
   2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

19. **Air Pollution:** The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.

20. **Odors:** The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

21. **Financial and Technical Capacity:** The applicant has adequate financial and technical capacity to meet the above standards.

22. **Conformance with the Comprehensive Plan:** The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.
Section 8. Special Regulations.

The following regulations shall be complied with, in addition to the performance standards contained in Section 8 of this Ordinance.

A. **Home Occupations**: Home Occupations which do not meet the criteria contained in Section III.B.4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. **Applications Located on Sand and Gravel Aquifers**: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are
disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. **Petroleum and other hazardous material storage and transfer.** A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

<table>
<thead>
<tr>
<th>dry cleaners</th>
<th>photo processors</th>
</tr>
</thead>
<tbody>
<tr>
<td>printers</td>
<td>auto washes</td>
</tr>
<tr>
<td>laundromats</td>
<td>meat packers/slaughter houses</td>
</tr>
<tr>
<td>salt piles/sand-salt piles</td>
<td>wood preservers</td>
</tr>
<tr>
<td>leather tanning</td>
<td>electrical equipment manufacturers</td>
</tr>
<tr>
<td>plastic/fiberglass fabricating</td>
<td>chemical reclamation facilities</td>
</tr>
<tr>
<td>industrial waste disposal/impoundment areas</td>
<td>graveyards</td>
</tr>
<tr>
<td>chemical manufacturing</td>
<td>pesticide/herbicide stores</td>
</tr>
<tr>
<td>metal platters</td>
<td>concrete/asphalt/coal companies</td>
</tr>
</tbody>
</table>

**Section 9. Enforcement.**

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectpersons of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectpersons are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 9 A, above, are not promptly complied with after receipt of said notices, the Selectpersons shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

**Section 10. Appeals.**
A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board’s decision. If it is shown after public hearing that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.

Section 11. Definitions.

**Abutting Landowners**: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

**Agricultural Land Management Practices**: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

**Accessory Use or Structure**: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and

2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and

3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

**Building**: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

**Change in Use**: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

**Commercial**: Connected with the buying or selling or goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

**Dwelling Unit**: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

**Forest Management Activities**: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

**Home Occupation**: An occupation or profession which-results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:
1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the home.

Impervious Surface: The area of land covered by buildings, structures and paved and gravel surfaces.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Persons: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

Substantial Enlargement: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetlands: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils
CHAPTER 33-C
Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance

ADOPTED November 8, 1994

AMENDED JUNE 10, 1997

Section 1(A) – Scotties Brook Aquifer added
AMENDED JUNE 13, 2006

Section 2(A) – last sentence deleted regarding rate of demand comparison with flow
AMENDED JUNE 13, 2006

Section 2(C) – “toxic waste pollution” deleted and replaced with “contamination”
AMENDED JUNE 13, 2006

Section 2(E) – entire language deleted and replaced with new language
AMENDED JUNE 13, 2006

Section 2(F) – Scotties Brook added and potential well points language deleted
AMENDED JUNE 13, 2006

Section 4(A) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 4(B) – “A copy” changed to “Copies” added
AMENDED JUNE 13, 2006

Section 4(C) – Scotties Brook and zones language added
AMENDED JUNE 13, 2006

Section 4(E)
DELETE JUNE 13, 2006

Section 6(A) – Language added to include the Swift River
AMENDED JUNE 13, 2006

Section 6(C) – DELETED and lettering for remaining sections re-lettered
JUNE 13, 2006

Section 6(I) – Letter changed to H for paragraph and Section 1 added for Maine licensing and to delete “hydrogeologist” and add “Certified Geologist”
AMENDED JUNE 13, 2006

Section 11(B) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 11(F) – Effective date of July 13, 2007 for amended ordinance added
AMENDED JUNE 13, 2006
Section 1. Purpose

A. To manage the groundwater recharge areas of the Ellis River and Scotties Brook aquifers in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuing a dependable water supply to the Town for the future.

B. To protect the aquifers from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifers’ high water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Rumford as well as surrounding communities to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

A. The Town of Rumford is fortunate in that it has access to water supplies that are both plentiful and of excellent quality. From the Ellis River and Scotties Brook aquifers, the Rumford Water District draws water to serve roughly 1600 customers in Rumford. The total demand from customers is 24,000,000 gallons of water per month, a rate that is relatively consistent throughout the year.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of contamination are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. A report on the aquifer done in the fall of 1990 by Caswell, Eichler, and Hill entitled “Evaluation of the Ellis River Aquifer” states that “because of the likelihood of future development within the Ellis River drainage basin, the possibility exists that future water quality may be adversely affected unless timely and appropriate resource management steps are taken.”

E. Scotties Brook has been determined to be a “losing stream” meaning that water flowing in the brook enters the aquifer. The water quality of Scotties Brook can affect the water quality of the aquifer. Therefore, the water quality of Scotties Brook must also be protected.

F. Changes in the Federal Drinking Water Standards related to the Safe Drinking Water Act require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Ellis River and Scotties Brook Aquifers will give the Rumford Water District flexibility in the future when considering options for the efficient delivery of clean drinking water as well as protect the investment which the District has already put forth for the well supplies.
Section 3. Definitions

Definitions from Rumford’s Shoreland Zoning Ordinance shall apply unless the definitions below are more restrictive.

**Accessory Uses:** A use or structure, which is incidental or subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant qualities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered “high yield” aquifers. The estimated yield of the Ellis River Aquifer is 400 gallons per minute and over.

**Automobile Graveyard:** As defined by 30-A M.R.S. § 3752.

**Campground:** Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

**Car Wash:** A commercial facility for the cleaning of automobiles.

**Cemetery:** An area for more than 10 graves.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Contained Salt, Sand/Salt Storage Piles:** Salt or sand/salt mixtures stored under cover with a runoff/leachate collection system.

**Demolition/Stump Dump:** An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.
**Drawdown:** The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

**Dry Cleaning Establishment:** Commercial establishment for dry cleaning clothes.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Forestry/Timber Harvesting:** The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

**Full Hydrogeological Study:** A study done by a Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Furniture Stripping:** Commercial or industrial establishment involved in the stripping and refinishing of furniture.

**Gas Station:** Establishment involved in the storage or dispensing of petroleum fuels.

**Hazardous Material:** This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.
Impervious Surface: Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

Industrial Use: A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

In-Law Apartment: A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

Junkyards: As defined by 30-A M.R.S. § 3752.

Kennels: Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

Leachable Material: Liquid from solid materials that are capable of releasing harmful contaminants.

Manufacturing: An industrial/commercial establishment which mass produces objects or materials (goods).

Metal Plating: An industrial/commercial establishment involved in the plating of metals.

Multifamily Home: A structure that houses three (3) or more dwelling units as defined.


Open Space: Undeveloped area kept free of trees, bush and shrubs such as hayfields or meadows.

Petroleum: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

Photo Processors: Commercial establishments involved in the business of developing film.

Primary Recharge Area: The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that within the Town of Rumford identified in the Caswell, Eichler and Hill report as “Maximum Primary Recharge Area.” The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 500 feet to either side of the Ellis River. The primary recharge area is defined as Zones 1 and 2 on the Wellhead Protection map.

Public Utilities: Any person, firm, corporation, municipal department, board or commission authorized to furnish electricity, communication facilities, transportation or water to the public.

Recharge Area: The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Ellis River aquifer is comprised of a primary and secondary recharge area.
**Safe Yield:** The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

**Sand & Gravel Extraction:** Moving, removing or uncovering of natural resources such as sand and gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand and gravel extraction.

**Sawmills or Wood Processing Plant:** An industrial/commercial facility involved in the processing of raw wood.

**Secondary Recharge Area:** The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Ellis River in Rumford and surrounding communities as established by topographical high points, excluding the area defined as the primary recharge area. This area is identified on the Wellhead Protection - Zone 3 Boundaries plan.

**Service & Repair, Boats and Motor Vehicles:** Commercial facility involved in the repair of boats and motor vehicles.

**Single-Family Home:** A dwelling designed for or occupied exclusively by one (1) family.

**Sludge:** Residual materials produced by water or sewage treatment processes and by septic tanks.

**Solid Waste:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, and refuse.

**Subdivision:** As defined by Title 30-A of the Maine Statutes Revised.

**Truck Terminal:** Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

**Two-Family Home:** A dwelling designed for or occupied exclusively by two (2) families.

**Uncontained Salt, Sand/Salt Storage Piles:** Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

**Waste Water:** Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.
**Waste Water Disposal System:** Any system designed to dispose of waste or wastewater on or in the surface of the earth or in surface water bodies.

**Watershed:** The area of contribution to a surface water body. It is defined by topographic high points.

### Section 4. District Boundaries

A. For the purposes of this ordinance, and in order to carry out its regulations, the Ellis River Aquifer Protection District shall be delineated on a map titled "Wellhead Protection: Ellis River Aquifer Protection District Map" and the Scotties Brook Aquifer Protection District shall be delineated on a map titled "Wellhead Protection: Scotties Brook Aquifer Protection District Map".

B. Copies of said maps will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. **Aquifer Protection Districts:**

1. The Ellis River Aquifer Protection District includes three (3) zones:

   **Zone 1** consists of land that is owned or fully controlled by the Water District and would be considered to be within the 200 day travel time.

   **Zone 2** which consists of the area depicted between the 200 day and the 2500 day time of travel.

   **Zone 3** which consists of the watershed of the Ellis River within the Town of Rumford and surrounding communities as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes a secondary recharge area. Zone 3 is shown on Map 2, "Wellhead Protection", Zone 3 Boundaries.

2. The Scotties Brook Aquifer Protection District includes three (3) zones:

   **Zone 1** consists of land that is within 300 feet of each wellhead.

   **Zone 2** consists of the area depicted between the 200 day and the 2500 day time of travel and a 250 foot buffer on each side of Scotties Brook and its tributaries.

   **Zone 3** consists of the watershed of Scotties Brook as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes the secondary recharge area.
D. **Revision of Map**

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.

2. No changes to the Aquifer Protection District Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Rumford and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Aquifer Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Rumford Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectpersons that the proposed Aquifer Protection Map amendment be placed on the next Town Meeting or Special Town Meeting Warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.
### Section 5. District Use and Space Standards

#### A. Uses of Land within Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Residential</strong></td>
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<tr>
<td>Accessory Uses</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Single-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations</td>
<td>X</td>
<td>PR</td>
<td>P</td>
</tr>
<tr>
<td>Two-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family homes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>In-law apartments</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td><strong>2. Commercial</strong></td>
<td></td>
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<tr>
<td>Agriculture</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal husbandry other than commercial animal feed lots</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Boats and motor vehicle service &amp; repair</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Campgrounds</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Car washes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Commercial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Dry cleaning establishments</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Forestry/timber harvesting subject to the performance standards of the</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Town's Shoreland Zone Ordinance within 250 ft of Ellis River</td>
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<tr>
<td>Furniture stripping</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Gas Stations</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Kennels</td>
<td>X</td>
<td>PR</td>
<td>P</td>
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<tr>
<td>Photo processors</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Truck terminals</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td><strong>3. Industrial</strong></td>
<td></td>
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<tr>
<td>Sand and gravel extraction</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>Activity</td>
<td>Y1</td>
<td>Y2</td>
<td>Y3</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>Junkyard/automobile graveyard</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Manufacturing</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Metal plating</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Sawmills and wood processing plant</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Other industrial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>4. Miscellaneous</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cemetery</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Disposal of storage of solid waste, hazardous materials or leachate</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>materials (unless specifically permitted within the Zone)</td>
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<tr>
<td>Engineered&quot; (wastewater disposal) system when accompanied by a full</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>hydrogeological study and meeting the performance standards herein</td>
<td></td>
<td></td>
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<tr>
<td>Open space</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor recreation, except those which disrupt the surfaces of hillsides</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>or other watershed areas</td>
<td></td>
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<tr>
<td>Foot bridge and bicycle paths</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Uncontained salt, sand/salt storage piles</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Wastewater disposal system</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Use of off-road vehicles</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Public utilities</td>
<td>PR</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>Contained salt, sand/salt storage piles</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>Roads and parking areas</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Application of chemical fertilizers, herbicides or pesticides on more</td>
<td>X</td>
<td>X</td>
<td>P</td>
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<tr>
<td>than three (3) of land</td>
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<tr>
<td>Application of chemical fertilizers, herbicides pesticides on more than</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>five (5) acres of land</td>
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<tr>
<td>Demolition/stump dumps</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>Activity</td>
<td>X</td>
<td>P</td>
<td>PR</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>Subsurface storage of petroleum and other refined petroleum products</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>with the exception of household heating oil where the underground</td>
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<td>storage tank is in full compliance with Volume 2 of the code of Maine</td>
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<td>Rules, 4th printing, DEP Bureau of Oil and Hazardous Materials,</td>
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<tr>
<td>Chapter 691 Regulations for Underground Storage Facilities</td>
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<tr>
<td>Petroleum storage for commercial or industrial use</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Land application of manure in conformance with the handbook “Maine</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Guidelines for Manure Disposal on Land” published by the Maine Soil</td>
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<td>and Water Conservation Comm., July, 1972</td>
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<tr>
<td>Non-residential pipelines for transmission of oil, gas or</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>hazardous materials</td>
<td></td>
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<tr>
<td>Aerial spraying of herbicides, pesticides</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>Operations and maintenance activities of the Rumford Water</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>District consistent with the purposes of this ordinance and provision</td>
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<tr>
<td>of a safe and adequate water supply, including but not limited to</td>
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<td>water supply exploration and well development; water system flushing</td>
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<td>and treatment; construction and maintenance of transmission and</td>
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<td>distribution lines, structures, and access roads; operation of</td>
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<td>vehicles and equipment; installation of fencing and signage; and</td>
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<tr>
<td>activities necessary to comply with state and federal regulations</td>
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</tbody>
</table>

X - Not permitted
P - Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met).
PR - Requiring Planning Board review.
Section 6. Administration and Enforcement

A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.

B. All activity within Zone 3 in the Town of Rumford shall meet these requirements and shall follow the guidelines set forth in this ordinance. The Rumford Water District shall be notified in writing prior to any decisions made on the activity by the CEO or the Planning Board. All activities within the Shoreland Zone of the Ellis River and Swift Rivers and their tributaries in the Town of Rumford shall require Planning Board approval. The District shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the District of these impending activities.

C. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

D. If any portion of a lot is located in Zone 1 or Zone 2, all the land located in Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by the regulations for Zone 2.

E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Rumford Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Aquifer Protection District. The CEO shall notify the Chairperson of the Planning Board and the Chairperson of the Rumford Water District Trustees of any applications for uses proposed in the Aquifer Protection District.

F. The Planning Board (hereafter referred to as “the Board”) shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.

2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.
3. The Board shall notify the Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.

5. The Board shall, after a public hearing with due notice, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:

   a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

   b. The proposed use meets all applicable performance standards;

   c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;

   d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

   e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

   f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

G. The CEO shall enforce the provisions of the Aquifer Protection Districts. The CEO and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.

H. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.

1. The number, location and depth of the monitoring wells shall be determined by a Maine licensed engineer or Certified Geologist chosen or approved by the Town in accordance with “Guidelines for Monitoring Well Installation and Sampling” (Tolman, Maine Geologic Survey, 1983).

2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations do not exceed ½ of any federal, state or local drinking water quality standards.
I. For subdivisions located in the Aquifer Protection District, the Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision’s impact on groundwater quality.

J. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than $100 and not more than $2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

K. Existing and future activities of the Rumford Water District are exempt from regulation under this ordinance. This exemption is necessary to allow the District to carry out its purpose of supplying high quality water to the residents of Rumford.

Section 7. Submission Requirements.

A. Applications for permission to carry out any activity in Zone 1 or Zone 2 shall be accompanied by the following information.

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:

   a. Aquifer Protection District boundaries if they cross the parcel.

   b. Boundaries of the property and abutting streets.

   c. Outlines of all buildings.

   d. Layout and location of access drives, parking areas and vehicular maneuvering areas.

   e. Location of all petroleum storage tanks.

   f. Location of buffers, landscaping, and existing vegetation which may be retained.

   g. Location and description of storage areas and types of materials to be stored.

   h. Location of wastewater disposal systems or public sewer facilities.
i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.

3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200).

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high water table.

2. A hydrogeological study of the proposed use’s impact on groundwater quality.

3. Water quality data from on-site monitoring wells.

4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards. All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection Districts shall conform to use and space standards contained in the Ordinance and the following minimum levels of performance.

A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Rumford’s groundwater supply.

2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating
winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control


2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Oxford County Soil and Water Conservation District shall be submitted by the applicant.

C. Home Occupations

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.

2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.

3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.

4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.

6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

D. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.
E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for predevelopment and post-development runoff for the site for a 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

G. Subsurface Waste Disposal Systems

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro-geological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than one half of the Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.
2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.

9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Non-Conformance

A. Structures, uses and lots which were legally existing as of November 8, 1994 (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance.

C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance.
Section 10. Appeals

A. Administrative Appeals

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or CEO in writing to the Board of Appeals, within 30 days of the Planning Board’s or the CEO’s decision. The Board of Appeals may reverse the Planning Board’s or the CEO’s decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of 30-A M.R.S. § 2691 as amended. Administrative appeals shall be administered according to the provisions of the Rumford Shoreland Zoning Ordinance.

2. If the Planning Board disapproves an application for subdivision approval which is subject to the provisions of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

B. Variances

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of an undue hardship, as defined in 30-A M.R.S. § 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Rumford Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority
This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the **Wellhead Protection Ordinance for the Ellis River and Scotties Brook Aquifers**.

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

E. Separability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

F. Effective Date

The effective date of this ordinance is **September 14, 1994**.

The effective date of amended ordinance to include permitting section is **September 10, 1997**.

The effective date of the amended ordinance to include Scotties Brook is **July 13, 2007**.
CHAPTER 33-D
Wind Energy Facility Ordinance

ADOPTED NOVEMBER 8, 2011

REPEALED JUNE 14, 2016 AND REPLACED WITH CHAPTER 33-E
CHAPTER 33-E
Wind Energy Facility Ordinance
ADOPTED JUNE 14, 2016

Section 1. Title. This Ordinance shall be known as the Wind Energy Facility Ordinance for Rumford.

Section 2. Authority. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, et seq.

Section 3. Purpose. The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Rumford, subject to reasonable conditions that will protect the public health, safety, and welfare.

Section 4. Definitions.

Applicant is the legal entity, including successors and assigns, that files an application under this Ordinance.

Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.

Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

Historic Area means a Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.
Municipal Reviewing Authority means the municipal planning board, agency or office, or if none, the municipal officers.

Nacelle means the frame and housing at the top of the Tower that encloses the gearbox and generator.

Non-Participating Landowner means any landowner, other than a Participating Landowner whose land is located within Rumford.

Occupied Building means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

Participating Landowner means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

Person means an individual, corporation, partnership, firm, organization or other legal entity.

Planned Residence means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

Protected Location means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

Residence means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

Scenic Resource means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.
**Short Duration Repetitive Sounds** means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

**Sight Line Representation** means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Significant Wildlife Habitat** means a Significant Wildlife Habitat as defined in 38 M.R.S. § 4800B (10).

**Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

**Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.

**Turbine Height** means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

**Wind Energy Facility** means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

**Wind Energy Facility, Type 1A** means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B** means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind Energy Facility, Type 2** means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Energy Facility, Type 3** means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Turbine** means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

**Section 5. Applicability.**

5.1 This Ordinance applies to any Wind Energy Facility proposed for construction in Rumford after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Rumford, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.

5.2 A Wind Energy Facility that is the subject of an application determined to be complete by the Planning Board prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.
Section 6. Conflict and Severability.

6.1 If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Rumford ordinance, the provision of this Ordinance shall apply.

6.2 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 7. Effective Date. This Ordinance becomes effective on June 30, 2016.

Section 8. Classification of Wind Energy Facilities.

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max. # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A &lt;100 kW</td>
<td>&lt; 80'</td>
<td>1</td>
<td>No</td>
<td>Code Enforcement Officer</td>
<td></td>
</tr>
<tr>
<td>1B &lt;100 kW</td>
<td>&gt; 80'</td>
<td>NA</td>
<td>No</td>
<td>Planning Board</td>
<td></td>
</tr>
<tr>
<td>2 ≥100 kW</td>
<td>NA</td>
<td>NA</td>
<td>No</td>
<td>Planning Board</td>
<td></td>
</tr>
<tr>
<td>3 ≥ 100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes</td>
<td>Planning Board</td>
<td></td>
</tr>
</tbody>
</table>

1 Per 35-A M.R.S. § 3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.

2 Per 38 M.R.S. § 482(2)

Section 9. Administration.

9.1 Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

9.2 Permit Required

1. No Wind Energy Facility shall be constructed or located within Rumford without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.
9.3 Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

   a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

   b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with the Schedule of License, Permit and Application Fees.

   c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

   a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

   b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

9.4 Permit Application Procedures

1. Type 1A Wind Energy Facility Application

   a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.
b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.

c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance’s provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12, 13, and 14.

f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.
Table 2
Procedural Time Frames

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Application Completeness</th>
<th>Public Hearing</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;10 days $^1$</td>
<td>NA</td>
<td>&lt;30 days $^2$</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;30 days $^1$</td>
<td>&lt;30 days $^2$</td>
<td>&lt;60 days $^2$</td>
</tr>
<tr>
<td>2</td>
<td>&lt;30 days $^1$</td>
<td>&lt;60 days $^2$</td>
<td>&lt;90 days $^2$</td>
</tr>
<tr>
<td>3</td>
<td>&lt;30 days $^1$</td>
<td>&lt;60 days $^2$</td>
<td>&lt;90 days $^2$</td>
</tr>
</tbody>
</table>

1 Days after receipt of the application by the Code Enforcement Officer
2 Days after the application is determined to be complete

9.5 Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

9.6 Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

9.7 Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full
estimated cost, which the municipality shall place in an escrow account. The municipality shall pay
the attorney or consultant from the escrow account and reimburse the Applicant if funds remain
after payment.

9.8 Expiration of Permits
Permits shall expire: 1) two years after the date of approval unless a substantial start on
construction has occurred and; 2) three years after the date of approval unless construction of the
Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility
expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan.
Upon the Applicant’s written request, the municipal entity responsible for review and approval of the
application under section 9.1 may extend either or both expiration time limits by one year.

9.9 Access
The Code Enforcement Officer shall have access to the site at all times to review the progress of
the work and shall have the authority to review all records and documents directly related to the
design, construction and operation of the facility.

9.10 Enforcement
1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is
contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued
under the Ordinance, or to cause another to violate or fail to comply or take any action
which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer or other Person charged with enforcement of municipal
laws determines that a violation of the Ordinance or the permit has occurred, the Code
Enforcement Officer shall provide written notice to any Person alleged to be in violation of
this Ordinance or permit. If the alleged violation does not pose an immediate threat to public
health or safety, the Code Enforcement Officer and the alleged violator shall engage in
good faith negotiations to resolve the alleged violation. Such negotiations shall be
conducted within thirty (30) days of the notice of violation and, with the consent of the
alleged violator, may be extended.

3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by
the alleged violator, the Code Enforcement Officer determines, in the Officer’s reasonable
discretion, that the parties have not resolved the alleged violation, the Code Enforcement
Officer may institute civil enforcement proceedings or any other remedy at law to ensure
compliance with the Ordinance or permit.

9.11 Appeals
Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under
this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 37, Board
of Appeals.

Section 10. Application Submission Requirements.

10.1 General Submission Requirements
1. A completed application form including:
a. The Applicant and Participating Landowner(s’) name(s) and contact information.
b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any.

2. Receipt showing payment of application fee in accordance with the Schedule of License, Permit and Application Fees.

3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.

4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.

5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.

a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

9. Description of emergency and normal shutdown procedures.

10. Photographs of existing conditions at the site.

11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer's specifications or, c) prepared and stamped by a Maine-licensed professional engineer.

12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:

a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant’s obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;
b. a written request for review under section 14.1 along with information required under Section 15, subsection 15.2 (Submissions).

13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:
   a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.
   b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.
   c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:
   a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. § 481, et seq.;
   b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and
   c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.2 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.

2. Decommissioning plan in conformance with Section 16.

3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.

4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.

5. Visual impact assessment, if required pursuant to section 14.5.

6. Stormwater management plan stamped by a Maine-licensed professional engineer.

7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.
8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.
9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

Section 11. Meteorological Towers (MET Towers).
Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

Section 12. General Standards.

12.1 Safety Setbacks

Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

12.2 Natural Resource Protection

A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

12.3 Building Permit

All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

12.4 Overspeed Controls and Brakes

Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

12.5 Electrical Components and Interconnections

All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

12.6 Access

All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

12.7 Blade Clearance
The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

12.8 Signal Interference
The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

12.9 Structure Type
With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

12.10 Erosion Control

12.11 Building-Mounted Wind Turbines
Building-mounted Wind Turbines are not permitted.

12.12 Visual Appearance
1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

12.13 Visibility of Wind Turbine
The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:

1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.

2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

Section 13. Special Standards for Type 1A and Type 1B Wind Energy Facilities.

13.1 Noise emanating from a Type 1A or Type1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.

1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.
2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:
   a. At a Protected Location with no living and sleeping quarters:
      
      55 dBA during the Protected Location’s regular hours of operation
   
   b. At a Protected Location with living and sleeping quarters:
      
      1. Area(s) within 500 feet of living and sleeping quarters:
         
         42 dBA between 7:00 p.m. and 7:00 a.m.
      
         55 dBA between 7:00 a.m. and 7:00 p.m.
      
      2. Area(s) more than 500 feet from living and sleeping quarters:
         
         55 dBA at all times.
   
   c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:
      
      75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.6.

5. The Code Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
   
   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
   c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-
installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant’s expense and in accordance with the Rumford Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:

a. modification or limitation of operations during certain hours or wind conditions;
b. maintenance, repair, modification or replacement of equipment;
c. relocation of the Wind Turbine(s); and,
d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

13.2 Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant’s expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

Section 14.0. Special Standards for Type 2 and Type 3 Wind Energy Facilities.

14.1 Control of Noise

Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Section 15. If there is a conflict between a provision of Section 15 and another provision of this ordinance, the provision of Section 15 shall apply.

14.2 Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within Rumford to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

14.3 Warnings
A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

14.4 Artificial Habitat
To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

14.5 Effect on Scenic Resources

1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
   a. The significance of the potentially affected Scenic Resource;
   b. The existing character of the surrounding area;
   c. The expectations of the typical viewer;
   d. The Type 2 or Type 3 Wind Energy Facility’s purpose and the context of the proposed activity;
   e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public’s continued use and enjoyment of the Scenic Resource; and
   f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

   A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

14.6 Shadow Flicker
Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s property.

14.7 Relationship to DEP Certification and Permitting

1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

14.8 Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

14.9 Liability Insurance

The Applicant or an Applicant's designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

14.10 Design Safety Certification

Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

14.11 Public Inquiries and Complaints

1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.

2. The Applicant or its designee shall make reasonable efforts to respond to the public’s inquiries and complaints and shall provide written copies of all complaints and the company’s resolution or response to the Code Enforcement upon request.
14.12 Decommissioning
The Applicant shall prepare a decommissioning plan in conformance with Section 16.

Section 15.0. Control of Noise.

15.1 Applicability
Pursuant to section 14.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

15.2 Sound Level Limits
1. Sound Level Limits for Routine Operation of Wind Energy Facilities
   The sound levels resulting from routine operation of a wind energy facility measured in accordance with the measurement procedures described in subsection G shall not exceed the following limits:
   (a) 75 dBA at any time of day at any property line of the wind energy facility or contiguous property owned or controlled by the wind energy applicant, whichever is farther from the proposed wind energy facility's regulated sound sources; and
   (b) 55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime limit"), and 42 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime limit") at any protected location.

2. Tonal Sounds
   For the purposes of this subsection, a tonal sound exists if, at a protected location, the 10 minute equivalent average one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.
   (a) When routine operation of a wind energy facility produces tonal sounds, a 5 dBA penalty shall be arithmetically added to each average 10 minute sound level (Leq_{A 10-min}) measurement interval in which a tonal sound occurs.

3. Short Duration Repetitive Sounds ("SDRS")
   For the purposes of this subsection, SDRS is defined as a sequence of repetitive sounds that occur within a 10-minute measurement interval, each clearly discernible as an event resulting from the facility and causing an increase in the sound level of 5 dBA or greater on the fast meter response above the sound level observed immediately before and after the event, each typically ±1 second in duration, and which are inherent to the process or operation of the facility.
   (a) When routine operation of a wind energy facility produces short duration repetitive sound, a 5 dBA penalty shall be arithmetically added to each average 10-minute sound level (Leq_{A 10-min}) measurement interval in which greater than 5 SDRS events are present.

4. Sound from Construction of Facilities
   (a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

   (1) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

   (2) If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

   (3) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by:

   a. the Code Enforcement Officer when the duration of the nighttime construction activity is less than or equal to 90 days,
b. the Code Enforcement Officer and the Planning Board when the duration of the nighttime construction activity is greater than 90 days.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
</tr>
<tr>
<td>8 hours</td>
<td>90 dBA</td>
</tr>
<tr>
<td>6 hours</td>
<td>92 dBA</td>
</tr>
<tr>
<td>4 hours</td>
<td>95 dBA</td>
</tr>
<tr>
<td>3 hours</td>
<td>97 dBA</td>
</tr>
<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>

(c) All equipment used in construction on facility sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(5) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection B (1 through 3).

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection B (4). If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection B(4).

(6) Compliance with the Sound Level Limits

Compliance of a wind energy facility with the sound level limits set forth in subsection B (1 through 3) shall be determined in accordance with the following:

(a) Sound level data shall be aggregated in 10-minute measurement intervals within a given compliance measurement period (daytime: 7:00 am to 7:00 pm or nighttime: 7:00 pm to 7:00 am) under the conditions set forth in subsection G.

(b) Compliance will be demonstrated when the arithmetic average of the sound level of, at a minimum, twelve, 10-minute measurement intervals in a given compliance measurement period is less than or equal to the sound level limit set forth in subsection B (1through 3).

(c) Alternatively, if a given compliance measurement period does not produce a minimum of twelve, 10-minute measurement intervals under the atmospheric and site conditions set forth in subsection G, the wind energy facility may combine six or more contiguous 10-minute measurement intervals from one 12-hour (7:00 am to 7:00 pm daytime or 7:00 pm to 7:00 am nighttime) compliance measurement period with six or more contiguous 10-minute intervals from another compliance measurement period. Compliance will be demonstrated
when the arithmetic average of the combined 10-minute measurement intervals is less than or equal to the sound level limit set forth in subsection B (1 through 3).

15.3 Submissions

(1) Facilities with Minor Sound Impact
An applicant for a proposed facility with minor sound impact may choose to file as part of the wind energy facility application a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of these standards, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under subsection B. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) Other Facilities
Technical information shall be submitted describing the wind energy applicant’s plan and intent to make adequate provision for the control of sound. The wind energy applicant’s plan shall contain the following:

(a) A map depicting the location of all proposed sound sources associated with the wind energy facility, property boundaries for the proposed wind energy facility, property boundaries of all adjacent properties within one mile of the proposed wind energy facility, and the location of all protected locations located within one mile of the proposed wind energy facility;

(b) A description of the major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed wind energy facility;

(c) A description of the equivalent noise levels expected to be produced by the sound sources at protected locations located within one mile of the proposed wind energy facility. The description shall include a full-page isopleths map depicting the modeled decay rate of the predicted sound pressure levels expected to be produced by the wind energy facility at each clearly identified protected location within one mile of the proposed wind energy facility. The predictive model used to generate the equivalent noise levels expected to be produced by the sound sources shall be designed to represent the "predictable worst case" impact on adjacent properties and shall include, at a minimum, the following:
   1. The maximum rated sound power output (IEC 61400-11) of the sound sources operating during nighttime stable atmospheric conditions with high wind shear above the boundary layer and consideration of other conditions that may affect in-flow airstream turbulence;
   2. Attenuation due to geometric spreading, assuming that each turbine is modeled as a point source at hub height;
   3. Attenuation due to air absorption;
   4. Attenuation due to ground absorption/reflection;
   5. Attenuation due to three dimensional terrain;
   6. Attenuation due to forestation;
   7. Attenuation due to meteorological factors such as but not limited to relative wind speed and direction (wind rose data), temperature/vertical profiles and relative humidity, sky conditions, and atmospheric profiles;
   8. Inclusion of an “uncertainty factor” adjustment to the maximum rated output of the sound sources based on the manufacturer’s recommendation; and
   9. Inclusion, at the discretion of the Planning Board, of an addition to the maximum rated output of the sound sources to account for uncertainties in the modeling of sound propagation for wind energy facilities. This discretionary uncertainty factor of up to 3 dBA may be required by the Planning Board based on the following conditions: inland or coastal location, the extent and specificity of credible evidence of meteorological...
operating conditions, and the extent of evaluation and/or prior specific experience for the proposed wind turbines. Subject to the Planning Board’s discretion based on the information available, there is a rebuttable presumption of an uncertainty factor of 2 to 3 dBA for coastal facilities and of 0 to 2 dBA for inland facilities.

(d) A description of the protected locations near the proposed wind energy facility.
(e) A description of proposed major sound control measures, including their locations and expected performance.
(f) A comparison of the expected sound levels from the proposed facility with the sound level limits of these standards.
(g) A comparison of the expected sound levels from the proposed facility with any quantifiable noise standards of any neighboring municipality which may be affected by the noise.
(h) A description and map identifying one or more compliance testing locations on or near the proposed wind energy facility site. The identified compliance testing locations shall be selected to take advantage of prevailing downwind conditions and be able to meet the site selection criteria outlined in subsection G(4)(b).
(i) A description of the compliance measurement protocol as required by subsection G below.
(j) A description of the complaint response protocol proposed for the wind energy facility. The complaint response protocol shall adequately provide for, at a minimum:
   1. A 24-hour contact for complaints;
   2. A complaint log accessible by the Planning Board;
   3. For those complaints that include sufficient information to warrant an investigation, the protocol must provide for an analysis as set forth in (a) through (c) below. Sufficient information includes, at a minimum: the name and address of the complainant; the date, time and duration of the sound event; a description of the sound event, indoor or outdoor, specific location and a description of any audible sounds from other sources outside or inside the building of the complainant. Analysis of the complaint by the permit holder must include:
      (a) documentation of the location of the nearest turbines to the complaint location and ground conditions in the area of the complaint location;
      (b) weather conditions at the time of the complaint and surface and hub height wind speed and direction;
      (c) power output and direction of nearest turbines; and
      (d) notification of complaint findings to the Planning Board and the complainant;
   4. A plotting of complaint locations and key information on a project area map to evaluate complaints for a consistent pattern of site, operating and weather conditions; and
   5. A comparison of these patterns to the compliance protocol to determine whether testing under additional site and operating conditions is necessary and, if so, a testing plan that addresses the locations and the conditions under which a pattern of complaints had occurred.

15.4 Terms and Conditions
The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the applicant has made adequate provision for the control of noise from the facility and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the Planning Board from requiring an applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Planning Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the applicant has made adequate provision for the protection of wildlife.

15.5 Waiver from Sound Level Limits
A waiver may be granted by the Planning Board if: (1) a facility is deemed necessary in the interest of national defense or public safety and the applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the Planning Board that the proposed facility will not have an unreasonable impact on protected locations. The Planning Board shall consider the request for a waiver as part of the review of a completed wind energy facility application. In granting a waiver, the Planning Board may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

15.6 Definitions

Terms used herein are defined below for the purpose of this noise ordinance.

(1) **AMBIENT SOUND:** At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

(2) **CONSTRUCTION:** Activity and operations associated with the development or expansion of a facility or its site.

(3) **EMERGENCY:** An unforeseen combination of circumstances which calls for immediate action.

(4) **EMERGENCY MAINTENANCE AND REPAIRS:** Work done in response to an emergency.

(5) **ENERGY SUM OF A SERIES OF LEVELS:** Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section B (1 through 3).]

(6) **EXISTING FACILITY:** A facility constructed or approved under a pertinent ordinance prior to the effective date of this ordinance or a proposed facility for which the permit application is complete for processing on or before the effective date of this ordinance. Any development with a permit approval which has been remanded to the Planning Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and this ordinance shall apply to the existing noise sources at that facility.

(7) **EXISTING HOURLY SOUND LEVEL:** The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

(8) **EQUIVALENT SOUND LEVEL:** The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

**NOTE:** For convenience, a one-hour equivalent sound level should begin approximately on the hour.

(9) **HISTORIC AREAS:** Historic sites administered by the Bureau of Parks and Recreation of the Maine Department of Agriculture, Conservation and Forestry, with the exception of the Arnold Trail.

(10) **HOURLY SOUND LEVEL:** The equivalent sound level for one hour measured or computed in accordance with this ordinance.
(11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA**: Any site or area designated by Rumford for passive recreation that is open and maintained for public use and which:

(a) has fixed boundaries,
(b) is owned in fee simple by Rumford or is accessible by virtue of public easement,
(c) is identified and described in the Rumford comprehensive plan, and
(d) has been identified and designated at least nine months prior to the filing of the applicant's permit application.

(12) **MAXIMUM SOUND LEVEL**: Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: $L_{AFmax}$

(13) **MAXIMUM SOUND**: Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

(14) **RESIDENCE**: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

(15) **PRE-DEVELOPMENT AMBIENT**: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

(16) **PROTECTED LOCATION**: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site at the time a permit application is submitted; or any location within a State Park, Baxter State Park, National Park, Historic Area, a nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy, The Appalachian Trail, the Moosehorn National Wildlife Refuge, federally-designated wilderness area, state wilderness area designated by statute (such as the Allagash Wilderness Waterway), or locally-designated passive recreation area; or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands of the Maine Department of Agriculture, Conservation and Forestry as a protected location.

At protected locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Planning Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Planning Board may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.
This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17) QUANTIFIABLE NOISE STANDARD: A numerical limit governing noise from developments that has been duly enacted by ordinance by a local municipality.

(18) ROUTINE OPERATION: Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.

(19) SHORT DURATION REPETITIVE SOUNDS: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

(20) SOUND COMPONENT: The measurable sound from an audibly identifiable source or group of sources.

(21) SOUND LEVEL: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

(22) SOUND PRESSURE: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

(23) SOUND PRESSURE LEVEL: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

(24) TONAL SOUND: for the purpose of this ordinance, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

NOTE: Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:
15.7 Measurement Procedures

These procedures specify measurement criteria and methodology for use with wind energy facility applications, compliance and complaint response. They provide methods for measuring the sound from operation of the wind energy facility and set forth the information to be reported.

(1) Measurement Criteria

(a) Measurement Personnel

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the Planning Board.

(2) Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 0 or 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 0 or 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 61672-1 and ANSI 1.43.

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of the American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11 and IEC 61260, Type 3-D performance.

(d) The acoustical calibrator used shall be of a type recommended by the manufacturer of the sound level meter and one that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.

(e) The microphone windscreen used shall be of a type recommended by the manufacturer of the sound level meter.

(f) Anemometer(s) used for surface (10 meter (m)) (32.8 feet) wind speeds shall have a minimum manufacturer specified accuracy of ±1 mph providing data in one second integrations and 10 min. average/maximum values for the evaluation of atmospheric stability.

(g) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp.

(3) Equipment Calibration

(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Institute of Standards and Technology.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

(c) Anemometer(s) and vane(s) shall be calibrated annually by the manufacturer to maintain stated specification.

(4) Compliance Measurement Location, Configuration, and Environment

(a) Compliance measurement locations shall be at nearby protected locations that are most likely affected by the sound from routine operation of the wind energy facility subject to permission from the respective property owner(s).
(b) To the greatest extent possible, compliance measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 75-foot radius around the sound and audio monitoring equipment.

(c) To the greatest extent possible, meteorological measurement locations shall be at the center of open flat terrain, inclusive of grass and a few isolated obstacles less than 6 feet in height for a 2500-foot radius around the anemometer location. The meteorological data measurement location need not be coincident with the sound and audio measurement location provided there is no greater than a 5 mile separation between the data collection points and the measurement locations have similar characterization, i.e. same side of the mountain ridge, etc.

(d) Meteorological measurements of wind speed and direction shall be collected using anemometers at a 10-meter height (32.8 feet) above the ground. Results shall be reported, based on 1-second integration intervals, and shall be reported synchronously with hub level and sound level measurements at 10-minute measurement intervals. The wind speed average and maximum shall be reported.

(e) The sound microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

(f) When possible, measurement locations should be at least 50 feet from any sound source other than the wind energy facility's power generating sources.

(5) **Compliance Data Collection, Measurement and Retention Procedures**

(a) Measurements of operational, sound, audio and meteorological data shall occur as set forth in subsections G (5)(g through j).

(b) All operational, sound and meteorological data collected shall be retained by the wind energy facility for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(c) All audio data collected shall be retained by the wind energy facility for a period of four weeks from the date of collection unless subject to a complaint filed in accordance with the complaint protocol approved by the Planning Board and is subject to inspection by the Planning Board and submission to the Planning Board upon request. Specific audio data collected that coincides with a complaint filed in accordance with the approved complaint protocol shall be retained by the wind energy permit holder for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(d) Written notification of the intent to collect compliance data must be received by the Planning Board prior to the collection of any sound level data for compliance purposes. The notification shall state the date and time of the compliance measurement period.

**NOTE:** Notice received via electronic mail is sufficient regardless of whether it is received during business hours.

(e) Compliance data from the operation of a wind energy facility shall be submitted to the Planning Board, at a minimum:

(1) Once during the first year of facility operation;
(2) Once during each successive fifth year thereafter until the facility is decommissioned;
(3) In response to a complaint regarding operation of the wind energy facility as set forth in subsection C (2)(j) and any subsequent enforcement by the Code Enforcement Officer; and
(4) For validation of an applicant's calculated sound levels when requested by the Planning Board.

(f) All sound level, audio and meteorological data collected during a compliance measurement period for which the Planning Board has been notified that meets or exceeds the specified wind speed parameters shall be submitted to the Planning Board for review and approval. All data submittals shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data.
(g) Measurement shall be obtained during weather conditions when the wind turbine sound is most clearly noticeable, generally when the measurement location is downwind of the wind energy facility and maximum surface wind speeds < 6 miles per hour (mph) with concurrent turbine hub-elevation wind speeds sufficient to generate the maximum continuous rated sound power from the nearest wind turbines to the measurement location. A downwind location is defined as within 45° of the direction between a specific measurement location and the acoustic center of the five nearest wind turbines.

NOTE: These conditions typically occur during inversion periods usually between 11 pm and 5 am.

(h) In some circumstances, it may not be feasible to meet the wind speed and operations criteria due to terrain features or limited elevation change between the wind turbines and monitoring locations. In these cases, measurement periods are acceptable if the following conditions are met:

1. The difference between the L_{A90} and L_{A10} during any 10-minute period is less than 5 dBA; and
2. The surface wind speed (10 meter height) (32.8 feet) is 6 mph or less for 80% of the measurement period and does not exceed 10 mph at any time, or the turbines are shut down during the monitoring period and the difference in the observed L_{A50} after shutdown is equal to or greater than 6 dBA; and
3. Observer logs or recorded sound files clearly indicate the dominance of wind turbine(s).

(i) Measurement intervals affected by increased biological activities, leaf rustling, traffic, high water flow, aircraft flyovers or other extraneous ambient noise sources that affect the ability to demonstrate compliance shall be excluded from all compliance report data. The intent is to obtain 10-minute measurement intervals that entirely meet the specific criteria.

(j) Measurements of the wind energy facility sound shall be made so as to exclude the contribution of sound from other facility equipment that is exempt from this ordinance.

(6) Reporting of Compliance Measurement Data
Compliance Reports shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data or upon request by the Planning Board and shall include, at a minimum, the following:

(a) A narrative description of the sound from the wind energy facility for the compliance measurement period result;
(b) The dates, days of the week and hours of the day when measurements were made;
(c) The wind direction and speed, temperature, humidity and sky condition;
(d) Identification of all measurement equipment by make, model and serial number;
(e) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations;
(f) All A-weighted equivalent sound levels for each 10-minute measurement interval;
(g) All L_{A10} and L_{A90} percentile levels;
(h) All 10 minute 1/3 octave band linear equivalent sound levels (dB);
(i) All short duration repetitive events characterized by event amplitude. Amplitude is defined as the peak event amplitude minus the average minima sound level immediately before and after the event, as measured at an interval of 50 milliseconds (“ms”) or less, A-weighted and fast time response, i.e. 125 ms. For each 10-minute measurement interval short duration repetitive sound events shall be reported by number for each observed amplitude integer above 5 dBA.
(j) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp. Should any sound data collection be observed by a trained attendant, the attendant’s notes and observations may be substituted for the audio files during the compliance measurement period;
(k) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present; and
Section 16. Decommissioning Plan

Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

[Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.
CHAPTER 34
Obscenity Ordinance

No person with knowledge of the content and character shall display or exhibit for sale in a public place any book, newspaper, magazine or publication depicting obscene, lewd and indecent pictures and/or the exploitation of nudity.
CHAPTER 34-A  
Licensing and Regulation of Sexually Oriented Businesses  
ADOPTED JUNE 13, 2006

Section 1. Findings. This ordinance was created to counter the negative secondary effects of sexually oriented businesses by regulating the time, place and manner of operation of sexually oriented businesses. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. This evidence is relevant to issues facing the Town of Rumford. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, libraries, or other sexually oriented businesses. Research indicates that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties in the opinion of real estate appraisers and lenders.

The Town of Rumford further finds that it is necessary to prevent the commercial exploitation of the human body and specific anatomical areas having to do with sex and sexual arousal in order to prevent the creation of a tawdry atmosphere that adversely affects the quality of life, to prevent blight and deterioration, and to prevent negative secondary affects and advance the public health, safety and welfare.

Section 2. Purpose. The purpose of this ordinance is to regulate the time, place and manner of operation of sexually oriented businesses in order to insure compliance with this ordinance and to insure that the business is not having a negative secondary effect on the neighborhood or town. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the town at large. The primary control or regulation of this ordinance pertains to the location and manner of operation of sexually oriented businesses. The purpose of this ordinance is not to prohibit sexually oriented businesses from operating in the Town of Rumford, but to regulate their operation while providing a reasonable opportunity for such businesses to exist.

Section 3. Definitions.

A. **Adult Book, Video, and/or Amusement Store:** An establishment having as a substantial or significant portion of it stock in trade in “sexual devices,” and/or printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.

B. **Adult Entertainment Facility:** A public or private establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or featuring topless or nude dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers and patrons who may be encouraged to perform in a sexually explicit manner, perform “specified sexual activities” or display “specified anatomical areas.” It shall also include any establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the
prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of “specified sexual activities;” or offers sadomasochistic acts or bondage and discipline to patrons or performs such acts on employees or other entertainers.

C. **Adult Spa.** An establishment or place primarily in the business of providing (i) a steam bath or sauna, (ii) other bathing or hot tub services, or (iii) “rub-down” or other pseudo-massage services by a person or persons not licensed as a Massage Therapist by the State of Maine.

D. **Corporation:** The use of “corporation” in this ordinance shall mean a “corporation”, “limited liability company” or “partnership” as defined under Maine state law.

E. **Sexually Oriented Business:** Sexually oriented businesses include, but are not limited to, adult video, book and/or amusement stores and adult entertainment facilities and adult spas.

F. **Residence:** Any structure which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium or a mobile home.

G. **Sadomasochistic Acts or Acts of Bondage and Discipline:** Flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

H. **Sexual Device:** A device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.

I. **Specified Sexual Activities:** Activities that contain or produce

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact, as defined by Maine law, or sodomy;
3. Fondling or other touching of human genitals, pubic region, buttock or female breast.

J. **Specified Anatomical Areas:** Areas including, but not limited to:

1. Human genitals, pubic region, buttocks or the female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Section 4. License Required.** A person or entity wishing to operate a sexually oriented business shall obtain an annual license prior to opening the establishment, prior to expiration of a current annual license and, for a sexually oriented business in existence at the time of adoption of this ordinance, within six (6) months after the adoption of this ordinance.

**Section 5. Application; Investigation and Issuance of License.**

A. **Application.** An application for a sexually oriented business license shall:

1. Annually complete and file an application prescribed by the Town Clerk;
2. Deposit the license fee and a processing fee, established by the Selectpersons in the Schedule of License, Permit and Application Fees, in advance with the Town Clerk;
3. Submit the completed application to the Town Clerk, together with: attested copies of the articles of incorporation and by-laws, if the applicant is a corporation; evidence of partnership,
a partnership; or articles of association and by-laws, if the applicant is an association, as well as a list of all officers and directors;

4. File an affidavit that identifies all owners, financial investors, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding three (3) years;

5. File the release authorized by 16 M.R.S. § 620(6) (Criminal History Record Information Act) with the application for each officer, owner, manager or partner of the applicant;

6. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner; and

7. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

B. Investigation of Applicant and Officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

1. The Code Enforcement Officer shall verify that the premises at which the establishment will be located comply with all applicable laws and building codes of the town and state and the State Plumbing Code and shall report his or her findings in writing to the Town Clerk;

2. The Health Officer shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

3. The Fire Chief shall inspect the location or proposed location to determine if all state laws and codes and all town ordinances concerning fire and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

4. The Town Manager shall investigate the application, including the criminal history record information required under Section 5(a)(5) above and shall report his or her findings in writing to the Board of Selectpersons; and

5. The Town Manager shall arrange for public notice of the public hearing on the application in a newspaper of general circulation at least 10 days before the public hearing before the Board of Selectpersons and the Town Manager shall forward the application and other documents to the Board of Selectpersons for public hearing and action.

C. Compliance with Land Use Ordinances: The applicant shall obtain all applicable permits and permissions as required by the Town of Rumford Land Use Ordinances and shall furnish such executed permits, permissions or approvals with the application to the Town Clerk.

D. Issuance of License. The Board of Selectpersons, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this ordinance. The license shall be issued upon determination by the Board of Selectpersons, based upon the record, evidence and testimony at the public hearing, that the application meets the requirements of this ordinance. The license may not be transferred or assigned.
Section 6. Standards for Denial. An application for a sexually oriented business license shall be denied by the Board of Selectpersons in the following circumstances:

A. The applicant is a corporation not licensed to do business in the State of Maine;

B. The applicant is an individual who is less than 18 years of age;

C. The applicant has submitted an incomplete application, made an incorrect statement of a material nature or failed to supply additional information required by the Town Clerk or Board of Selectpersons that is reasonably necessary to determine whether the license can be issued;

D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has been denied a sexually oriented business license for making an incorrect statement of a material nature within the immediately preceding five (5) years;

E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has had a license granted pursuant to this ordinance, or a similar ordinance provision in any other municipality, revoked for any reason during the immediately preceding five (5) years;

F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has violated any Massage Ordinance, Public Indecency Ordinance, Paid Sexual Contact Ordinance or a similar ordinance in any other municipality within the immediately preceding five (5) years; or

G. The site on which the sexually oriented business is proposed is a prohibited site under Chapter 4 of the Land Use Code.

H. The application in any other way fails to meet the requirements of this ordinance.

Section 7. Standards for Suspension, Revocation. A sexually oriented business license may be suspended or revoked by the Board of Selectpersons upon a finding that the licensee has violated any provision of this ordinance.

Section 8. Age Restriction. No sexually oriented business shall permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

Section 9. Display of License, Prices Charged, and Names of Owners or Officers to be Prominently Displayed. A sexually oriented business must display its sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

Section 10. Prohibited Sites.

A. A sexually oriented business shall not be located within one thousand feet (1000’), as measured along the shortest straight line, of a residence, school, church, synagogue, playground, park or other area where minors congregate.

B. The main entrance of a sexually oriented business shall be located a minimum of five hundred feet (500’), as measured along the shortest straightest line, from the main entrance of another business.

C. A sexually oriented business must have a continuous 6-foot high solid fence along all boundary lines it has in common with any of the following:

   1. a church, synagogue or other house of religious worship;
2. a public or private elementary or secondary school;
3. a residence;
4. a day care facility;
5. a public park or public recreational facility;
6. a library;
7. another sexually oriented business.

Section 11. Prohibited Activities.

The following activities are prohibited:

A. All acts of public indecency, as defined in 17-A M.R.S. § 854, are prohibited in sexually oriented businesses.

B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client. Patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.

C. Patrons or clients shall not directly pay or give any gratuity or object of value to any dancer, performer, employee, owner or officer of the sexually oriented business. Dancers, performers, employees, owners or officers shall not solicit any pay, gratuity or object of value from any patron or client. This shall not prevent the owner or his/her agents from charging admission to the premises and charging for products such as meals and drinks not associated with any "specified sexual activity."

D. Dancers, performers, employees, owners or officers, patrons, or clients of a sexually oriented business shall not (1) perform, offer to perform or agree to perform sexual intercourse with each other or any patron or client, or (2) commit, offer to commit or agree to commit any sexual act with each other or any patron or client or (3) make, offer to make or agree to make sexual contact with each other or any patron or client;

E. Patrons and clients of sexually oriented business shall not (1) perform sexual intercourse with any dancers, performers, employees, owners or officers of the sexually oriented business, or (2) commit any sexual act with any dancers, performers, employees, owners or officers of the sexually oriented business, or (3) make sexual contact with any dancers, performers, employees, owners or officers of a sexually oriented business.

F. Dancers, performers, employees, owners, or officers or patrons or clients of sexually oriented business shall not participate in any specified sexual activities, any sadomasochistic acts or acts of bondage or display any specified anatomical areas. All specified anatomical areas of all dancers, performers, employees, owners, officers, patrons, and clients must be covered by a completely opaque material such that no part of the specified anatomical area is visible from any angle or orientation at any time.

G. Any establishment licensed to sell, furnish or otherwise provide for the consumption of alcoholic beverages on site shall not be permitted to operate as an Adult Entertainment Facility, and no Adult Entertainment Facility shall sell or otherwise provide for the consumption of alcoholic beverages on the premises.

In the event the sexually oriented business licensee is a lessee of the premises on which the sexually oriented business is located, both the licensee and the owner shall be responsible for compliance with this section, and both the licensee and the owner shall be legally responsible for any violations.
Section 12.  Dancers and Other Performers.  A sexually oriented business must observe the following restrictions on dancers and other live performers:

A.  All dancing or other performances must occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.

B.  No dancing or other performance shall occur closer than ten (10) feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

Section 13.  Adult Book, Video, and Entertainment Store Standards.  All Adult Book, Video, and Entertainment Stores shall comply with the following standards:

A.  No viewing area, booth, or cubicle which is provided for the viewing or reading of adult oriented materials may be occupied by more than one person at a time.

B.  Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be illuminated during all hours of operation by a minimum of 1.0 foot candle, as measured at floor level.

C.  Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be physically constructed and arranged in such a manner that the entire interior thereof is clearly visible from the common areas of the premises. Visibility into such viewing area, booth or cubicle shall not be obscured by doors, curtains, partitions, drapes or other material or object.

D.  No licensee shall, within or on the grounds of, any licensed premise permit any person to engage in masturbation, any sexual act, or specified sexual activities or display any specified anatomical areas.

E.  Except as provided herein, no wall of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall have any aperture, hole or other opening.

F.  No licensee shall permit the presence of any person under the age of 18 years within or on the grounds of the licensed premise.

G.  All interior surfaces of every viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be composed of smooth textured, nonabsorbent, and easily cleanable materials.

H.  The premises and especially all surfaces of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be maintained in a clean, sanitary condition.

Section 14.  Existing Sexually Oriented Businesses.

All sexually oriented businesses existing at the time of adoption of this ordinance shall apply for and become licensed within six months of the adoption of this ordinance.  Until licensed under this ordinance, any existing sexually oriented business may not be increased, enlarged, extended or altered, including any increase or change in the nature of products or services provided to customers, except that the use may be changed to another use conforming with the Town of Rumford Land Use Code in accordance with that ordinance.

A lawfully existing sexually oriented business shall not be rendered in violation of the site requirements of this ordinance or the Land Use Ordinance by the subsequent location of a residence, day care center, school, house of worship, or public park or recreation area, at a site that would otherwise conflict with the site requirements.  This provision applies only to the renewal of a valid license, and does not apply to a new license, or when an application for a license is submitted after a license has expired or has been revoked.

Section 15.  Enforcement.  This ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectpersons.  If court action is required to enforce this ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney’s fees.
Section 16. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Appeals. An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectpersons may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.
CHAPTER 34-B
Paid Sexual Contact Ordinance

ADOPTED JUNE 11, 1996

Section 1. Definitions. For the purpose of this Ordinance, the following definitions apply:

Sexual contact means any touching of the genitals, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

Pecuniary benefit means any direct or indirect payment of money or any other object of value.

Section 2. Sexual Contact for Pecuniary Benefit Prohibited.

A. Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

B. Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

C. Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

D. Leasing or otherwise permitting a place controlled by the defendant in any action to enforce this Ordinance, alone or in association with others, to be used as a site for sexual contact for pecuniary benefit to any person is prohibited.

Section 3. Enforcement.

The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. Any enforcement actions shall be brought in the name of the Town of Rumford.

Section 4. Penalties.

The violation of any provision of this Ordinance shall be punished by a fine not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of any Town license for a premises or business in which sexual contact for pecuniary benefit is transacted.
Section 5. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity or the remaining portions thereof.
CHAPTER 34-C
Public Nudity Ordinance

ADOPTED JUNE 11, 1996

AMENDED JUNE 10, 1997

The purpose of this Ordinance is to: define what constitutes public nudity; regulate where it may occur; establish enforcement procedures for violating where it may occur; and provide civil penalties for said violations.

(1) As used in this ordinance:

(a) “Entity” means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(b) “Nude” means the showing of:

1. Human or female genitals or pubic area with less than a fully opaque covering; or

2. Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

3. The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast; but shall not include any portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or

4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) “Person” means any live human being ten years of age or older.

(d) “Place Provided for Set Apart for Nudity” means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor’s offices, portions of hospital, and similar places in which nudity or exposure is necessarily customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person’s conduct of being nude is used for his or her profit or where
being nude is used for the promotion of business or is otherwise commercially exploited.

(e) "Public Place” means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but or not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurant, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof, such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

(2) It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

(3) A person violating section (2) of this ordinance has committed a civil violation for which a fine not exceeding five hundred dollars ($500.00) may be charged to the person(s) and/or entity(ies) violating section (2).

(4) This ordinance shall not be deemed to address photographys, movies, video presentations, or any other non-live performances.

(5) This ordinance may be prosecuted by the Town Solicitor or by private action brought by an aggrieved party in a court of competent jurisdiction.

(6) Interpretation - Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance.

(7) Conflict within this Ordinance or with other Ordinances - Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

(8) Separability - Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
SECTION 1. No person or persons shall transport waste, refuse, garbage or debris in an open vehicle, truck or trailer on Town streets and ways.

SECTION 2. All vehicles, trucks or trailers used for the transportation of waste, refuse, garbage or debris shall be covered in such a manner so as to completely prevent littering along Rumford Town streets and ways.
CHAPTER 36
Removal From Office

ADOPTED JUNE 10, 1996
AMENDED JUNE 10, 2008

Any appointive officer of the Town may be removed by the Board of Selectpersons from his or her office if:

a. He or she fails to attend, without good and sufficient cause, at least 50 percent of the regularly scheduled meetings of his or her office.

b. He or she is convicted of a Class A, B or C crime as defined by Title 17-A of the Maine Revised Statutes.

c. He or she is convicted of a Class D or E crime involving moral turpitude.

d. He or she uses Town property without proper authority.

e. He or she uses his or her office, without authority, to influence the actions of any subordinate, employees and other departments.

f. He or she violates the provision of Chapter 38.

g. For cause.

The Board shall notify such officer of its intention to remove said officer by notifying him or her in writing at least seven (7) days prior to the effective date of said removal.

The officer shall have the right to appeal said removal to the Board of Appeals by notifying, in writing, the Board of Appeals and the Board of Selectpersons within five (5) business days after the effective date of the removal.

The Board of Appeals shall meet within ten (10) days of receipt of the written notification of appeal to hear said appeal pursuant to Chapter 37.

This chapter shall not apply to any employee of the Town. Removal of Town employees, other than the Town Manager, shall be governed by Chapter 36-A.
CHAPTER 36-A
Discipline and Removal of Town Employees
ADOPTED JUNE 10, 1997

Section 1. Sole authority to discipline all Town employees is vested in the Town Manager who may delegate authority to take disciplinary action, other than demoting or discharge, to a department head including the police chief and fire chief.

Section 2. Except as otherwise provided in collective bargaining agreement, in the case of an employee who, pursuant to statute or ordinance may only be demoted, suspended or discharged for cause, the Town Manager shall hold a hearing before taking such action.

Section 3. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge a department head or a member of the police or fire departments, including the chiefs, may be appealed to the Board of Selectpersons. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Selectpersons shall conduct such review as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 4. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge an employee other than a department head or a member of the police or fire departments may be appealed to the Board of Appeals. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Appeals shall conduct such interview as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 5. Notwithstanding any other provisions of these ordinances, if the laws of this State require that action to discipline or remove an employee be taken only by a specified municipal officer or body, that law shall supersede these ordinances.
No elected official of the Town of Rumford may maintain employment with the Town of Rumford during his or her term in office other than the position to which he or she is elected.
CHAPTER 36-C
Recall of Elected Officials

ADOPTED JUNE 10, 2008
AMENDED JUNE 10, 2014, Change from Chapter 36-B to Chapter 36-C

Section 1. Authority
This Ordinance is adopted pursuant to Title 30-A MRSA §2602 (6)

Section 2. Applicability
Any elected official of the Town of Rumford, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectpersons, Assessors, Tax Collector, Town Clerk-Treasurer. This Ordinance does not apply to Directors of MSAD. 43.

Section 3. Grounds for Recall
An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office.

a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or

b. In the case of Selectpersons, absence from at least half of the regularly scheduled meetings of the Board of Selectpersons during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this Ordinance does not require the Selectpersons to schedule meetings at any specified interval; or

c. In case of two or more violations of the Rumford, Maine Town Charter and or Ordinances; as determined by the Town Attorney, or

d. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatsoever, except as otherwise provided in this Ordinance; or

e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by the court or other body of competent jurisdiction of such violations has made a final determination.

f. Failure or refusal of a Selectperson to order an election as provided in this Ordinance. In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered an absence within the meaning of the Section.

Section 4. Petitions for Recall

a. Only registered voters of the Town of Rumford may sign petitions for recall. To be valid, a petition must contain a number of valid signatures equal to twenty five percent (25%) of the number of votes cast for Governor in the last gubernatorial election in Rumford.

b. The Petition shall be addressed to those members of the Board of Selectpersons having no interest in the subject matter of the petition; if petitions for the recall of all Selectpersons are submitted, then the petitions will be addressed to the Town Clerk.
c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.
d. If recall of more than one person is being sought, there shall be a separated petition for each person whose removal is being sought.
e. Each page of the petition shall provide a space for the voter’s signature, address and printed name.
f. All petition pages shall be filed as a single document.

Section 5. Clerk’s Certification

Within (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk’s office and the voter who filed the petition will be notified.

Section 6. Calling the Recall Election

a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.
b. The Selectpersons, upon receipt of the certified petition, shall within 25 days time of receipt, order an election by secret ballot, pursuant to 30-A MRSA §2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case, the Selectpersons may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
c. In the event that the Selectpersons fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectpersons failure or refusal to order the required election.
d. If at any time, between the time of ordering the election and the date of the election, the person whose recall is sought requests a public hearing, the Selectpersons will promptly schedule such a public hearing on the recall election.

Section 7. Ballots for the Recall Election

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectpersons, the ballots shall be printed and shall read: “SHALL___________________ BE RECALLED?” with the name of the person whose recall is being sought inserted in the blank space.

Section 8. Result of Election

In the event of an affirmative vote by a two-thirds majority for removal, such vote shall take effect as of the recording of the tabulation into the records.

Section 9. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provision of Maine law.
CHAPTER 36D
Municipal Personnel Policy

ADOPTED JUNE 14, 2011
AMENDED JUNE 10, 2014, Changed from Chapter 36-C to Chapter 36-D

All Town of Rumford employees will be subject to the terms and conditions stipulated in the Municipal Personnel Policy unless otherwise provided in a collective bargaining agreement.
CHAPTER 37
Board of Appeals

AMENDED JUNE 14, 1983

AMENDED JUNE 10, 1997

CHAPTER 37, SECTION 1, JURISDICTION
AMENDED JUNE 12, 2007

CHAPTER 37, SECTION 3 PROCEDURE,
AMENDED JUNE 9, 2009

Section 1. Jurisdiction. The Board of Appeals shall be vested with the power to hear appeals pursuant to Chapter 36 and Chapter 36-A. In addition, the Board shall hear any appeal from a decision or order pursuant to the ordinances and statutes set forth below, provided that a written notice of appeal is filed within ten (10) days after the date of the decision or order:

Any Town ordinance which requires an appeal to the Board of Appeals or any state statute which requires an appeal to the Board of Appeals.

Section 2. Organization.

A. The Board shall consist of five (5) members appointed by the Board of Selectpersons serving staggered three (3) year terms.

B. Neither a municipal officer nor his spouse may be a member or associate member of the Board.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member who is being challenged.

D. A member of the Board may be dismissed for cause as defined in Chapter 36, and shall not sit on any appeal from said dismissal.

E. There will be two (2) associate members appointed by the Board of Selectpersons. The Chairperson of the Board of Appeals shall designate which associate shall serve in the stead of the absent members.

Section 3. Procedure.

A. The Chairperson shall call meetings of the Board as required. The Chairperson shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least three (3) members. The Chairperson shall preside at all meetings of the Board and be the official spokesman of the Board.

   1. All requests for appeal shall be submitted in writing to the Chairperson, through the Town Manager’s Office, in a sealed envelope addressed to the Board of Appeals. The request shall include copies of any written decisions as well as reference to the chapter and sections(s) or actions being appealed and remedy sought.
B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary are deemed public, shall be filed in the Town Clerk’s office and may be inspected at reasonable times.

C. The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chairperson upon good cause shown.

D. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

E. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, agency or office and the municipal officers within seven (7) days of their decision.

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to the Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury.
CHAPTER 38
Complaints

ADOPTED JUNE 9, 1992
AMENDED JUNE 10, 1997
AMENDED JUNE 10, 2008

Any complaints against an employee shall be submitted, in writing, to the Department Head of the department where said employee works with a copy of the complaint forwarded to the employee within five (5) working days. If the Department Head decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the employee. The Department Head and the Employee concerned shall attend the hearing. The person or persons making the complaint will be asked to attend such hearing. It is understood that the Town does not have power to compel the person to attend the hearing. However, if the person or persons making the complaint fail to appear, the hearing on the complaint shall proceed despite said person’s absence. A written copy of the Department Head’s decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Town Manager within seven (7) working days. If the Town Manager decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the Town Manager. A written copy of the Town Manager’s decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Board of Selectpersons within seven (7) working days. The Chair of Board of Selectpersons may determine if the complaint should be acted on, and, if so, shall direct the item be placed on the agenda of the next regularly scheduled Selectperson’s meeting.

If complaints filed under this article are determined to be of a criminal nature which may result in an internal investigation against individual employees, such complaints shall be treated in a confidential manner.

This section is not intended to provide an exclusive means for considering complaints against employees. Removal of elected and appointed Town officials is governed by Chapter 36 and disciplinary action and removal of Town employees is governed by Chapter 36-A

The violation of this Chapter may serve as grounds for removal from office pursuant to Chapter 36.
SECTION 1. Title. This ordinance shall be known as the "Addressing Ordinance."

SECTION 2. Purpose. The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, postal delivery, business, and emergency medical services personnel in the municipality of Rumford, Maine.

SECTION 3. Authority. This ordinance is adopted pursuant to and consistent with Municipal Home Rule powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and 30-A M.R.S. § 3001.

SECTION 4. Administration. The Rumford Fire Chief is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads in accordance with the criteria in Section 5 and 6, and shall administer this ordinance. The Rumford Fire Chief shall be responsible for maintaining the following official records of this ordinance:

a. Municipal map(s) for official use showing road names and numbers;

b. An alphabetical list of property owners as identified by current tax records, by last name, showing assigned numbers; and

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectpersons shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of enhanced 9-1-1 service. The Selectpersons may designate the Rumford Fire Chief as the Addressing Officer.

SECTION 5. Naming System. All roads that serve one or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. For the purpose of identifying what is a road we will designate that even a way that goes to only one structure that is over one thousand five hundred feet (1500') will receive a road designation. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

a. No two roads will be given the same name (e.g. Back Road and Back Lane);
b. No two roads will have similar-sounding names (e.g. Pike Lane and Bike Lane);
c. Each road will have the same name throughout its entire length.
Section 6. Numbering System. The following criteria shall govern the numbering system:

a. Numbers shall be assigned every twenty five feet (25') along both sides of the road, with even numbers being assigned on the right side of the road and odd numbers being assigned on the left side of the road, as the numbers ascend, with the following exception:

   Special consideration will be given for the structures on the Island (i.e., the land in the town which bounded on all sides by water – by the canal and/or the Androscoggin River). Those considerations shall be as follows: (1) that a fifteen feet (15') increment will be used and (2) that each separate business will receive its own number address. However, any structure on the Island that has units designated for living will still designate its units by the rules for multiple occupancy.

b. All number origins shall begin from Bridge Street or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the number interval falling closest to the center of the driveway of said structure, with the following exception:

   When a structure does not have a driveway, or if it shares a driveway with one or more structures, the addressing of the structure will be to the door of said structure.

d. Individual structures appearing on a single tax lot that require numbering shall be assigned one whole number each, structures with more than one family occupancy shall be designated by either apartment, suite or floor. Side-by-side duplex houses appearing on separate tax lots without a common entrance shall be assigned separate numbers.

Section 7. Compliance. All owners of structures shall, by the date stipulated in section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

a. Number on the Structure or Residence. Where the residence or structure is within fifty feet (50') of the edge of the road right-of-way, the assigned number shall be displayed on the side of the residence or structure that faces the roadway assigned as long as the number is visible and unobstructed from the roadway. If the number is obstructed the structure will fall under section 7(b).

b. Number at the Road Line. Where the residence or structure is over fifty feet (50') from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, or on some structure at the property line adjacent to the access drive of the residence or structure.

c. Size, Color, and Location of Number. Numbers shall be that of a color that contrasts with their background color and shall be a minimum of four inches (4") in height. Numbers shall be located to be visible and unobstructed from the road at all times of year.

d. Proper Number. Every person whose duty it is to display an assigned number shall remove any different number, which could be mistaken for or confused with the number assigned in conformance with this ordinance.

e. Type of Numbers Displayed. Numerical numbers shall be used on all structures. If the owner chooses to display alphabetized script or Roman numerals, the owner must also display numerical numbers in conjunction with the latter choices. Numerical numbers will be displayed in such a manner as not to be confused with the script or Roman numerals.
f. **Interior Location.** All residents and occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

g. Any numbers displayed on a post or other place other than the numbered structure shall be placed on the same side of the roadway as the numbered structure is located and positioned as close to the driveway of said structure as possible.

**Section 8. New Construction and Subdivisions.** All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. **New Construction.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done before issuance of the building permit. The owner will show the Addressing Officer the exact location of the driveway entrance before the owner’s address number is issued.

b. **New Subdivisions.** Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the Addressing Officer shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall make a mark, with lines or dots, to show twenty-five feet (25') intervals on the plan in the center of the street(s), so as to aid in the assignment of numbers to structures subsequently constructed.

c. Developments that do not fall under subdivisions shall be required to present to the Addressing Officer plans that show proposed road names and shall be marked with lines or dots in the center of the roadway at twenty-five foot (25') intervals to aid in the assignment of numbers to structures subsequently constructed.

**Section 9. Effective Date.** This ordinance shall become effective thirty (30) days from time of acceptance. It shall be the duty of the Rumford Fire Chief to notify by mail the property owner and the U.S. Postal Service of any new addresses at least 30 (thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed prior to final inspection by the Town or when the structure is first used or occupied, whichever comes first.

**Section 10. Enforcement.** It will be the duty of the Addressing Officer or his or her designees to enforce this ordinance. Violation of any part of this ordinance will be subject to a fine of $10.00 a day up to a maximum of $2,500.
CHAPTER 40
Political and Yard Sale Signs and Advertisement Banners Ordinance

ADOPTED JUNE 9, 2009

CHAPTER 40, Sections 3 and 4
AMENDED JUNE 8, 2010

CHAPTER 40, TITLE
AMENDED JUNE 14, 2011

CHAPTER 40, Section 4, All Signs and Banners
AMENDED JUNE 14, 2011

Section 1. Political Signs.

No political signs shall be posted on the Island or near the Information Booth. Signs must not impair the view of the Rumford Falls from any location. They will not be allowed on Town owned property. The time of placement of political signs shall be governed by the State Statute and removed within forty-eight (48) hours after the closing of the election voting hours.

Section 2. Yard Sale Signs.

The time of placement shall not be more than twenty-four (24) hours before the yard sale and removed within four (4) hours after the end of the sale. The yard sale signs will not be allowed on Town owned property.

Section 3. Advertisement Banners.

When banners are used to advertise a charitable event, they may be hung fourteen (14) days prior to the event after notifying the Town Manager’s Office, and removed the morning following the event. All exceptions must be approved by the Town Manager.

Section 4. All Signs and Banners.

All signs shall not exceed 500 square inches, and banners shall not exceed 30 square feet. All temporary signs must be displayed on their own stakes. There shall be no alcoholic messages or logos allowed as part of any signs or banners covered by this ordinance.

Section 5. Penalties.

A ten (10) dollar fine will be assessed for each day of noncompliance with any section of the ordinance. The candidate or persons associated with the signs shall be responsible for payment of the penalty.
CHAPTER 41
Special Amusement Ordinance
ADOPTED JUNE 12, 2007

Section 1. Title. This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Rumford.

Section 2. Purpose. The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S. § 1054 and 30-A M.R.S. § 3001.

Section 3. Definitions.

A. “Entertainment”. For the purposes of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

B. “Licensee”. For purposes of this section, “licensee” shall include the holder of a license issued under Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity or any agent or employee of any such licensee.

Section 4. Permit Required.

A. No licensee for the sale of liquor to be consumed on his/her premises shall permit on his/her licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort, unless the licensee shall have first obtained from the Town in which the licensed premises are situated a special amusement permit signed by at least a majority of the Selectpersons.

B. Applications for all special amusement permits shall be made in writing to the Selectpersons and shall state:

1) Name of the applicant;
2) Applicant’s residence address;
3) Name of applicant’s business to be conducted;
4) Applicant’s business address;
5) Nature of applicant’s business;
6) Location to be used;
7) Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically;
8) Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the Selectpersons in the issuing of the permit, including but not limited to a copy of the applicant’s current liquor license;
9) What type of music will be offered at the establishment (e.g., live band, jukebox, karaoke, etc.);
10) What type of dancing, if any, will be offered at the establishment (e.g., “exotic” dancers, floor dancing by the public, etc.);
11) What type of entertainment is being offered.
C. No permit shall be issued for any person, business, event, act or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, or rules and regulations of the Town.

D. Noise. No permit shall be issued to any person, business, event, act or premises in which noise exceeds 80 decibels between the hours of 7:00 a.m. to 10:30 p.m. and/or exceeds 70 decibels between the hours of 10:30 p.m. and 7:00 a.m. In addition, no permit shall be issued to any person, business, event, act or premises in which the bass vibrations are able to be detected on the ground, sidewalk or street outside the premises in which the entertainment is being offered or if bass vibrations cause rattling of the windows of any structures located in the vicinity of the premises in which the entertainment is being offered.

E. Fees. The fee for a special amusement permit shall be as specified in the Schedule of License, Permit and Application Fees established by the Selectpersons.

F. Hearing. The Selectpersons shall, prior to granting a permit and after reasonable notice to the Town and the applicant, hold a public hearing within 14 days of the day that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. The Selectpersons shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare of the community or would violate the Town charter, ordinances, rules or regulations or state or federal law.

G. Validity of Permit. A permit shall be valid only for the license year of the applicant’s existing liquor license.

Section 5. Inspections.

A. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee or person in charge of the premises, to give to any authorized officer, official or employee of the Town requesting the same sufficient samples of the material or commodity for analysis.

Section 6. Suspension or Revocation of a Permit. The Selectpersons may, after a public hearing, preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any Town ordinances, rules and regulations or state law.

Section 7. Rules and Regulations. The Selectpersons are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of the permitted premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 8. Permit and Appeal Procedures.
A. Any licensee requesting a special amusement permit from the Selectpersons shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit has been denied.

B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Town Board of Appeals. The Town Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations, or that the denial, revocation or suspension was arbitrary and capricious.

Section 9. Admission. A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee which has been issued a special amusement permit may charge admission in designated areas approved by the Town special amusement permit.

Section 10. Live Entertainment Regulation.

A. The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed.

B. No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises or any other persons, when the entertainment is in violation of Chapters 34, 34-A, 34-B and 34-C of the Town ordinances.

Section 11. Penalties.

A. Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) to be recovered for the use of the Town and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.

B. In addition to any other penalty which may be provided, the Selectpersons may suspend the special amusement permit of any licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty; however, no license or special amusement permit shall be suspended unless a written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 12. Separability. The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 13. Effective Date. This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
CHAPTER 42
Licenses for Victualers, Innkeepers and Lodging Houses

ADOPTED JUNE 12, 2007

Title Amended, Sections Amended: 2, 3, 4, 5, 8. Sections Added: 8A, 8B
AMENDED JUNE 12, 2012

Section 1. Authority.

This Ordinance has been prepared in accordance with the provisions of 30-A M.R.S. § 3812.

Section 2. Purpose.

The purpose of this Ordinance is to control the issuance of licenses to the various food service and lodging establishments and persons operating as innkeepers in the Town.

Section 3. Definitions.

For the purposes of this Ordinance, the following definitions shall mean:

“Innkeeper” means a person or entity that runs an inn, bed and breakfast establishment, hotel or motel to provide lodging to travelers and others for compensation.

“Licensing Board” means the Selectpersons of the Town.

“Lodging House” means a building in which three (3) or more rooms are rented, but does not include: (1) a house where lodgings are rented to persons within the second degree of kindred to the person operating the lodging house; (2) the dormitories of charitable, educational or philanthropic institutions; or (3) the emergency use of private dwelling houses at the time of conventions or similar public gatherings.

“Victualler” means a person or entity that serves food or drink prepared for consumption on the premises by the public.

“Premises” means all lands, buildings, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

Section 4. License Required.

No person or entity shall operate as a victualler, lodging house or innkeeper within the Town unless licensed to do so by the Town or unless specifically waived by the Town. Applications for a Victualler’s, Innkeeper’s or Lodging House License shall be made in writing upon forms supplied by the Town Manager’s Office and shall state: (1) the name of the applicant; (2) his residence and mailing addresses; (3) the name of the business to be conducted; (4) his business address; (5) the location(s) to be used; (6) residence and business telephone numbers; and (7) the date of the application. Upon receipt of the application, the Town Manager’s Office shall refer the same to the Code Enforcement Officer for a determination to assure compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

Section 5. Hearing.

A. Victualler’s License. The Selectpersons shall hold a hearing on any original application for a victualler’s license within thirty (30) days of the date of the request received at which time the testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the
Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The applicant shall be provided written notice of the hearing date.

**B. Innkeepers and Lodging House Licenses.** The Selectpersons shall meet annually during the month of May on a date and at a time and place in the Town that they determine for the purpose of holding a hearing on applications for Innkeepers and Lodging House licenses. The testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The Selectpersons may also meet at any other time at a meeting specially called and with public notice as provided in this paragraph. Applicants shall be provided written notice of the hearing date.

C. The Selectpersons shall grant a license unless they find that issuance of such license will be detrimental to the public health, safety or welfare, or would be in violation of any Town ordinance, rules or regulations or state law.

**Section 6. Suspensions and Revocations.**

The Selectpersons may, after a public hearing, suspend or revoke any license for non-compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

A license may not be revoked or suspended until after investigation and hearing. The Selectpersons shall serve notice of the hearing on the licensee or leave it at the licensed premises at least three (3) days before the time set for hearing. At the hearing, the licensee must be given an opportunity to:

A. Hear the evidence in support of the charge against the licensee and to cross-examine, alone or through counsel, the witnesses; and

B. Be heard in the licensee’s own defense.

**Section 7. Appeal.**

Appeal from the decision of the Selectpersons to the Superior Court in the county in which the licensing authority is located may be obtained in the manner provided in the *Maine Rules of Civil Procedure*. Courts of competent jurisdiction, for due cause shown, may issue temporary orders restraining the enforcement of revocations or suspensions, and after full hearing may vacate those temporary orders or make them permanent.

**Section 8. Fees and Expiration.**

Each person initially licensed as an innkeeper, lodging house or victualer shall pay to the Town Clerk the fee specified in the *Schedule of License, Permit and Application Fees* established by the Selectpersons. All licenses, unless otherwise provided, expire May 31st of each year. The renewal license fee of said licenses shall be the fee specified in the *Schedule of License, Permit and Application Fees*.

**Section 9. Penalties.**

Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished by a civil penalty of fifty dollars ($50.00). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney’s fees.

**Section 10. Effective Date.**

This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
CHAPTER 43
Changeable Message Sign Ordinance

ADOPTED JUNE 12, 2007

Section 3, Level 2
AMENDED JUNE 10, 2014

Section 1. Changeable Message Signs. Changeable message signs are permitted provided that each message remains fixed on the display surface, but which may be changed at reasonable intervals by electronic process or remote control and do not include any flashing, intermittent or moving light or lights. Signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention.

Section 2. Definitions.

“Electronic Message Sign (or Display)” - A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

“Dissolve” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

“Fade” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

“Frame” – A complete, static display screen on an Electronic Message Display.

“Frame Effect” – A visual effect used on an Electronic Message Display to change from one message to another.

“Scroll” – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

"Time & Temperature Sign" – A special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.

“Travel” – A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Section 3. Permitted Uses. The display on each side of a changeable sign may be changed according to one of the following rates depending on the zone where the sign is erected. Changeable signs are not permitted in residential zones as classified by the Code Enforcement Officer. Electronic Message Signs are permitted with the approval of the Code Enforcement Officer if the sign meets the following requirements set forth in this ordinance:

Level 1 Permitted in the Downtown Area to Include Waldo Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of
Level 2  Permitted at the Hosmer Field Athletic Complex, Corner of Hancock Street and Lincoln Avenue and the River Valley Crossing.

Static display (text & images) with a 2 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects will be allowed. Frame effects may travel or scroll or have similar transitions or change in size or be revealed sequentially rather than at once including the movement of illumination or the scintillation or varying of light intensity. Date, time & temperature signs are allowed to change display with a 2 second message hold rate.

Level 3  Permitted in All Areas Owned by the Paper Mill to Exclude Canal Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of moving text or images are allowed. Date, time & temperature signs are allowed to change display with a 2 second message hold rate.

Level 4  All areas that are not covered by level 1, 2, and 3 will be governed by the Code Enforcement Officer, Board of Selectpersons and Town Manager on an as need basis.

Section 4. Penalties. Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished as follows:

1)  First Violation - Written Warning;
2)  Second Violation - by a civil penalty of one hundred dollars ($100.00). Each act of violation and every day upon which such a violation shall occur shall constitute a separate offense. The maximum fine is $1,000.00.
3)  Third Violation – Prohibition to use the changeable sign for one (1) month.
4)  Fourth Violation – Prohibition to use the changeable sign for six (6) months.
5)  Fifth Violation – Removal of sign at owner’s expense.

In addition to the above penalties in this section, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney’s fees.

Section 5. The requirement of this ordinance shall complement the sign requirements contained in Chapter 25-C of these ordinances.

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after the date of its official adoption by the Town of Rumford.
CHAPTER 44
Protection of Veterans’ Memorial Areas and Monuments Ordinance

ADOPTED JUNE 12, 2007

Section 1. Signs. It shall be unlawful for any person(s) or organizations to place signs of any kind at the Veterans’ Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford. This prohibition shall be removed only in the event of a state or national emergency or a natural disaster or other emergency declared by the Board of Selectpersons so that signs related to those situations may be placed for the safety and welfare of citizens.

Section 2. Events. It shall be unlawful for any organizations to conduct organized activities or special events in the Veterans’ Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford without the express permission of the Board of Selectpersons.

Section 3. Penalties. Any person or organization violating the provisions of this ordinance shall be fined $50.
CHAPTER 45
Sex Offender Ordinance

ADOPTED JUNE 9, 2009

AMENDED JUNE 8, 2010
AMENDED JUNE 14, 201, Section 4.A.

Section 1. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

Section 2. Purpose.

The purpose of this Ordinance is to impose a residency restriction for persons convicted of Class A, B or C sex offenses committed against persons who had not obtained 14 years of age at the time of the offense and in acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Rumford has a compelling interest to protect the health, safety, and welfare of its children.

Section 3. Definitions.

Registered Sex Offender – An individual convicted of a sex offense in this state or another jurisdiction means a conviction for any current or former Maine crime listed in former Title 17, §§ 2922 to 2924 or Title 170A, Chapter 11 or 12 or Title 17-A, §556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earliest specified current or former Maine crimes.

Section 4. Restrictions.

A. A sex offender as defined above is prohibited from residing up to a maximum distance of 750 linear feet surrounding any real property comprising a public or private or elementary, middle or secondary school or up to a maximum distance of 750 linear feet surrounding the real property comprising a municipally owned property where children are the primary users, as well as the Greater Rumford Community Center and any licensed daycare facilities.

Section 5. Exceptions.

A. This ordinance does not restrict the residence of a person who lived in an area restricted pursuant to Section 4 prior to the adoption or amendment of this Ordinance.

B. This Ordinance is not premised on a person’s obligation to register pursuant to Title 340A, Chapter 15.

Section 6. Violation; Injunctive Relief and Penalties.

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of $500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney’s fees, expert witness fees, or any other associated costs.
Section 7. Severability.

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of June 8, 2010.
CHAPTER 46
Prohibition Against Abusive Solicitation
ADOPTED JUNE 9, 2009

Section 1. Purpose. It is the intent of this chapter to impose reasonable manner of limitations on solicitation, as defined herein, in order to protect the safety of the general public against abusive solicitation while respecting the constitutional right of free speech.

Section 2. Definitions. The following words or phrases as used in this chapter shall have the following meanings:

(1) “Solicitation” means any request made in person seeking an immediate donation of money or other item of value. A person shall not be deemed to be in the act of solicitation when he or she passively displays a sign or gives any other indication that he or she is seeking donations without addressing his or her solicitation to any specific person, other than in response to an inquiry by that person.

(2) “Donation” means a gift of money or other item of value and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is a substantial a gift.

(3) “Abusive solicitation” means to do one or more of the following while engaging in solicitation or immediately thereafter:

(a) Blocking or impeding the passage of the person solicited;
(b) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited declines to make a donation;
(c) Threatening the person solicited with physical harm by word or gesture;
(d) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
(e) Touching the solicited person without the solicited person’s consent;

Section 3. Penalties. Any person who engages in abusive solicitation as defined herein shall be guilty of a violation of this article and, upon conviction, shall be punished by a fine or not less than twenty-five dollars ($25.00) nor more than one hundred fifty dollars ($150) for each offense. The Town may also seek, and the court may order, injunctive relief designed to prevent any further violations of this chapter.
CHAPTER 47
Gender Neutral References

ADOPTED JUNE 9, 2009

All existing ordinances and all future ordinances shall be gender neutral, unless the context otherwise requires or the modification would cause the ordinance to be unlawful.
CHAPTER 48
Rumford Performing Arts Committee

ADOPTED JUNE 8, 2010

Any monies raised or appropriated for, or donated to, the Rumford Performing Arts Committee shall not be deposited into the General Fund of the Town, but will be carried forward into the next budget year to be used by the Rumford Performing Arts Committee for future performances or, with permission of the Board of Selectpersons, to make improvements to the Rumford Falls Auditorium. No salaries will be paid from these funds. If the Rumford Performing Arts Committee ceases to exist, then and only then, will any monies that have accrued be transferred into the General Fund of the Town.
CHAPTER 49
Locomotives Idling in Residential Areas
ADOPTED JUNE 8, 2010

It is unlawful for a locomotive engine to be parked idling within 1,000 linear feet of a residence for a period greater than three (3) consecutive hours. Violation of this Ordinance will result in a civil fine not less than $1,000.00 per offense.
CHAPTER 50
AMENDMENTS TO ORDINANCES
ADOPTED JUNE 8, 2010

Amendment of various Ordinances of the Town relative to gender, grammar, language and unnecessary provisions as follows:

Chapter 1 A, Section 1, Sections 2 (c) and (d); Chapter 2, Sections 1 (b) and (c); Chapter 3, Sections 4, 5, 6; Chapter 4, Sections 1 and 1(A), 3, 4, 7; Chapter 10 (a), Section 1 (e); Chapter 11, Section 1, 4, 6, 7; Chapter 13, Section 2; Chapter 15-B, Section 4; Chapter 16, Section 3; Chapter 21, Section 3; Chapter 37, Section 2 (D) and (E), Section 3 (A) (C); Chapter 41, Section (4).
Chapter 51
Exemptions from Excise Tax

ADOPTED JUNE 12, 2012

Section 1. Military Duty.

A resident of the Town who is on active duty serving in the United States Armed Forces and, who is (1) either permanently stationed at a military or naval post, station, or base outside this State or (2) deployed for military service for a period of more than 180 days, may apply for an exemption from paying excise tax on that resident's vehicle. To apply for this exemption, the resident must present to the Tax Collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is (1) permanently stationed at that post, station or base or (2) is deployed for military service for a period of more than 180 days. For purposes of this ordinance, “United States Armed Forces” includes the National Guard and the Reserve of the United States Armed Forces. For the purpose of this ordinance, “deployed for military service” has the same meaning as in 26 M.R.S. § 814(1)(A).
Chapter 53
Property Assessed Clean Energy (PACE) Ordinance

ADOPTED JUNE 12, 2012

Section 1. Purpose and Enabling Legislation.

A. **Purpose.** By and through this Chapter, the Town of Rumford declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

B. **Enabling Legislation.** The Town enacts this ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S. § 10151, et seq.).

Section 2. Title and Definitions.

A. **Title.** This ordinance shall be known and may be cited as “the Town of Rumford Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

B. **Definitions.** Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1) **Energy Saving Improvement.** “Energy Saving Improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
   a) Will result in increased energy efficiency and substantially reduced energy use and:
   b) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or
   c) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
   d) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2) **Town.** “Town” shall mean the Town of Rumford.

3) **PACE Agreement.** “PACE Agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4) **PACE Assessment.** “PACE Assessment” means an assessment made against qualifying property to repay a PACE loan.

5) **PACE District.** “PACE District” means the area within which the Town establishes a PACE program hereunder, which is all that area within the Town’s boundaries.

6) **PACE Loan.** “PACE Loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7) **PACE Mortgage.** “PACE Mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8) **PACE Program.** “PACE Program” means a program established under State statute by the Trust or a Town under which property owners can finance energy savings improvements on qualifying property.

9) **Qualifying Property.** “Qualifying Property” means real property located in the PACE district of the Town.

10) **Renewable Energy Installation.** “Renewable Energy Installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11) **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S. § 10103 and/or its agent(s), if any.

**Section 3. PACE Program.**

A. **Establishment; Funding.** The Town hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the Town’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the Town’s PACE program.

B. **Amendment to PACE program.** In addition, the Town may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Town shall be responsible for administration of loans made from those other funding sources.

**Section 4. Conformity with the Requirements of the Trust.**

**Standards Adopted; Rules Promulgated; Model Documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Town’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Town shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

**Section 5. Program Administration; Municipal Liability.**
A. **Program Administration.** PACE Administration Contract. Pursuant to 35-A M.R.S. § 10154(2)(A)(2) and (B), the Town will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Town. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

1) the Trust will enter into PACE agreements with owners of qualifying property in the Town’s PACE district;

2) the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

3) the Trust, or its agent, will disburse the PACE loan to the property owner;

4) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

5) the Trust, or its agent, will be responsible for collection of the PACE assessments;

6) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

7) the Trust or its agent on behalf of the Town, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. **Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Town shall adopt and implement an education and outreach program so that citizens of the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. **Assistance and Cooperation.** The Town will assist and cooperate with the Trust in its administration of the Town’s PACE program.

D. **Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Section V, §1(A) above, a Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

E. **Liability of Municipal Officials; Liability of Town.**

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.
A REVISED CODE OF ORDINANCES
FOR THE TOWN OF RUMFORD

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A REVISED CODE OF ORDINANCES
FOR THE TOWN OF RUMFORD

(Including Amendments, Adoptions and Repeals of June 14, 2016)

INTRODUCTION

There is reproduced herein the Revised Code of Ordinances for the Town of Rumford which was adopted by the voters at annual meeting of the Town held on February 4, 1952, this action being under Article 4 of the warrant, as amended. This is the initial set of Ordinances adopted pursuant to the provisions of the new Chapter for the Town of Rumford, 1951, Private and Special Laws, Chapter 45.

The publication of this Code in book form is in pursuance of authority and direction of the voters at annual meeting above referred to, action being under Article 39 of the warrant. This action was taken under authority of Public Laws of 1951, Chapter 282, which provides inter alia, that such a code “shall be admitted in evidence without further proof and shall be prima facie evidence in all courts of the existence and regularity of the enactments of the particular ordinance and of said code.”

EFFECTIVE DATES

By vote of adoption, Chapters 1 to 17, inclusive, Chapter 21 and Chapters 23 to 27 inclusive, became effective on February 5, 1952. Chapters 18, 19, 20 and 22 became effective on February 25, 1952.

FORMALITIES

This code of Ordinances was approved by Honorable Albert Beliveau, Justice, Superior Court on February 4, 1952, as appears from the record in the office of the Town Clerk.

All references to “by-law” or “bylaw” were deleted and were replaced with “ordinances” by amendment June 13, 2006.

All references to “M.R.S.A.” or “MRSA” were deleted and were replaced with “M.R.S.” added and all references to “Maine Revised Statutes Annotated” were deleted and replaced with “Maine Revised Statutes” by amendment on June 13, 2006.

All references to the “School Committee” were deleted from the ordinances on June 12, 2007.

All specific fees deleted and replaced with “fees established by the Board of Selectpersons in the Schedule of License, Permit, Application and Other Fees” by amendment on June 12, 2007.
CHAPTER 1
Board of Selectpersons

CHAPTER 1, Section 2   Closing of Annual Meeting Warrant
AMENDED JUNE 8, 1982

CHAPTER 1, Section 6   Board of Selectpersons-License and Permit Fees
AMENDED JUNE 10, 1986

CHAPTER 1, Section 4   Board of Selectpersons-Annual Report
AMENDED JUNE 13, 1989

CHAPTER 1, Section 1   Board of Selectpersons-Meetings
AMENDED JUNE 9, 1992

CHAPTER 1, Section 4   Board of Selectpersons-Annual Report
AMENDED JUNE 14, 1994

CHAPTER 1, Sections Numbering Changed
AMENDED JUNE 12, 2007

CHAPTER 1, Section 1, Meetings and Section 2, Agenda
AMENDED JUNE 9, 2009

CHAPTER 1, Section 8, Multi-Year Contracts
ADOPTED JUNE 12, 2012

Section 1. Meetings. Regular meetings of the Board of Selectpersons shall be held twice monthly. The day of the month and time of day of such regular meetings for the ensuing year shall be determined at the organizational meeting.

Meetings may be called by the Chairperson, Town Manager, or by three members of the Board of Selectpersons. Notice of such meetings shall be given to the members as they shall have determined by vote at the organizational meeting otherwise by reasonable notice to all members, the Town Manager and local media.

A regular meeting may be changed by vote of the Board of Selectpersons at a prior regular meeting providing that notice of said change be posted and recorded in the minutes at least seven (7) days before the regularly scheduled meeting.

Section 2. Agenda. The regular meeting agenda will be prepared at least three (3) days in advance of this meeting. An item not on the agenda will not be discussed at the meeting unless sixty per cent (60%) of the members of the Board present declare that such an item is of an urgent nature.

Section 3. Closing of Annual Meeting Warrant. The Board shall close and sign the warrant for the next annual meeting at least 21 days prior to the Annual Town Meeting and forthwith deliver the same to a constable and a copy thereof to the Chairperson of the Finance Committee.

Section 4. Final Summary of Operations. On or before the fourteenth day of April, annually, the Board shall prepare a final summary, in detail, including a comparative balance sheet, covering the complete financial operations of the Town for the preceding fiscal year, and shall deliver 20 copies of the same to the Chairperson of the Finance Committee.

Section 5. Annual Report. No later than December 31st of each year, the Board shall cause to be published an Annual Town Report. It shall contain the reports of the Town Manager, Board of Selectpersons, the School Board, the Board of Assessors, the Auditor, the Park Commission, the Library Trustees, the Town Clerk-Treasurer, the Tax Collector, the Health Officer, the Building Inspector and such other reports as may be prescribed by the general law
or by the Board, it shall contain copies of the warrant of the Annual Town Meeting and a record of the action taken at such meetings. It shall also contain copies of the warrants of any Special Town Meetings. It shall contain a completed text of any ordinance revisions that were voted affirmative at the annual election meeting. It shall also contain an annual calendar setting out in detail a chronology of all municipal activity, to be prepared by the Town Manager. It shall be the duty of the Town Manager to see that all the material required for the Annual Town Report, as outlined in the preceding section, is properly prepared and submitted in time for inclusion in the Annual Town Report.

Section 6. Disposal of Tax-Acquired Property. The Board of Selectpersons is hereby authorized to sell and dispose of any property or interest therein acquired by the Town through tax process, on such terms and under such circumstances as they deem advisable, and to execute quit-claim deeds or bills of sale of the Town therefore. Such documents shall be executed for the Town by a majority of the Board of Selectpersons.

Section 7. License and Permit Fees. The Board of Selectpersons is hereby authorized to review and amend from time to time fees assessed for licenses and permits required by the Town Charter, Ordinances, and by the General Laws of the State of Maine, for all licenses and permits where fees are not established by said Charter, Ordinances or General Laws of the State of Maine.

Section 8. Multi-Year Contracts. The Board of Selectpersons shall be authorized to enter into multi-year agreements for contracted services or grant opportunities to the Town, provided that funds for the first fiscal year of the agreement are available and provided that payments and performance for subsequent fiscal years are contingent upon the annual approval of the legislative body to raise and appropriate subsequent annual payments in each year of the contract or grant. The estimated requirements covering the period of the agreement must be reasonably firm and continuing, and such agreement will serve the best interests of the Town by encouraging effective competition or otherwise promoting economies in Town procurement.
CHAPTER 1A
Town Manager

CHAPTER 1A, Section 1, Town Manager-Purchasing Agent
ADOPTED JUNE 8, 1982

CHAPTER 1A, Section 2, 3, Town Manager
ADOPTED JUNE 9, 1992

CHAPTER 1A, Section 1 Amount Changed from $1,000 to $2,000 and elimination of school department language
AMENDED JUNE 12, 2007

CHAPTER 1A, Section 1
AMENDED JUNE 8, 2010

CHAPTER 1A, Section 1
AMENDED JUNE 14, 2016

Section 1. Town Manager-Purchasing Agent. The Town Manager, as purchasing agent for all departments, boards, commissions and officials, shall purchase single items in accordance with the Town’s Municipal Purchasing Policy.

Section 2. Removal, Suspension. The Selectpersons may remove or suspend the Town manager for cause (which include, but are not limited to, the grounds described in Chapter 36) in accordance with the following procedures.

A. The Selectpersons shall file a written preliminary resolution with the Town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.

B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.

C. Upon request for a public hearing, the Selectpersons shall hold one at least 10 days, but not more than 30 days, after the request is filed.

D. After the public hearing, or at the expiration of the time permitted, the manager to request the public hearing, if no such request is made, the Selectpersons may adopt or reject the resolution of removal.

E. The Selectpersons may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

F. The Town Manager shall have the right to appeal said removal to the Board of Appeals by notifying, in writing, the Board of Appeals and the Board of Selectpersons within five (5) business days after the effective date of the removal.

G. The Board of Appeals shall meet within ten (10) days of receipt of the written notification of appeal to hear said appeal pursuant to Chapter 37.

Section 3. Absence or Disability of Town Manager. The Town Manager may designate a qualified administration official of the Town to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Selectpersons. If the Town Manager does not make this designation, the Selectpersons may appoint a Town official to perform the Manager's duties during the absence or disability or until the Manager returns or the disability ceases.
CHAPTER 2
Budget Material and Presentation

CHAPTER 2, Budget Material and Presentation
AMENDED JUNE 14, 1994

CHAPTER 2, Section 1(b) and (c) Preparation of Material references to school committee deleted
AMENDED JUNE 12, 2007

CHAPTER 2, deleted Sections 1A, 1C, 5; Amended Section 2
AMENDED JUNE 14, 2016

Section 1.  **Preparation of Material.** During the 1st week of February, annually, tentative budget programs for the ensuing fiscal year shall be prepared by department heads requiring funds from general and special appropriations of the Town, and submitted to the Town Manager. The Town Manager shall prepare the budget requests and present them to the Finance Committee and schedule appropriate hearings.

Section 2.  **Form of Budget.** The Finance Committee shall have the right to prescribe the form in which the budgets are submitted and shall also have the right, after receiving such budgets, to request additional information concerning the same, which information shall be promptly and accurately provided.

Section 3. **Presence at Hearings.** The Finance Committee shall have the right to request the presence of Town officials, members of the boards, department heads and other persons who assisted in preparing budget material to attend scheduled public hearings or executive sessions of the Committee for the purpose of participating in discussions relative to the same, and such requests shall be complied with.

Section 4. **Town Manager to Coordinate.** It shall be the duty of the Town Manager to coordinate the budget operations established by the provisions of this Chapter, and to see that all budget material, as herein provided, is timely submitted.
CHAPTER 3
Finance Committee

CHAPTER 3, Section 4 -- Finance Committee, Budget Meeting
AMENDED JUNE 14, 1983

CHAPTER 3, Section 4 -- Finance Committee, Budget Meeting language referring to school committee deleted
AMENDED JUNE 12, 2007

Sections 1, 2, 3, 4, 5, and 6
AMENDED JUNE 10, 2014

Sections 2, 3, 4 and 5
AMENDED JUNE 14, 2016

Section 1. **Power and Duties.** It shall be the duty of the Finance Committee to make definite recommendations to the voters at every annual and special meeting relative to all articles in the warrant for such meeting involving the appropriation and expenditure of moneys. The Committee shall also serve in the capacity of a financial planning agency for the Town. All meetings of the Finance Committee shall be open to the public and such public notice shall be given by the Chairperson as the Committee shall determine.

Section 2. **Meetings.** Meetings of the Finance Committee will be called by the Chairperson as needed, in addition to the Organization Meeting (per Town Charter Article XIV, Section 3) and budget meetings outlined in the Chapter 3, Section 4, below.

Section 3. **Special Meetings.** Special Meetings, as required, shall be called in a manner provided by the Town Charter (Article XIV, Section 4).

Section 4. **Budget Meetings.** Upon receipt of the budget for the ensuing fiscal year from the Town Manager, the Committee shall hold as many budget meetings as are required to complete its budgetary work and submit their final recommendations at least 50 days prior to the Secret Ballot Election to the Town Manager to give reasonable time for absentee ballots to be prepared. The Committee shall hold as many public meetings as they may require.

Section 5. **Hearings on Warrant.** The Committee shall hold a public hearing during the month of April, to consider and hear comment on the articles in the warrant for the next Annual Town Meeting.

Section 6. **Public Planning Meetings.** The Committee may hold public planning meetings to discuss and hear comment on municipal planning and board future programs.
CHAPTER 4
Police and Fire Departments

CHAPTER 4, Section 4, Police and Fire Department
AMENDED JUNE 14, 1994

CHAPTER 4, Section 8, Police and Fire Department
AMENDED JUNE 14, 1994

Chapter 4, Section 8, Disciplinary Action
AMENDED JUNE 10, 1997

Chapter 4, Section 9 Removal of Legal Residence
AMENDED JUNE 10, 2008

Chapter 4, Section 2 Organization of Police and Fire Departments
AMENDED JUNE 9, 2009

Chapter 4, Section 3 Appointment of Chiefs
AMENDED JUNE 9, 2009

Chapter 4, Section 4, Appointment of Patrolmen and Firemen
AMENDED JUNE 9, 2009

Chapter 4, Section 10 Political Activity
AMENDED JUNE 9, 2009

Section 9, titled, Removal of Legal Residence, changed to Residency, added contract language
AMENDED JUNE 10, 2014

Section 1. Powers and Duties. The Town Manager, with the approval of the Board of Selectpersons shall be responsible for the operation and administration of the Police and Fire Departments of the Town, including the selection and control of the personnel. In the execution of this assignment, and without limiting the generality of the foregoing, the Town Manager shall exercise and perform specifically, subject to the provisions of the Town Charter and any collective bargaining agreement in effect, the following powers and duties:

A. To make and administer rules for the appointment, promotion, demotion, discipline, retirement and discharge of the members of said departments, provided, however, that the Town Manager shall not, under such rules, delegate his power to select or appoint personnel.

B. To make and administer rules governing the duties and conduct of the members of said departments.

C. To fix the salaries of the chief and the investigator of the police department and the chief of the fire department.

D. To prepare the annual budget for said departments in accordance with the provisions of these Ordinances.

E. To approve all disbursements for the accounts of said departments and to certify the same to the Board of Selectpersons.

Section 2. Organization of Police and Fire Departments.

A. The Police Department shall consist of a Chief and or Public Safety Director and such other officers, patrolmen and special patrolmen as the Board of Selectpersons shall from time to time determine.

B. The Fire Department shall consist of a Chief and or Public Safety Director and such other officers, regular men and call men as the Board of Selectpersons shall from time to time designate. All references to
employees designate both sexes, and where the male gender is used, it shall be construed to include male and female employees. All references to the Chief of either department shall mean Chief or Public Safety Director as determined by the Board of Selectpersons.

**Section 3. Appointment of Chiefs.** The Chief of each department, or Public Safety Director overseeing both departments, shall be chosen by the Town Manager with the approval of the Board of Selectpersons. The appointment may be probationary for a period not exceeding one year.

**Section 4. Appointment of Patrolmen and Firemen.** All citizens shall be eligible for appointment as regular men in either department, except that a special patrolman and a call man, who shall have served at least five (5) years in the police department or fire department, respectively, shall be given preference over applicants not having such experience. The Town Manager, with the approval of the Board of Selectpersons, shall have the right to make probationary appointments for a period not exceeding one year, and said one year period may be extended for a period not to exceed an additional three (3) months if, in the opinion of the Manager, it seems advisable.

**Section 5. Appointment of Special Patrolmen and Call Men.** All citizens shall be eligible for appointment as special patrolmen in the Police Department, and call men in the Fire Department. Special patrolmen and call men shall be appointed for a term not to exceed one (1) year. The form and manner of filing applications, the matter of qualifications, examinations and similar detail shall be established by Town Manager with the approval of the Board of Selectpersons.

**Section 6. Demotions.** Neither Chief of said departments shall for any reason whatsoever be demoted. All other officers of either department shall be subject to demotion on complaint of the chiefs of the respective departments, filed with the Town Manager. Hearing on such complaints shall be held in accordance with the collective bargaining agreement then in force.

**Section 7. Suspension by Chiefs.** The Chief of either department, for any reason which he deems adequate, shall have the right to suspend, without pay, any member of his department including special patrolmen and call men, for a period not to exceed 7 days for any one offense, and for periods aggregating not more than 30 days in a calendar year.

**Section 8. Disciplinary Action.** Disciplinary action involving any permanent member of either department, including the Chief, shall be governed by Chapter 360A and Section 6 and 7 of this chapter.

**Section 9. Residency.** The failure of any member of either department to maintain a legal residence, as negotiated by union contract, shall constitute a cause for discharge, the procedure for which shall be governed by the provisions of Section 8 hereof.

**Section 10. Political Activity.** No member of either department, regular or special, including the Chief, acting in an official capacity or in association with any official capacity, as an individual or in concert with others, shall participate, direct or indirectly, in any act or program designed to, or tending to influence the election of any Town official or to influence the appointment of any person. Violation of the provisions of this section shall constitute a cause for suspension or dismissal under the provisions of section 8 hereof.

**Section 11. Interference with Police and Fire Protection.** It shall be unlawful for any person or persons, within or without the Police and Fire departments to conspire with others in any acts or acts, or to take part in concerted action, formally organized or otherwise, which is designed to, or tends to interfere with or deprive the citizens of the Town of Rumford of the protection for which the police and fire departments are maintained. The Chiefs shall take such action as is necessary to bring about the prosecution of any person violating the provisions of this section.
CHAPTER 5
Park Commission

CHAPTER 5, Section 3, Executive Agent
AMENDED JUNE 14, 1994

CHAPTER 5, Section 1(c) and 1(d), Powers and Duties
AMENDED JUNE 14, 2011

Section 1. Powers and Duties.

(a) The Park Commission shall be and is hereby charged with the duty of developing, maintaining and operating all publicly owned cemeteries, and all public parks, athletic fields, recreational and playground areas and facilities, now existing or hereafter established by vote of the Town excepting playground areas under the control of the School Department, to such extent as funds are provided or made available thereof.

(b) The Commission, in its discretion, shall have the authority to permit the use of the athletic facilities under its jurisdiction by persons and organizations, other than public school activities, under such terms and conditions as it may determine. In connection with public school activities, it shall have the right to impose such conditions relative to the use of such facilities as it may determine just and proper to the end that special expenses involved shall be absorbed by the user.

(c) All incidental income resulting from the operation shall be paid to the Town Treasurer on a monthly basis and shall be allocated to the Park and Recreation Commission in addition to the Town appropriation, so that the funds may be drawn upon for the Park and Recreation Commission's expenses.

(d) Any incidental income, revenues and monies remaining in the Park and Recreation Commission Account at the end of the fiscal year shall be carried forward into the Park and Recreation Capital Account.

Section 2. Meetings. The regular meetings of the Park Commission shall be held monthly. The day of the month and time of day of such regular meetings for the ensuing year shall be determined at the organizational meeting. Special meetings may be held as provided by the Town charter.

Section 3. Executive Agent. The Town Manager or his designated representative shall act as executive agent of the Commission, and shall attend meetings of the Commission when requested by the Commission Chairperson.
Section 1. Powers and Duties. The Board of Library Trustees shall be and is charged with the duty of maintaining and operating the Rumford Public Library, and shall be and is hereby invested with all powers necessary to that end. The Board shall accomplish the purposes herein stated within the means provided by appropriations of the Town, assistance rendered by the State and private gratuities. All incidental income resulting from the operation shall be paid in to the Town Treasurer monthly, and shall be allocated to the Library Budget in addition to the Town appropriation, so that the funds may be drawn upon for Public Library expenses.

Section 2. Meetings. The Board shall hold regular monthly meetings as determined by the Board to conduct library business as needed. The annual organization meeting shall be held as outlined in the Town Charter, Article XV. Special meetings may be held as provided by the Town Charter.
Section 1. Duties. The Town Auditor shall conduct an annual audit of the financial operations of all departments of the Town and of the accounts of all officials who handle funds of the Town. Such audit shall be performed in accordance with generally accepted auditing practices for municipalities and shall at least meet the minimum requirements of the general law. As soon as may be, following the close of the fiscal year, he shall make a final report covering the entire year, which report shall embody the results of his findings and such suggestions, as he may deem advisable concerning the affairs of the Town. He shall render such report to the Board of Selectpersons, and a copy to the Finance Committee and to the State Auditor. He shall do such other things and perform such other duties as may be prescribed by general law of the State.

Section 2. Irregularities. Whenever the Auditor finds evidence of irregularities in the accounts of the Town or its officials, or of practices which do not comply with the general law, the provisions of the Town charter, or these Ordinances, he shall report the same forthwith to the Finance Committee and to the Board of Selectpersons.
CHAPTER 8
School Committee

REPEALED JUNE 12, 2007
CHAPTER 9
Town Treasurer

CHAPTER 9, Section 3 Town Treasurer
AMENDED JUNE 14, 1994

Section 1. Duties. The Town Treasurer shall perform all duties prescribed by the general law, and all such duties as may be essential to the functions usually associated with such office, and shall be custodian of all funds of the Town, whatever be the source of origin, and shall be responsible for the preservation and disbursement of the same, and shall keep an accurate record of all such receipts and disbursements, and in addition thereto shall keep a complete and accurate record of:

(a) The Town debt, both temporary and long term.

(b) All bequests, gifts and trust funds.

Section 2. Trust Funds. All trust funds shall be invested by the Town Treasurer, with the approval of the Board of Selectpersons, in compliance with the direction, if any, of the donors. The proceeds only of such investments, unless otherwise directed by the donors, shall be used for carrying out the purposes of the trusts. In no instance shall the principal of such funds be used, or pledged as security for any purpose. It shall be the duty of the Town Treasurer to keep such funds segregated, to collect the income and disburse the same, with the approval of the Board of Selectpersons.
CHAPTER 10
Town Clerk

Section 1. Ordinances. It shall be the duty of the Town Clerk to keep the Ordinances of the Town currently revised and to prepare a revised copy for printing, from time to time, as the Town may appropriate funds therefore.
CHAPTER 10A
The Planning Board

Section 1. Powers and Duties.

(a) The Planning Board shall prepare a Comprehensive Plan and carry on the broad concept of continuing planning as set forth by State Statutes and Municipal Ordinance (30 M.R.S. § 4961).

(b) The Planning Board shall update and revise the Comprehensive Plan as necessary. Each plan must be submitted to the municipal officers for consideration of submission to the legislative body for review and acceptance.

(c) The Board shall perform such duties and exercise such other powers as are provided by Rumford ordinance and the laws of the State of Maine.

(d) The Board shall be coordinated with other branches of the municipal government in order to carry out the projects and goals of the Comprehensive Plan and other duties prescribed by State and Municipal Law.

(e) The Planning Board may, with the approval of the municipal officers, be authorized to contract with Federal, State, and private agencies.

Section 2. Organization and Rules.

(a) **Membership:** There shall be 5 members appointed by the Board of Selectpersons. Two associate members shall also be appointed to act in the absence of a regular member.

The officers shall be a Chairperson and a Secretary who shall be elected from among the membership for a term of one year, or until their successors are elected.

(b) **Meetings:** Regular meetings shall be held on the first Wednesday of each month in the Planning Office of the Municipal Building. All meetings are open to the public.

(c) The Board shall act in accordance with its accepted Ordinances and business will be conducted in accord with Maine Statutes, Town ordinances, and Roberts Rules where pertinent.
CHAPTER 11
Records

CHAPTER 11, Section 1 Records-Meetings
AMENDED JUNE 14, 1983

CHAPTER 11, Section 1 Records
AMENDED JUNE 14, 1994

Section 1. Meetings. The Secretary of all boards and commissions shall keep a complete and accurate record of each meeting, regular or special, of his or her board or commission, after the approval of the minutes by the appropriate boards and within 7 days following such meeting shall file copy thereof with the Town Clerk. The Town Clerk shall keep such records in appropriate books and binders which shall be open to public inspection during business hours.

Section 2. Records and Accounts. All records and accounts of every official department or agency of the Town shall be open to inspection at reasonable times and under such regulations as the Town Manager may establish, except such records of the Town Clerk as are by general law withdrawn from public inspection.

Section 3. Form of Certain Records. The Town Manager, with the approval of the Board of Selectpersons, shall prescribe the method and form of keeping records by the Building Inspector, Health Officer and other appointive officers and agents of whom records are required.

Section 4. Police and Fire Departments. The Board of Selectpersons shall prescribe the method and form for keeping the records of the Police and Fire Departments.

Section 5. Legal Opinion. The Town Manager shall keep available for reference a record of all opinions obtained by the Town.

Section 6. Reports on Financial Status. On or before the 15th day of each month, the Town Manager with the assistance of the Treasurer and Auditor shall make a written report to the Board of Selectpersons showing the status of each account. Said reports, or a copy thereof, shall be filed with the Town Clerk and kept available for public inspection.

Section 7. Meeting Dates. On or before the 1st day of July of each year, the Chairperson of all Town Boards, Committees and Commissions, shall notify the Town Manager, in writing, of the time and place of the regular meetings of their respective agencies for the ensuing year. The Town Manager shall assemble and publish at least once in a local newspaper, or by any other means as determined by the Selectpersons, an appropriate schedule of such meetings, post a copy thereof in the Municipal Building and file a copy thereof with the Town Clerk.

Section 8. Record of Tax Sales, etc. The Town Treasurer, in connection with all sales of unmatured tax liens, and the Board of Selectpersons in connection with the sales of all tax-acquired property, shall keep complete records of such transactions in appropriate books to be provided therefore.
CHAPTER 12
General Business Provisions

Chapter 12, Section 2 Business Hours
AMENDED JUNE 9, 2009

Chapter 12, Section 2, Business Hours
AMENDED JUNE 9, 2015

Section 1. Municipal Building, Designation. The public building erected by the Town of Rumford and by the County of Oxford for the use for municipal and county purposes shall be known and designated as the Rumford Municipal Building.

Section 2. Business Hours. The Municipal Building and all Town offices shall be open for business Monday through Friday for at least eight (8) consecutive hours on each day, unless otherwise directed by the Town Manager or Board of Selectpersons. The Town Manager may only issue an order for a temporary closing of the Municipal Building and/or Town offices for emergent circumstances. The Board of Selectpersons has the sole authority for changing the hours or days that the Municipal Building and/or other Town offices are open for business on a permanent basis, provided that a notice of such change is published in a paper of local circulation at least seven (7) days prior to such change. Holidays shall be observed by Town offices, as determined by the Board of Selectpersons.

Section 3. Rental of Auditorium. The auditorium of the Municipal Building may be made available for private use for such fee and under such conditions and stipulations as the Board of Selectpersons shall determine.
CHAPTER 13
Financial Procedures

Chapter 13, Section 9 Monies Received from Cable T. V. Franchise Agreement
AMENDED JUNE 9, 2009

Chapter 13, Section 5 Private Use of Equipment
AMENDED JUNE 8, 2010

CHAPTER 13, Section 9, Monies Received from Cable T. V. Franchise Agreement
AMENDED JUNE 14, 2011

Section 1. Income Receipts. All money collected by the Town shall be paid by the receiving agency to the Town’s Treasurer. The Treasurer shall deposit such funds into the appropriate Town account as designated by the Board of Selectpersons.

Section 2. Use of Receipts. Funds received by the Town shall be used as directed by the Town’s current budget and/or the Board of Selectpersons in their capacity as agents for the Town’s people.

Section 3. Remittance of Tax Collector. All money received by the Tax Collector shall be delivered to the Town Treasurer, and identified by title (e.g., Taxes Receivable or Tax Liens) and year of assessment.

Section 4. Extension of Credit. No officer or agent of the Town shall extend credit for material furnished or services rendered to individuals, groups, or corporations without the prior consent of the Board of Selectpersons. The Board of Selectpersons are responsible for taking all reasonable precautions to insure that the Town is reimbursed for all goods and/or services.

Section 5. Private Use of Equipment. No equipment, materials, or service of the Town shall be made available without the direct approval of the Board of Selectpersons or the Town Manager.

Section 6. Funds with Designated Uses. All funds designated for special purposes or projects by a vote of the Town, by agreement, or by law shall be accounted for separately and safeguarded in order to insure that they are used as designated. These funds shall be invested as directed by the Board of Selectpersons, with the advice of the Finance Committee, and in a manner consistent with the laws and regulations of the State of Maine.

Section 7. Overdrafts and Surpluses.

(a) It is the duty of all municipal officers and staff to comply with the laws of the State of Maine and to refrain from exceeding their approved budget without appropriate approval of the Town Manager and the Board of Selectpersons.

(b) Any deficit that does occur must be properly accounted in accordance with generally accepted accounting principles.

(c) In the event of unavoidable expenditures that will exceed the budgeted amount, the Board of Selectpersons may seek to cover the overdraft from within the department, so long as the department’s budget is not exceeded or the Board shall call a special Town Meeting to seek further appropriations.

(d) In the event that expenditures for any account do not exceed the amount budgeted for them, the Board of Selectpersons shall either lapse the excess to Undesignated Fund Balance (a/k/a Surplus) or designate the balance to be carried forward.
Section 8. **Trust Funds.** The Board of Selectpersons acting with the advice of the Finance Committee are authorized to accept funds to be held in trust and used as is customary for such funds or as directed by the Trust documents.

Section 9. **Monies Received From Cable T.V. Franchise Agreement.** Monies received from the cable television franchise agreement shall be paid to the Town Treasurer to be disbursed as follows: two thirds (2/3) of the total to be allocated for cable access programming use and one third (1/3) of the total by vote of the Board of Selectpersons. In the event of a surplus at the end of the fiscal year, it shall be transferred to the undesignated fund balance.
Interference Unlawful. It shall be unlawful for any person, firm or corporation to operate any electrical machinery or equipment which interferes with radio reception. Whoever violates the provisions of this section shall be punished by a fine not to exceed $10.00, provided however, that such operator shall have had written notice of at least 3 days within which to eliminate the source of the interference.
CHAPTER 15
Hawking and Peddling

Section 1
AMENDED JUNE 12, 2007

Sections 1-A and 3
ADOPTED JUNE 12, 2007

Section 1-B
ADOPTED JUNE 9, 2009

Section 1, Single event license added
AMENDED JUNE 12, 2012

Section 1 and 1B
AMENDED JUNE 10, 2014

Section 1. License Required. It shall be unlawful for any person to engage in the business of hawking or peddling goods, wares or merchandise, at retail, without first obtaining a license therefore from the Board of Selectpersons. A person can apply for either an annual license or a single event license. A 501(c)3 qualified non-profit organization may apply for a Festival Event License which will allow said organization holding a fundraising event to have vendors on the street and sidewalks of town for the event without requiring individual vendor licenses for each vendor during the event only. The organization shall be limited to four events in each calendar year.

Licenses shall be issued after the Town receives a complete application and the application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees.

Section 1-A. Hours for Hawking and Peddling. The business of hawking and peddling referred to in Section 1 of this ordinance shall be confined to the hours of 6:00 a.m. to 9:00 p.m. unless special permission has been granted by the Board of Selectpersons. In the event that special permission has been granted, the Town Manager shall notify the Chief of Police in writing of said permission by the Board of Selectpersons as soon as practicable.

Section 1-B. Applications. Application shall be submitted by each entity requesting a license. The license is valid for only one entity and may not be transferred nor shared under a group association, with the exception of the Festival Event License.

Section 2. Exemptions. The provisions of this chapter shall not apply to commercial agents or other persons selling by lists, catalogues, or otherwise, goods, wares or merchandise for future delivery; to persons selling fish, to persons selling farm, dairy or orchard products, of their own productions; to persons selling bark, wood or forest products; or to persons selling newspapers, periodicals or religious literature.

Section 3. Penalties. Any person, business or other entity in violation of this ordinance shall be subject to the following penalties: 1) first violation - $50 fine; 2) any subsequent violation – permit revoked and towing from the site at the expense of the person or business or other entity.
CHAPTER 15-A
Sound Trucks

It shall be unlawful for any person to use or operate a sound truck on the streets and highways in the Town of Rumford, without first obtaining a permit to do so from the Town Manager with the approval of the Board of Selectpersons.
CHAPTER 15-B
Pawnbrokers

ADOPTED JUNE 9, 1987

AMENDED JUNE 14, 1994

Section 1. License Required. It shall be unlawful for any person, firm or corporation to carry on any commercial business as a Pawnbroker or dealer in used personal property without first obtaining a license from the Board of Selectpersons. Any such license issued shall require the licensee to comply with all the provisions of this Ordinance. Failure to comply with the provisions may be cause for penalties and/or revocation of the license.

Section 2. (a) Records Required. Every Pawnbroker licensed pursuant to the provisions of this Ordinance shall keep in a separate book, open for inspection by any law enforcement officer, a written record showing the time of purchase of each article purchased by him, a brief description of such articles, any identification numbers, and the name, residence and date of birth of the person from whom such articles were purchased or received.

(b) Form of Records. All records shall be kept and maintained in order of date of purchase and contained either in a bound volume or ledger or in a binder in which the pages can be affixed.

Section 3. Daily Report of Licensee. Every person licensed as a Pawnbroker shall make out, and have available for periodic collection, a legible and current list, upon blanks furnished by the Chief of Police, containing an accurate description of all articles taken in pawn, purchased or sold, the name, residence and date of birth of the buyer or seller other than the licensee, together with the correct and exact time when such articles were pawned, purchased or sold, and the amount the item was sold for. Before recording the information required by this section, a dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license or similar item which confirms the person's identification by date of birth and by physical description.

Section 4. Receiving articles from minors, thieves regulated. No one licensed under this Ordinance shall purchase or receive any article from any person under the age of eighteen (18) years without the written consent of parent or guardian, or from a person known to be a receiver of stolen property or known to them as previously selling property they have stolen.

Section 5. Retention of Articles Purchased. No pawnbroker shall sell, destroy or alter any property pawned until it has remained in his possession for three (3) months after the expiration of the time for which it was pawned.

Section 6. (a) Violations. Anyone licensed pursuant to this Ordinance who violates any of the provisions of this Ordinance is punishable by a fine not to exceed the sum of $500.00 for each violation and revocation of his license.
CHAPTER 16
Excavations and Deposits in Streets

CHAPTER 16, Section 2, 3, 4  Excavations and Deposits in Streets
AMENDED Section 2, JUNE 9, 1987

Section 3 and 4
ADOPTED JUNE 9, 1987

CHAPTER 16, Section 3  Written Permit and Decal
AMENDED JUNE 14, 1994

Section 2 Snow and Ice
AMENDED JUNE 9, 2009

Section 1. Permits Required. It shall be unlawful for any person or corporation to make or cause to be made any excavation within the limits of a public highway, or to deposit or cause to be deposited within the limits of a public highway or sidewalk, any material excepting garbage and refuse, placed in metal or other suitable containers for collection, without first obtaining a written permit therefor from the Board of Selectpersons. Such permits shall be issued by the Town Manager.

Section 2. Snow and Ice. It shall be unlawful for any person, firm or those in plowing for hire or their agents to deposit snow and ice upon any public way or rights of way which obstructs or interferes with the free passage of foot or vehicular traffic. It shall be unlawful to deposit snow and ice so as to obstruct any fire hydrant.

Public Way Defined. As used in this section “public ways” shall mean any public street, road, sidewalk or private way laid out under authority of statute, ways dedicated to public use, ways upon which the public has access, ways under control of Rumford Public Works Department or any body having like powers.

Section 3. Written permit and decal required. It shall be unlawful for any person, firm or those plowing for hire to plow across any public way or deposit snow and ice adjacent to rights of way within the Town without first obtaining a written permit and or decal for snow removal equipment. At no time shall any written permit allow the placing of snow or ice upon any public way. Issued permits shall describe in detail any rights or restriction applying to individual permits and shall be issued by the Town Manager. The fees for written permits shall be established by the Selectpersons in the Schedule of License, Permit and Application Fees.

Section 4. Enforcement. Any violation of this chapter by any person engaged in obstructing, depositing or plowing without a written permit shall be subject to an initial written warning by a police officer and shall upon demand remove such obstructions and deposits. Failure to remove upon demand or a violation after a written warning shall be a civil violation. In addition to any fine imposed, the cost of removal of the obstruction or deposit shall be added to the judgment.
CHAPTER 17
Regulations as to Bicycles and Skateboards

CHAPTER 17, Section 2  Regulations to Bicycles-Skateboard Ordinance
ADOPTED JUNE 3, 1991

Section 1. Manner of Operation.

No person shall ride or propel a bicycle on a street or other public highway of the Town with another person on the handle bars or in any other position.

Every bicycle shall be operated with reasonable regard to the safety of the operator and any persons upon the streets, and in no event shall a bicycle be operated on a sidewalk.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any public street between thirty minutes after sunset and thirty minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for a distance of not less than 300 feet firmly attached to such bicycles and properly lighted, or without a yellow or red light or reflector attached to and visible from 200 feet from the rear thereof. The said headlight to give a clear white light.

No person shall ride or propel a bicycle upon any street abreast of more than one other person riding or propelling a bicycle.

Section 2.

(a) No person shall ride or propel a skateboard, roller skates or coaster, alone or in consort with others, on any street, public highway, sidewalk or enter upon any public right-of-way by operating in a manner which is negligent to and/or endangers himself (herself), pedestrians or the motoring public. Under no circumstances shall a person operate on the sidewalks in the business districts, near hospitals; and shall not ride after dusk.

Operating negligently shall mean a failure to respect property rights, traffic rules, traffic lights or signs, pedestrians rights to use sidewalks and the rights of motorists to legally operate on the streets and public highways.

(b) Penalties. The Chief of Police of the Town of Rumford, or his designee, when satisfied that a person has ridden or propelled a skateboard (or similar device) in a negligent or endangering manner may impound the skateboard for a period not to exceed 5 days for the first offense, for a period not to exceed 10 days for a second offense and for a period not to exceed 30 days for any subsequent offense.

In addition to the above penalty any person 17 years or older who violates any provisions of this Ordinance shall also be subject to a $35.00 fine.
CHAPTER 18
Stop Signs

Section 1. **Favored Ways.** The Board of Selectpersons is hereby empowered to designate from time to time, by vote therefore, certain streets or ways or portions thereof, at points of intersection with other streets or ways, as “favored ways,” and to revoke thereafter any such designation. No such designation of a favored way shall become effective as to the regulation of traffic at such point of intersection until and unless said board shall cause to be placed or erected, and be maintained, suitable warning signs at the unfavored approaches to such intersection.

Section 2. **Intersection Defined.** For the purpose of this Ordinance, an intersection shall be deemed to be that area formed by the juncture of two or more streets or ways and common to both or all and whether or not such streets or ways cross each other after such juncture. Every street or way intersecting a street or way designated as “favored,” as aforesaid, shall, for the purpose of this Ordinance, be known as an unfavored street or way.

Section 3. **Stopping of Vehicles.** It shall be unlawful for any person operating or in control of a vehicle, however propelled, and including bicycles, to cause or permit the same to enter an intersection from an unfavored way, as defined in section 2 hereof, without first causing said vehicle to be brought to a complete stop immediately before entering such intersection.

Section 4. **Defacing Signs.** It shall be unlawful for any person to damage, deface, destroy or move a warning or “stop” sign erected or maintained under the provisions of Section 1 hereof, or any other traffic sign or signal erected or maintained under authority of these Ordinances.
CHAPTER 19
Traffic Regulations

CHAPTER 19, Section 3 (g) Traffic Control
ADOPTED JUNE 8, 1982

CHAPTER 19, Section 1-B Traffic Regulations-Interference with Snow Removal
ADOPTED JUNE 9, 1987

CHAPTER 19, Section 3 Traffic Regulations-Traffic Control
AMENDED JUNE 9, 1987

CHAPTER 19, Section 1-A Traffic Regulations
AMENDED JUNE 4, 1990

CHAPTER 19, Section 3 (i) Traffic Regulations-Traffic Control
ADOPTED JUNE 4, 1990

CHAPTER 19, Traffic Regulations
AMENDED JUNE 14, 1994

CHAPTER 19, Section 1-B Traffic Regulations to allow impoundment
AMENDED JUNE 11, 2002

CHAPTER 19, Section 1 Traffic Regulations to change when parking ban in place
AMENDED JUNE 12, 2007

CHAPTER 19, Section 1 Traffic Regulations to change when parking ban in place
AMENDED JUNE 10, 2008

Section 1. Interference with Snow Removal. No person shall allow, permit or suffer any vehicle under his control or registered in his name to stand or be parked in any public street or public right-of-way from November 1st to April 15th inclusive, between the hours of 11:00 p.m. and 6:00 a.m. for a period of more than two hours, but notwithstanding the foregoing, in no event shall such standing or parking between the hours of 11:00 p.m. and 6:00 a.m. be legal if it interferes with or hinders the plowing, loading or removal of snow from such public street or way. The Board of Selectpersons shall have the authority to change the date of November 1st to any day during the month of November but in no instance beyond the date of December 1st and also the date of April 15th but in no instance prior to March 1st.

Section 1-A. Unless otherwise stipulated in this Chapter, no person shall allow permit or suffer any vehicle under his control or currently registered in his name to stand or be parked in any public street, public right-of-way or Town property for a period exceeding two weeks.

Any vehicle parked or standing in a manner other than that described above may be removed by, or under the direction of, or at the request of the Chief of Police or any Police Officer of said Town to a garage or storage place. Such Police Officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinance.

The Police Department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways, or roads, or public right-of-way, and as soon as possible a written notice that such vehicle has been impounded shall be sent by the Chief of Police to the owner at his last known address as shown by the records of the Secretary of State. If the owner is unknown, the Chief of Police shall cause to be published in
any newspaper, of general circulation in the Town of Rumford notice of such impounding, giving the registration number, the motor number, and the name, type and year of said vehicle.

Before the owner of such vehicle or his representative, may remove it from the possession of the person towing or storing it, he shall:

Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the Chief of Police or his designate and pay any parking summons or ticket.

Pay to the person having possession of said vehicle reasonable charges for the towing and storing of said vehicle.

Sign a receipt for said vehicle.

Section 1-B. The Board of Selectpersons shall determine parking fine schedules and authorize the printing of those schedules by the Chief of Police. The owner of a motor vehicle receiving a parking summons for a parking violation shall pay the fine listed on the summons within ten (10) days of the violation. If payment is not made within the ten (10) day period, the scheduled fine is automatically doubled. If the owner fails to pay the doubled fine within thirty (30) days of the date of the violation, the Town may impound the vehicle until payment is made and/or summons the owner to appear before the Maine District Court. The Maine District Court shall assess a fine in addition to the parking summons listed fine. All cost for impounding said vehicle shall be paid before the vehicle is released to the owner or his/her representative.

Section 2. Stopping Prohibited. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or traffic control device, in any of the following places:

(a) On a Sidewalk;
(b) In front of a public or private driveway;
(c) On a crosswalk plainly marked and designated as such;
(d) On the traffic side of any vehicle stopped or parked at the edge or curb of a street, or in a position of double parking, so called;

Upon any bridge or other elevated structure upon a highway;

At any place where officially placed signs prohibit stopping; or where any curb is painted yellow;

Within ten (10) feet of the corner of any intersection, except to take on and let off passengers.

No U turn shall be made on Congress south of Portland Street.

Parking shall be prohibited within (10) feet of any fire hydrant.

Large bodied trucks, moving vans, pulp, gravel or other commercial vehicles shall be limited to two (2) hours parking on any way or street open to the public in the built up section of the Town of Rumford.

No person, persons, or group of persons shall gather or congregate on foot, or in or on, one or more vehicles, in any of the municipally-owned parking lots after normal business hours, unless said person or persons are there on some official business, or have permission from Town officials to do so.

Section 3. Traffic Control. The Board of Selectpersons is hereby authorized, from time to time, as it may deem the same necessary and expedient for the proper control of traffic and for the safety of the public.

A. To establish cross-walks for pedestrians over and across public streets and intersections, which shall be clearly designated as such by appropriate markings, or signs, or both. When traffic is not controlled by signal or by officer, the driver of a vehicle shall yield the right of way slowing down or stopping if need be, to a pedestrian on such cross-walk.

To prohibit any stopping or parking of vehicles in designated areas on any public street or way or any municipally operated or controlled parking lot by causing to be erected or placed in such areas appropriate signs or markings clearly indicating such restrictions.
To designate upon the streets and ways or any municipally operated or controlled parking lot, by appropriate signs or markings, those portions of the same where vehicles may be stopped or parked at any angle to the curb or edge of the street. If so designated, vehicles shall not be stopped, or parked other than parallel with the edge of the roadway, headed in the direction of lawful traffic and with the right hand wheels of the vehicle within 18 inches of the curb or edge of the street, except as follows:

1. Where diagonal, right angle, or angle parking is permitted.

2. On streets where one-way traffic is in effect and where parking is permitted at the left curb or edge of street, then if the vehicle is parked at the left curb or edge of street, the left wheels of such vehicle shall be within 18 inches of said curb or edge of street.

To establish bus stops for urban and interurban buses, on such streets and in such places as appear necessary and proper for the convenience of the public and to change such locations from time to time. Such bus stops shall be clearly designated by appropriate signs or markings or both. No person shall stand, stop or park a vehicle other than a bus in a bus stop, so designated, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any bus waiting to enter or about to enter such area.

To establish taxicab stands on such streets and in such places as appear necessary and proper for the convenience of the public and to change such locations from time to time. Such stands shall be for one vehicle only, and shall be established only with the consent, in writing, of the abutting owner. Such stands shall be clearly designated by appropriate signs, or markings, or both. Any person, firm or corporation seeking the privilege of using a stand shall make application in writing to the Board of Selectpersons. No person shall stand, stop, or park a vehicle other than a permitted taxicab in such a taxicab stand except that the driver or a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any taxicab waiting to enter or about to enter such stand.

To establish one way traffic on such streets and ways at such times of the year as may appear necessary, by appropriate signs or markings clearly indicating such restrictions.

To close streets or amend parking regulations when the Board of Selectpersons determines a need exists.

No person shall park or stand in any establish handicapped space provided for those vehicles displaying special handicapped registration plates or state issued placard; allows that owners of off-street parking may enter into agreement with local police to enforce any handicapped parking spaces which are clearly marked at all times.

Under the following conditions any police officer may order unattended vehicles to be towed at the expense of the owner of the vehicle.

Parked vehicles which hinder plowing, loading, dumping of snow as set forth in Section 1.

Blocking a driveway or parking area which obstructs or interferes with the movement on any driveway or parking area. Vehicles can be towed at the property owner’s request.

Unattended vehicles which are traffic hazards.

Abandoned vehicles which are abandoned on public or privately-owned property, without the permission of the owner, leasee, or occupant thereof. A vehicle is presumed to be abandoned if (1) it lacks a current license registration plate and a valid state inspection sticker, and (2) it has been in a specific location for ten days without being moved.

**Section 4. Definitions.** The following terms, whenever used or referred to in this Ordinance, shall have the following meanings unless the context otherwise clearly indicates.
The work “vehicle” shall mean any device in, upon or by which any person or property is or may be transported upon a highway.

The word “street” shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians, and any private street or way to which the public has access and the owner of which consents to its inclusion for the purpose of the Ordinance.

The word “person” shall mean any individual, firm or co-partnership or corporation.

The word “parking” shall mean the standing of a vehicle whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.

**Section 5. Parking of Trailers.** No person or persons shall park a camp trailer or like device used for living quarters by either persons or animals on any public street, way or municipally operated or controlled parking lot otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, or in obedience to traffic regulations, signs or signals.
CHAPTER 20
Metered Parking

REPEALED MARCH 5, 1979
CHAPTER 21
Sanitation and Safety Measures

Sec. 1, 1A, 1B, and 2
REPEALED JUNE 6, 1982.

CHAPTER 21, Section 7 Sanitation and Safety Measures-Parades
AMENDED JUNE 10, 1986

CHAPTER 21, Section 3 Sanitation and Safety Measures-Deposit of Waste
AMENDED JUNE 4, 1990

CHAPTER 21, Section 8 Curfew A and B
AMENDED JUNE 14, 1994

CHAPTER 21, Section 4 Sewer Entry Permits
AMENDED JUNE 12, 2007

CHAPTER 21, Section 8 Curfew
AMENDED JUNE 10, 2008

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
ADOPTED JUNE 9, 2009

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
AMENDED JUNE 8, 2010

CHAPTER 21, Section 11, Unoccupied and Abandoned Buildings
REPEALED and REPLACED WITH CHAPTER 25-E, JUNE 9, 2015

Section 1, 1A, 1B, and 2 REPEALED. (See June 6, 1982 referenced above.)

Section 3. Deposit or Waste. It shall be unlawful for any person, firm, or corporation to deposit or scatter, or cause to be deposited or scattered, in or upon the public highways any paper, rubbish or other waste material, provided, however, that this section shall not apply to garbage and refuse left in metal or other suitable containers for collection. No rubbish shall be placed out for collection more than 24 hours before the time designated for collection except during clean-up periods authorized by the Board of Selectpersons.

Section 4. Sewer Entry Permits. It shall be unlawful for any person, firm or corporation to connect to any public sanitary sewer unless and until he shall have secured from the Town Manager a written permit to do so and shall have paid to the Town Treasurer a fee established by the Board of Selectpersons in the Schedule of License, Permit, Application and Other Fees. This permit shall be in addition to the permit for excavations in street required under chapter 16. All connections shall be made in a manner prescribed by the Selectpersons and shall be inspected and approved for acceptance by the Town Manager before backfilling.

Section 5. Games. It shall be unlawful for any person or persons to play games or to throw stones, snowballs or other missiles in or over any public highway.

Section 6. Obstruction of Highways. It shall be unlawful for any person, firm, or corporation to carry on any trade or business from a vehicle or stand located on any portion of a public street or highway unless a permit has been obtained from the Board of Selectpersons at a fee to be determined by the Board of Selectpersons. This requirement includes vehicles of any description being offered for sale.

Section 7. Parades. It shall be unlawful for any person or persons to parade or hold demonstrations in the public streets or highways without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Board of Selectpersons.
Section 8. Curfew.

(a) Definitions

(1) Curfew Hours means the hours from 11:01 P.M. until 6:00 A.M. of the following day.

(2) Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

(3) Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under 18-A MRSA ss5-104.

(4) Minor means any person who is seventeen years of age or younger.

(5) Parent means a person who is the natural parent, adoptive parent, or step-parent of the minor.

(6) Public place means a place located in the Town of Rumford to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops and places of entertainment.

(7) Remain means to linger or stay, as well as to refuse to leave when requested to do so by a Police Officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

(b) Offenses

(1) It shall be unlawful for a minor to remain in a public place during curfew hours.

(2) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

(c) Defenses

It is a defense to prosecution under Paragraph (b) of this Ordinance that the minor was:

(1) Accompanied by the minor’s parent or guardian;

(2) involved in an emergency or on an errand necessitated by an emergency;

(3) engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;

(4) in motor vehicle involved in interstate travel;

(5) on an errand directed by a parent or guardian, without any detour or stop;

(6) on the sidewalk abutting the minor’s home;

(7) attending a school, religious or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;

(8) attending a recreational activity sponsored by the Town of Rumford, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;

(9) exercising rights protected by the First Amendment of the United States Constitution;

(10) married, or otherwise legally emancipated.

(d) Enforcement
Before taking any action to enforce this Ordinance, a Police Officer shall ask the apparent offender’s age. The Officer may ask for proof of the apparent offender’s age, and may be justified in taking action to ascertain the apparent offender’s age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the Officer shall ask the reason for the apparent offender’s being in a public place. The Officer shall not take any action to enforce this section unless the Officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Paragraph (c) is applicable. If the Officer does have such a reasonable belief, the Officer may take the minor into custody for the purposes of contacting the minor’s parent or guardian to come to take control of the minor. The Police Officer may summons the minor and the minor’s parent to the District Court for violation of this Ordinance. During this period, the Officer may require the minor or the minor’s parent or guardian or both to remain in the Officer’s presence for a period of up to two hours, so long as the Officer complies with all requirements of law, including, without limitation, 17-A MRSA ss17.

(e) **Penalties**

(1) The penalty for a minor who violates this Ordinance shall be:

(a) for the first offense, five hours of community service and/or a fine of up to $50.00; and

(b) for each subsequent offense, ten hours of community service and/or a fine of up to $100.00.

(2) The penalty for a parent or guardian who violates this Ordinance shall be:

(a) for the first offense, a fine of $50.00; and

(b) for each subsequent offense, a fine of $100.00.

(f) **Severability**

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

**Section 9. Loitering.**

(a) It shall be unlawful for any person to loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to: (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians. (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the Section.

(c) Any such violation shall constitute a separate offense on each successive day continued.
Section 10. Tag Days. It shall be unlawful for any person or persons to hold tag days in the Town of Rumford without first obtaining a written permit therefore. Such permits shall be issued by the Chief of Police, with the approval of the Town Manager.

Section 11. Unoccupied and Abandoned Buildings (REPEALED June 9, 2015)
CHAPTER 21-A
Sewer Use
Discharge of Pollutants

Section 1. It shall be unlawful for any person, partnership, joint venture, charitable organization and corporation to introduce any pollutant into the Town of Rumford’s sewerage systems or treatment facilities which:

- Is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307 (a) of the Federal Pollution Control Act, as amended;

- Creates a fire or explosion hazard in the Town of Rumford’s treatment works;

- Causes corrosive structural damage to the Town of Rumford’s treatment works, including all wastes with a pH lower than 5.0;

- Contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the Town of Rumford’s treatment works; or

- In the case of a major contributing industry, as defined herein, contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Federal Pollution Control Act, as amended.

Section 2. A forty-five (45) day notification to the Town of Rumford shall be required of a:

- Proposed substantial change in volume or character of pollutants over that being discharged into the Town of Rumford’s treatment works on May 20, 1974;

- Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants, or

- Proposed new discharge into the Town of Rumford’s treatment works of pollutants from any source which would be subject to Section 301 of the Act if it were discharging such pollutants;

- The Town of Rumford shall notify the Regional Administrator, U.S. Environmental Protection Agency, Region 1 of any discharge specified in this Section within 30 days on which the Town of Rumford is notified of such discharge.

Section 3. Any industry discharging into the Town of Rumford’s treatment works is required to perform such monitoring of its discharge as the Town of Rumford may reasonably require, including the installation, use, and maintenance of monitoring equipment methods, to keep records of the results of such monitoring to the Town of Rumford. Such records shall be made available for the Town of Rumford to the Regional Administrator upon request.

Section 4. The Town of Rumford’s authorized representative shall have the authority to enter into, upon, or through the premises of any industry discharging into the Town of Rumford’s treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under subsection 3 above, and to sample any discharge into the Town of Rumford’s treatment works.
CHAPTER 21-B
Curbside Recycling
ADOPTED JUNE 3, 1991

Section 1. It shall be unlawful for any person, partnership, charitable organization or corporation to dispose of recyclable solid waste in any manner inconsistent with appropriate rules established by the Rumford Board of Selectpersons.

The Board of Selectpersons are hereby authorized to establish such rules and regulations concerning the disposal and collection of recyclable materials found in the municipal solid waste stream, and to amend such rules and regulations as needed to comply with any recycling program approved by the Northern Oxford Regional Solid Waste Board as recycling equipment becomes available or as new materials are able to be recycled. A copy of said rules and regulations and any amendments thereto, shall be kept on file at the Town Clerk's Office.

Section 2. Solid Waste, including recycling materials, shall continue to be picked up from all residential properties within the Town of Rumford.

The Town shall provide suitable recycling containers to all residents in accordance with a plan which shall be adopted by the Board of Selectpersons.

The plan shall address goals for recycling as well as an education program designed to maximize participation from all Rumford residents.

The effective date of this chapter shall be March 1, 1992.

No unauthorized person shall remove, add to, tamper with, or take possession of recycling materials placed or set out for collection or located at any recycling facility or location established by the Board of Selectpersons.

Section 3. All provisions of this chapter are enforceable by duly authorized police officers and the municipal officers.

Section 4. Any person, partnership, charitable organization or corporation who violates this Chapter shall be subject to a civil penalty, payable to the Municipality, of not more than $100.00 for each violation. Each day of a violation shall be considered a separate violation. Such person, partnership, charitable organization or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Town of Rumford.
Chapter 21-C
Consumer Fireworks Retail Ordinance

ADOPTED JUNE 12, 2012

REPEALED JUNE 9, 2015

CHAPTER 21-D
Consumer Fireworks Discharge and Possession Ordinance

ADOPTED JUNE 11, 2013

REPEALED JUNE 9, 2015
CHAPTER 21-E
Consumer Fireworks Prohibition

ADOPTED JUNE 9, 2015

Section 1. Purpose. The purpose of this ordinance is to prohibit the use and sale of consumer fireworks and all other fireworks prohibited by State Law, in order to ensure the safety of residents, property owners and the general public in the Town of Rumford.

Section 2. Authority. This ordinance shall be known as the Consumer Fireworks Prohibition Ordinance. It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A, MRS § 3001, the provisions of P.L. 2011, Ch. 419. § 5 (effective January 1, 2012) codified at 8 MRS § 223-A.

Section 3. Definitions. The following definitions shall apply in this section:

1. CONSUMER FIREWORKS shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Products Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "CONSUMER FIREWORKS" does not include the following products:
   1) Missile-Type Rockets, as defined by the State Fire Marshal by rule;
   2) Helicopters and Aerial Spinners, as defined by the State Fire Marshal by rule; and
   3) Sky Rockets and Bottle Rockets. For the purpose of this paragraph, "Sky Rockets and Bottle Rockets" means a cylindrical tube containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

2. DISPLAY means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks for special effects.

Section 4. Prohibition. No person shall use, sell, or offer for sale consumer fireworks, and all other fireworks prohibited by State Law, in the Town of Rumford.

   a. This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227.

Section 5: Penalties.

1. Any person who uses consumer fireworks in the Town of Rumford shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred ($400.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

2. Any person who offers for sale consumer fireworks in the Town of Rumford shall be punished by a fine of not less than five hundred dollars ($500.00), plus the costs of the Town for prosecuting violations. For second and subsequent offenses, a fine of not less than one thousand dollars ($1000.00) per violation, plus the costs of the Town for prosecuting violations, shall be imposed.

3. Seizure and disposal of fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are being used, sold or offered for sale in violation of this section and shall forfeit such seized consumer fireworks to the State for disposal.
CHAPTER 22
Motor Vehicles for Hire

Section 4 adding fines for non-compliance
ADOPTED JUNE 11, 2002

Section 2 to include exclusions for issuance of licenses
AMENDED JUNE 12, 2007

New Section 3
ADOPTED JUNE 12, 2007

Previous Section 3, number changed to 4
AMENDED JUNE 12, 2007

New Section 1, 2 and 4
AMENDED FEBRUARY 11, 2010

CHAPTER 22, Section 1, Removal of Police Department Background Check
AMENDED JUNE 12, 2012

Section 1. License Required. Effective March 1, 2010, it shall be unlawful for any person, firm or corporation to engage in the business of carrying passengers for hire without first obtaining an applicable license therefore from the Board of Selectpersons. This section shall not apply to vehicles under the jurisdiction of the Public Utilities Commission.

Section 2. Issuance of License. Licenses issued under the provisions of Section 1 hereof shall be for the calendar year, but such licenses shall be subject to revocation by the Selectpersons for failure by the licensee, his agents or servants, to comply with the rules and regulations of the Selectpersons. No license shall be issued to any person, firm, limited liability company, corporation or other entity which hires a person to drive who (a) is in violation of this ordinance (b) is a registered sex offender or has been convicted of a Class A felony, or (c) has convictions for the following periods of time immediately preceding their application:

<table>
<thead>
<tr>
<th>TEN YEARS</th>
<th>FIVE YEARS</th>
<th>THREE YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B or C Felonies</td>
<td>Assault</td>
<td>Driving to endanger</td>
</tr>
<tr>
<td>Misdemeanor sexual assault</td>
<td>Operating Under Influence</td>
<td>Three moving motor vehicle</td>
</tr>
<tr>
<td>Habitual Offender</td>
<td>Operating after suspension</td>
<td>violations per 29-A M.R.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 19</td>
</tr>
</tbody>
</table>

It is the responsibility of any owner of a taxi cab service applying for a license to make certain that no person hired to drive is in violation of the offenses in this section. An owner’s license shall also be revoked by the Selectpersons of a person or entity which subsequently hires an individual with any of the unpardoned offenses listed in this section after being notified in writing by the Town Manager or Chief of Police that an individual hired by said person or entity has such an offense and fails to take corrective action within fifteen (15) days of such written notification. The Board of Selectpersons is hereby directed and authorized to promulgate rules and regulations governing the operation of said vehicles, the fares to be charged and the amount of the fee for such licenses. No license shall be issued unless: the applicant furnishes proof of liability coverage on all vehicles to be used under such license; drivers are qualified under the terms of this Ordinance; owners and drivers are properly insured; and motor vehicles are properly registered.

Upon compliance with the requirements of this Ordinance, the owner of the taxi cab service shall be issued an owner’s license. Upon compliance with all terms of this Ordinance, a driver shall be issued an appropriate license. All owners of any taxicab service are required to comply with all state laws respecting smoking.
Section 3. **Display of License.** Drivers while on duty are required to display their valid drivers’ licenses in the vehicles so that passengers can view their valid licenses. In addition, a copy of the valid Town license of the person or entity permitted to engage in the business of carrying passengers for hire shall be on display in all vehicles being used for said business and are available on request.

Section 4. **Fines for Noncompliance.** Any person, firm, limited liability company, corporation or other entity which operates a business of carrying passengers for hire in violation of this ordinance shall be subject to a fine of $100 per day from the date of occurrence of any violation.
CHAPTER 23
Sidewalks

Section 2
AMENDED JUNE 10, 2014

Section 1. Locations. The Board of Selectpersons is hereby authorized to set apart for sidewalk purposes, as public convenience and necessity requires, such portions of the streets and highways within the Town as may be needed and appropriate for such purpose.

Section 2. Construction, etc. Unless otherwise provided, in special instances, by vote of the Town, the construction, curbing and paving of sidewalks shall be authorized by the Selectpersons only on the basis that one-half of the total cost of the project shall be borne by the Town and the other half by the abutting owners. No such project shall be commenced unless and until each abutting owner has paid, or reasonably secured payment, to the Town his portion of the cost thereof. This section applies to new sidewalks and does not pertain to the maintenance, repair or reconstruction of existing sidewalks.
CHAPTER 23-A
Driveway Culverts

The Board of Selectpersons is hereby authorized to install driveway culverts on any street or way in said Town of Rumford provided the abutting owner or owners shall pay one-half the cost of said culvert and one-half the cost of the installation thereof.
CHAPTER 23-B
Permanent Road Improvement Fund

CHAPTER 23-B Permanent Road Improvement Fund
AMENDED JUNE 10, 1986
AMENDED JUNE 4, 1990
AMENDED JUNE 10, 2008

That $400,000.00 each year be taken from Excise Tax receipts and placed in Permanent Road Improvement Fund. Selectpersons to advise at each Annual Town Meeting the proposed Permanent Street Improvement Program for ensuing year and cost figure of same.
CHAPTER 23-C
Capital Improvement

CHAPTER 23-C Capital Improvement
AMENDED JUNE 12, 1984

CHAPTER 23-C Capital Improvement
AMENDED JUNE 14, 1988
AMENDED JUNE 10, 2008

The Capital Improvement needs of the Town shall be appropriated annually in a capital improvement appropriation, separate from each departmental budget.

All appropriations for Capital Improvement needs shall be placed in a Capital Improvement Fund and shall be used to purchase equipment and improve building and property of the Town according to the Goals outlined in a five (5) year Capital Improvement Plan. The 5 year Capital Plan shall be updated each year by the Board of Selectpersons and shall be submitted to the Finance Committee for review at their public planning meetings held according to Chapter 3, Section 6, of the Town Ordinances.

The Finance Committee may recommend Amendments on any portion of the Capital Plan to the appropriate departmental authority for its review, prior to making a final recommendation on funding levels required by the plan.
CHAPTER 24
Use of Dangerous Weapons

Section 1. **Discharge of Firearms, etc.** Except in cases of emergency, it shall be unlawful for any person to fire, shoot, discharge or throw any firearm, air rifle, slingshot, or other dangerous weapon or missile in any highway or in any other place within 1/2 mile from a built up area of the Town.

Section 2. **Definitions.** For the purpose of this chapter.

“highway” shall mean any public street, road or public place within the Town established for the use of vehicles or pedestrians, and any private ways or areas to which the public customarily has access; and

“built-up areas” shall mean any section of the Town where dwelling houses or business structures are situated less than 150 feet apart for a distance at least 1/4 of a mile.
CHAPTER 25
REPEALED June 8, 1982

CHAPTER 25-A
REPEALED June 8, 2004

CHAPTER 25-B
REPEALED June 14, 2005
CHAPTER 25-C
Building Code

ADOPTED
JUNE 8, 2004

Inclusion of International Residential Code
AMENDED JUNE 12, 2007

AMENDED JUNE 10, 2008

Section 1. Adoption of Code.

Certain documents, three (3) copies of which are on file in the Office of the Town Clerk of the Town of Rumford, being marked and designated as the International Building Code, 2003 (“IBC”) and Appendices A-J, and the International Residential Code 2003 (“IRC”), published by the International Code Council, are hereby adopted as the Building Code of the Town of Rumford as adopted by the Town of Rumford, Maine for regulating the construction, alteration, movement, enlargement, replacement, repair, removal demolition, equipment, use and occupancy, location and maintenance of buildings and structures; providing for the issuance of permits and the collections of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building and Residential Codes, on file in the Office of the Town Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this article, subject to Section 2 of this ordinance. The IRC shall apply to detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided.

Section 2. Deletions, Additions, Insertions.

Deletions. The following portions of such code shall be deleted and are hereby excluded from this article:

Any provision in either the International Building Code or International Residential Code which conflict with the following provisions of Maine state law:

Fire Safety Codes and Standards. Fire safety codes and standards adopted pursuant to 25 M.R.S. §§ 2452 and 2465, as amended;

Electrical Standards. Electrical standards adopted pursuant to 32 M.R.S. § 2253-A, as amended;

Plumbing Code. The plumbing code adopted pursuant to 32 M.R.S. § 3403-B, as amended;

Oil and Solid Fuel Burning Equipment Standards. Oil and solid fuel burning equipment standards adopted pursuant to 32 M.R.S. § 2313, as amended;

Propane and Natural Gas Equipment Standards. Propane and natural gas equipment standards adopted pursuant to 32 M.R.S. § 14805, as amended;

Boiler and Pressure Vessel Standards. Boiler and pressure vessel standards adopted pursuant to 32 M.R.S. § 15104-A, as amended;

Elevator Standards. Elevator standards adopted pursuant to 32 M.R.S. § 15228, as amended;
Energy Efficient Standards. Energy efficient standards adopted pursuant to 32 M.R.S. § 1415-D, as amended; and

Any other standards exempted from the Maine Model Building Code pursuant to 10 M.R.S. § 9703, as amended;

From the International Building Code:

Section 113.1-113.4 inclusive: Violations;

Section 114.3 Unlawful Continuance;

Section 115.3 Method of Service;

Section 116.1 Disregard of Unsafe Notice;

Section 117.1 Cost of Emergency Repairs;

Section 112.1-112.3 inclusive: Board of Appeals; and

Appendix A Section A101 Building Official.

From the International Residential Code:

Appendixes A, B, D, L, Q and P;

Chapter 2 Section R202 Definitions – Building Official; and

Chapter 1 Section R112 Board of Appeals.

Additions. The following items shall be added to such code and are hereby included in this article:

A. To the International Building Code:

(1) Appendix A add Section A101.1 to read:

A101.1 Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and ordinances, and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford. The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The Building Official is the Town Official charged with the administration and enforcement of this code. The Building Official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

(2) Chapter 1 add Section 113.1-113.4 to read:

Section 113 Violations.
113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any buildings or structures or equipment regulated by this code, or cause same to be done in conflict with or in violation of any of the provisions of this code.

113.2 Notice of Violations. The building official shall serve notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation and the date of compliance.

113.3 Prosecution of Violations. If the notice of violation or order is not complied with, the building official shall request the Selectpersons to institute the appropriate proceeding at law or in equity to restrain correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the code or of any order or direction made pursuant thereto.

113.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, punishable by a fine or not more than $1,000.00 or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(3) Chapter 1 add Section 114.3 to read:

114.3 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $100.00 or more than $1,000.00.

(4) Chapter 1 add Section 112 to read:

Section 112 Appeals

112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official’s decision and shall state the particular portion of the decision appealed from the reasons for the appellant’s disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.

(5) Chapter 1 add Section 115.4 to read:

115.4 Method of Service. If the person addresses with an unsafe notice cannot be found within the Town of Rumford after a search, then such notice shall be sent registered or
certified mail to the last known address of such person and the notice shall be deemed delivered when deposited in the United States mail, postage prepaid; and a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

(6) Chapter 1 add Section 116 to read:

116.1 Disregard of Unsafe Notice. Upon refusal or neglect of the person served with an unsafe notice condition or to comply with the decision of the building official, the Selectpersons shall cause said unsafe condition to be abated, removed or altered in compliance with the building official's order, and all expenses incurred by the Town shall be repaid to the Town by the owner. In addition, the Selectpersons may institute the appropriate legal action to compel compliance and to recover its expenses, including attorneys' fees.

(7) Chapter 1 add Section 117 to read:

117.1 Cost of Emergency Repairs. Cost incurred in the performance of emergency work shall be paid for by the Town of Rumford on order of the Selectpersons. The Selectpersons shall institute appropriate action against the owner of the premises for recovery of such costs and expenses including attorneys' fees.

B. To the International Residential Code:

To Chapter 2 Section R202 Definitions – Building Official

Building Official. To be eligible for appointment, the building official shall be articulate, receptive, fair, just in decision, yet firm and demanding in requiring compliance with the codes, ordinances and laws of the United States, the State of Maine and the Town of Rumford. The building official must be capable of corresponding and communicating with the public officials, building owners, contractors, architects and engineers and the citizens of Rumford.

The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The building official is the town official charged with the administration and enforcement of this code. The building official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.

Insertions. The following insertions are hereby made in the designated section of such codes.

International Building Code:

(1) Section 101.1 Title. Insert the words “The Town of Rumford”;

Section 103.2 Appointment. Replace the word “chief appointing authority of the jurisdiction” with the word “Selectpersons”;

Section 103.3 Deputies. Replace the words “the appointing authority” with the word “Selectpersons”;

Section 104.8 Liability. Replace the word “jurisdiction” in the first and second sentence with the words “The Town of Rumford”;

The building official shall be generally informed on good engineering practices in respect to design and construction of buildings, the basic principles of fire prevention, the accepted requirement for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants. The building official is the town official charged with the administration and enforcement of this code. The building official shall be appointed by the Board of Selectpersons and said appointment shall comply with any requirements of state or municipal law.
Section 108.2 Schedule of Permit Fees. Insert the words “based upon the estimated cost of construction which shall be established by the Board of Selectpersons.”

Section 501.2 Fire Limits. Insert the words “the area enclosed by Bridge, Congress Lowell and Canal Streets, and the areas between Canal Street, and Middle Canal, between Bridge Street and the Androscoggin River, between River Street and the Androscoggin River, and between Congress Street and the Androscoggin River”;

Section 1807.2.1 Deep Excavation. Insert the words “five (5) feet”;

Section 1807.2 Shallow Excavation. Insert the words “five (5) feet”;

Section 1906.1 Filing. Insert amounts to be determined by the Board of Selectpersons

International Residential Code:

Chapter 1 add Section R112 to read:

Section R112 Appeals

R112 Appeals. The owner of a building or structure of any other person aggrieved may appeal to the Board of Appeals from a decision of the building official refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. Appeals shall be brought within ten (10) days of the building official’s decision and shall state the particular portion of the decision appealed from the reasons for the appellant’s disagreement with the building official. The appeal shall be to the Board of Appeals as constituted in Chapter 37 of the Town of Rumford Ordinances and shall be made in compliance with said Chapter 37 and the rules adopted thereunder.
CHAPTER 25-D
Fire and Life Safety Code
ADOPTED JUNE 14, 2005

CHAPTER 25-D Section 1, Adoption of the Code
AMENDED JUNE 9, 2009

CHAPTER 25-D, Section 1, Adoption of Code
AMENDED TWICE ON JUNE 8, 2010

Section 1. Adoption of the Code

It is hereby adopted and incorporated herein by reference, as if completely and specifically set forth in its entirety, for the purpose of prescribing minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion and dangerous conditions, the following codes prepared by the National Fire Protection Association: the “NFPA 1, Uniform Fire Code 2009 edition” and the “Life Safety Code (NFPA 101) 2009 edition” as prepared and published by the National Fire Protection Association and the whole thereof as a guideline with revisions as approved by the Board of Selectpersons. Not fewer than three (3) copies of such Codes have been and now are now filed in the office of the Town Clerk for public use, examination and inspection.

NFPA 101 Chapter 24, Section 3.5.1 shall not be included in the adoption of this code.

All references in the Uniform Fire Code and Life Safety Code which refer to AHJ (authority having jurisdiction) shall mean the Chief of the Fire Department of the Town of Rumford.

Section 2. Insertions, Deletions, Additions

DELETION:

Section 1.10 Board of Appeals (Sections 1.10.1.1 up to and including 1.10.9.3) of the Uniform Fire Code shall be deleted and not incorporated.

Section 3. Violations

In addition to any penalties in the Uniform Fire Code and Life Safety Code (Codes), a property owner or operator of a business who violates any sections of the Codes and fails to comply with an order to correct within the time period specified by the Town official shall be subject to a fine of $125 per day. Nothing in this section or in the Codes shall prohibit referral by the Town Official of violations to the State Fire Marshall or other state agency for further investigation or prosecution.

Section 4. Enforcement

The Fire Chief shall be the Town Official principally responsible for the investigation and enforcement of the provisions of this ordinance. This ordinance may also be investigated or enforced by any member of a fire department designated by the Fire Chief. This ordinance may also be enforced by the Code Enforcement Officer or Building Inspector.
Section 5. Appeals

An appeal of a decision of the Town Official may be made to the Board of Appeals by any person aggrieved by a decision or interpretation by the Town Official made under the provisions of this ordinance. Appeals must be brought within (10) days of the date of the Town Official's decision. The appeal shall be in writing and filed in the Town Manager's office and shall state the particular portion of the decision appealed from and the reasons for the appellant’s disagreement with the Town Official. Notification of the date of the hearing shall be sent by the Chairperson of the Board of Appeals to the appellant by first class mail with proof of mailing to the address supplied by the appellant to the Town. The appeal hearing shall follow the hearing procedures established in Chapter 29 Section 201. A written decision of the Board of Appeals shall be sent to the appellant and to the Town Official and filed with the Town Clerk no later than thirty (30) days after the hearing date.
CHAPTER 25-E
Abandoned Buildings
ADOPTED JUNE 9, 2015

Section 1. Purpose.

A. Vacant or abandoned properties, particularly residential properties, create and pose significant and costly problems for the Town. These properties often become a drain on the Town budget and detract from the quality of life of a neighborhood and the Town as a whole. Vacant or abandoned buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety and welfare of neighboring properties and the general public.

B. A significant obstacle in providing effective and prompt enforcement of Town ordinances or other applicable laws, as they relate to a property owner’s responsibilities for vacant or abandoned buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subjects of foreclosure actions by lien holders, which take considerable time to resolve.

C. Certain categories of vacant or abandoned properties, such as homes of seasonal residents or members of the armed forces on active duty deployment, are exempt from the registry requirements of this ordinance.

D. The purpose of this ordinance is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant or abandoned buildings. This ordinance is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by police, fire and code enforcement when issues or emergencies develop.

Section 2. Definitions.

A. If a term is not defined in this ordinance, it shall have its customary dictionary meaning.

B. For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

OWNER shall mean any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant or abandoned building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

PROPERTY MANAGER shall mean a Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant or abandoned buildings.

VACANT OR ABANDONED BUILDING shall mean any building or other structure that is unoccupied and/or unmaintained for 90 days or more or is found to be occupied by any unauthorized persons. Buildings owned by parties identified in Section 1(c) above are not included in this definition.

Section 3. Applicability.

A. This ordinance applies to all vacant or abandoned buildings located within the Town of Rumford.
Section 4. Registration Required.

A. The owner of a vacant or abandoned building must obtain a vacant or abandoned building registration permit for the period during which it is vacant.

B. When a building or structure becomes vacant or abandoned as defined in this ordinance, the owner of the building must apply for and obtain a vacant building registration permit and pay any fee within 90 days of the building becoming vacant.

C. Upon transfer of ownership of any vacant building, a new vacant building registration permit must be obtained pursuant to Section 5.

D. Standard Vacant Building Registration Permit.

(1) The Code Enforcement Officer shall issue a standard vacant or abandoned building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this ordinance.

(2) A standard vacant or abandoned building registration permit is valid for 1 year from the date of approval.

(3) The Code Enforcement Officer, upon issuance of any permit in this ordinance, shall provide a copy of the permit to the Police Chief, and Fire Chief of the Town.

E. Interim Vacant or Abandoned Building Inspection Permit.

(1) If a vacant or abandoned building is inspected and determined not to meet one or more of the maintenance standards in this ordinance, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this ordinance.

(2) When issuing orders under Subsection D (1), the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant or abandoned building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 6 months.

(3) All work done pursuant to this ordinance must be done in compliance with the applicable building, fire prevention, fire and life safety and zoning codes.

F. Upon the expiration of a vacant or abandoned building registration permit, if the building or structure is still vacant or abandoned, the owner must arrange for an inspection of the building and premises with the Code Enforcement Officer, Police and Fire Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this ordinance and any previous permits unless expressly exempted.

Section 5. Permit Application.
A. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises, be free from nuisance and in good order in conformance with vacant building maintenance standards (as set forth below in Section 7), and other codes adopted by the Town of Rumford.

B. The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection and a plan and timeline for the lawful occupancy, rehabilitation, removal or demolition of the structure.

C. The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

D. Contact Information. The application shall include the following:

1. The name, street address, telephone number and e-mail address of an individual designated by the owner or owners of the vacant or abandoned building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this ordinance regarding the vacant building.

2. The name of any property manager responsible for management and maintenance of the property, along with their 24 hour-a-day contact information.

3. The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.

4. If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.

5. A fee, as established by the Select Board in the Schedule of License, Permit, Application and Other Fees, shall be charged for a vacant building registration permit or interim permit. No fee shall be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit fee. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, the fee becomes due immediately.

Section 6. Inspection.

A. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer. The purpose of such inspection is to determine and ensure compliance with vacant building maintenance standards in Section 7. The Code Enforcement Officer may bring Fire Officials on the inspection.

Section 7. Vacant Building Maintenance Standards.

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:
A. Building Openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening. Bare or unprotected wood is not permissible. Weather protection shall be achieved through painting, siding, shingles, etc. Plastic sheeting and/or tarps shall not be permitted as a means of protecting openings.

B. Roofs. The roof and flashings shall appear to be structurally sound and tight. Roofs must be weather tight and structurally sound to support expected loads.

C. Drainage. Any building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

D. Public Health. The building and premises shall be free from excessive vegetation, vermin, debris, rubbish and garbage, including, but not limited to, any combustible waste and refuse. The building shall be sanitary.

E. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

F. Foundation Walls. The foundation walls shall be structurally sound so as not to pose a threat to public health and safety and shall be capable of supporting the load which normal use may cause to be placed thereon.

G. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust.

I. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.

J. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair.

K. Walkways. Walkways shall be safe for pedestrian travel.

L. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall comply with these vacant building maintenance standards.

M. The owner of a vacant building or structure must comply with all building, fire, life safety, zoning and other applicable codes, ordinances or state and federal law and must apply for any building, fire prevention, fire and life safety and zoning permits necessary to perform work required by this ordinance. A sole failure to comply with these standards shall not be grounds for a work order or denial of an application if the other standards of this ordinance are met.

Section 8. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S. § 4452. Fines shall be no less than $100 and no more than $2,500 for each offense. Each violation of a separate provision of this ordinance and each day of violation shall constitute a separate offense.
CHAPTER 25-F  
Disorderly House  
ADOPTED JUNE 9, 2015

Section 1. Definitions.

(1) **DISORDERLY HOUSE** shall mean any dwelling to which the police or sheriff have responded a certain number of times, as prescribed in Section 4 below, involving the conduct of the owner, tenant(s) or the owner’s or tenant(s)’ co-habitants, guests or invitees that the Town Select Board has found to unreasonably disturb the community, the neighborhood or an individual. Such conduct includes, but is not limited to: loud music, boisterous parties, fights involving the owner or tenants of the dwelling or their invitees, the arrest of the owner, tenants or their invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law and other similar activities.

(2) **DWELLING** shall mean any single or multi-family residence or part thereof, including garages, outbuildings, exterior grounds and separate apartments.

(3) **OWNER’S ADDRESS** shall mean the address provided by the owner of a dwelling with the Town for the purposes of assessment and tax collection.

Section 2. Incident Reports and Notice of Disorderly House.

(1) If a dwelling is visited by the police or sheriff in relation to conduct described in Section 1(1) above, the police or sheriff shall send a warning to the owner regarding the disturbance at the dwelling, within three (3) business days, to the owner at the owner’s address.

(2) If a dwelling is visited by the police or sheriff, in relation to conduct described in Section 1(1) above, and within the frequency provided in Incident Table in Section 4 below, the Select Board may convene a hearing to determine whether the dwelling is a Disorderly House.

(3) The owner of the dwelling shall be provided a written Notice of Hearing by either of the following methods: (a) by hand-delivery to the owner’s address by a police officer or sheriff; or (b) by mailing both by certified mail with return receipt requested and by first class mail with certificate of mailing to the owner’s address.

(4) The Notice of Hearing shall provide the date, time and location of the hearing and specify the incidents to be addressed at the hearing before the Select Board.

(5) The hearing notice shall request the owner or the owner’s designated agent to appear at the hearing in order to present the owner’s position and offer any evidence on the incidents that the owner wishes the Select Board to consider. The notice shall include a warning that the failure of the owner to attend the hearing without justifiable excuse may result in a finding that the house is a Disorderly House and result in prosecution in the Maine District Court.

(6) If, after a hearing, the Select Board determines that the dwelling constitutes a Disorderly House, the Select Board may either: (a) enter into a Consent Agreement with the owner
to control the conduct occurring in the Disorderly House, if the owner shows that a reasonable effort is being made to abate the prohibited conduct and/or remove the tenant(s) involved in the prohibited conduct; or (b) refer the Disorderly House to the Town Attorney to prosecute and enforce the violation in the Maine District Court and may seek injunctive relief.

Section 3. Violations.

(1) The following are violations of this ordinance:

(a) Violation of a Consent Agreement entered into under Section 2(6); or

(b) Conduct as described in the definition of Disorderly House in Section 1(1) above in the frequency specified in the Incident Table in Section 4 below.

(2) A violation of this ordinance shall result in a civil penalty of not less than $100 nor more than $2,500, plus attorney’s fees and costs for enforcing this ordinance.

Section 4. Incident Table.

The following number of incidents will determine a Disorderly House:

<table>
<thead>
<tr>
<th>Units per Dwelling:</th>
<th>Number of Visits by Police or Sheriff in Any 30 Day Period for Activity Described in Section 1(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or less</td>
<td>3</td>
</tr>
<tr>
<td>6 to 10</td>
<td>4</td>
</tr>
<tr>
<td>11 or more</td>
<td>5</td>
</tr>
</tbody>
</table>
CHAPTER 25-G
Roof Drains

ADOPTED JUNE 14, 2016

Section 1. Purpose.

A. There are several properties within the limits of the Town which have roof drains which are
flowing into the sewer system instead of into the storm drain system in violation of Department of
Environmental Protection’s regulations and in violation of an order from the Department of
Environmental Protection which requires that all roof drains in the Rumford-Mexico Sewerage
District be disconnected from the sewer system and be connected to the storm drain system.

B. Roof drains create an overload on the Rumford-Mexico Sewerage system when there are heavy
rains and when the accumulated snow melts on the flat roofs in the Town.

C. The purpose of this Ordinance is to provide a mechanism for enforcing that roof drains be
disconnected from the sewer system and be connected to the storm drain system.

Section 2. Definitions.

A. If a term is not defined in this Ordinance, it shall have its customary dictionary meaning.

B. For the purpose of interpreting this chapter, the following terms, phrases, words and their
derivations shall have following meanings:

OWNER shall mean any person, agent, firm, corporation or other legal entity having a legal or quitable
interest in a building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or
the holder of a life estate.

ROOF DRAIN shall mean any drain on a building which drains water from the roof top or a gutter
attached to a building or any other method of removing water from a roof which drains water from that
area to be deposited to another area.

SEWER SYSTEM shall mean any pipes, mains or other parts of the sewer system for the Town of
Rumford.

STORM DRAIN SYSTEM shall mean any drains, pipes, mains or other parts of the storm water drainage
system in the Town of Rumford.

Section 3. Applicability.

This Ordinance applies to all buildings with roof drains located within the Town which drain into the
sewerage system of the Town.

Section 4. Compliance.

A. The owner of a building which has a roof drain or gutter system which deposits water into the
sewer system must disconnect from the sewer system and connect to the storm drain system.
Owners are responsible for ascertaining whether their roof drains are connected to the sewer
system. Owners are required to provide a plumber’s certification or other documentation
satisfactory to the Town that their roof drains are connected to the storm drain system if required
by the Town within thirty (30) days of a written request by the Town’s Code Enforcement Officer.
B. The Town’s Code Enforcement Officer and/or Plumbing Inspector are authorized to make all necessary building inspections to ascertain compliance by the building owner with this Ordinance and to cite any violations of this Ordinance.

C. A building owner who does not cooperate with a building inspection for verification of compliance with this Ordinance shall be responsible for the reasonable attorney’s fees and costs of the Town for obtaining an administrative search warrant.

D. The Town’s Code Enforcement Officer may enter into a Plan of Compliance with a violator; however, all Plan of Compliance may only be for a period of time no longer than 180 days. An extension of an additional 180 days may be granted for good cause shown by the building owner.

E. Any owner of a building which fails to remove a roof drain from being connected to the sewer system is in violation of this Ordinance and subject to fines and penalties below in Section 5 – Violations and Penalties.

Section 5. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this Ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Fines shall be no less than $100 and no more than $2,500 for each offense. Each violation of a separate provision of this Ordinance and each day of violation shall constitute a separate offense. In addition, any person who has been found to have violated this section is responsible for the reasonable attorney’s fees and costs of the Town for having to prosecute the violation.

Section 6. Effective Date

This Ordinance is in effect upon adoption at the Annual Secret Poll Meeting of June 14, 2016.
CHAPTER 26
Enforcement and Penalties
AMENDED JUNE 9, 1987

Section 1. Enforcement. The Board of Selectpersons is hereby charged with the duty to enforce, through the appropriate police and fire department, all Ordinances of the Town.

Section 2. Prosecutions. All initial prosecutions for violations shall commence by complaint and civil summons in the Rumford District Court (Northern Oxford County District Eleven) and all fines imposed therefore shall be for the use of the Town of Rumford and paid over to the Town Treasurer.

Section 3. Penalties. Any person, firm, corporation who violates any provisions of these Ordinances for which no specific penalty is provided, shall be punishable by a fine not to exceed the sum of $1,000.00 for each violation to include any restitution or court costs.

Section 3A. Fines. A minimum judgment for a first offense shall be, not less than $35.00; Second offense not less than $100.00; Third offense not less than $300.00; Fourth offense not less than $500.00.

Section 3B. Restitution. In addition to any fine imposed restitution may be ordered.
CHAPTER 27
Severability

Section 1. Intention. Notwithstanding any other evidence or intent, it is hereby declared to be the controlling intent of the voters of the Town of Rumford that if any provision of these Ordinances, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remaining provisions of these Ordinances, and the application of the provision, held to be invalid, to persons or circumstances, other than those adjudicated, shall not be affected.
CHAPTER 28
Mobilehome and Trailer Ordinance

CHAPTER 28, Article 11 Mobilehome and Trailer Ordinance, Section 1102
DELETED JUNE 8, 1982

CHAPTER 28, Article 10 Inspections and Revocations, Section 1001
AMENDED JUNE 14, 1994

CHAPTER 28, Section 305 Mobilehome and Trailer Ordinance
AMENDED JUNE 14, 1994

CHAPTER 28
REPEALED JUNE 14, 2005
CHAPTER 29
Subdivision Regulations

CHAPTER 29, Section 301 (a)(3) Subdivision Regulations-Design Standards
AMENDED JUNE 10, 1986

CHAPTER 29, Section 301 Subdivision Regulations-Streets
b. (8) Sub-section b.
AMENDED JUNE 10, 1986

CHAPTER 29, Section 401(e) Subdivision Regulations-Required Improvements
AMENDED JUNE 10, 1986

CHAPTER 29, Section 201 Subdivision Regulations-Notice of Public(c)(10)(c) Hearing
AMENDED JUNE 10, 1986

CHAPTER 29, Article 3-A. Mobile Home Park Standards
ADOPTED JUNE 8, 2004

CHAPTER 29, Section 101 Definition
AMENDED JUNE 14, 2005

CHAPTER 29-Article 2, Procedure for Approval of Subdivision Plan-Section 201(B)
AMENDED JUNE 14, 2005

CHAPTER 29, Article 3-A. Mobile Home Park Standards
AMENDED JUNE 14, 2005

CHAPTER 29, Article 3, Design Standards, Section 301(B) (12) (b) (ii)
AMENDED JUNE 8, 2010

Article 1. Definitions

Section 101. These Regulations shall be known as, and may be cited as, the Rumford Subdivision Regulations. Words used herein are defined as follows:

Board - means the Town of Rumford Planning Board.

Engineer - means a person designated by the Selectpersons to act in that capacity.

Subdivision - For the purposes of these Regulations, subdivision shall be as defined in 30-A M.R.S. § 4401. Lots of forty (40) or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Town of Rumford Shoreland Zoning Ordinance.

Urban areas - means areas designated as urban compact by the Maine Department of Transportation.

Street - means a way for vehicular traffic including highway, road, avenue, lane, or other designation, but excluding driveways serving not more than two (2) contiguous lots.

(1) "Arterial Street" - means a street used primarily for fast or heavy traffic.
(2) “Collector Street” - means a street that carries traffic from minor streets to the major system of arterial streets.

(3) “Minor Street” - means a street used primarily for access to abutting properties.

(4) “Alley” - means a street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.

**Freshwater Wetland** - means fresh water swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils: and

2. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**River, Stream or Brook** means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

“**Manufactured Housing**” means:

1. “Mobile Home” which is a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of mobile home homes are included. Those two types are:

   a. Those units constructed after June 15, 1976, commonly called “newer mobile homes,” that the manufacturer certifies are constructed in
compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; and

(b) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

(2) “Modular homes” which are structures that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, of the Maine Revised Statutes and rules adopted under that chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

“Mobile home park” means a parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes. All mobile home parks shall be reviewed by the Planning Board pursuant to this ordinance and 30-A M.R.S. § 4358, as amended.

“Mobile home park lot” means the area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home. A mobile home park lot shall be designated on a mobile home park plan.

“Mobile home subdivision or development” means a parcel of land approved by the Planning Board for the placement of manufactured homes on individually owned lots. All mobile home subdivisions or developments shall be reviewed by the Planning Board pursuant to subdivision ordinance of the Town.

“Permanent foundation” for manufactured housing means:

(1) For “newer mobile homes,” as defined in paragraph A, subparagraph (1) above, a foundation that conforms to the installation standards established by the Manufactured Housing Board; or

(2) For “modular homes,” as defined in paragraph A, subparagraph (2), a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the International Building Code.

“Pitched, shingled roof” for manufactured housing means a roof with a pitch of two or more vertical units for every twelve horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.
“Abutter” or “abutting property” means a property owner of record with the Town Assessors’ office whose property borders the subject property before the Planning Board.

Article 2. Procedure for Approval of Subdivision Plan

Section 201. Whenever a subdivision is proposed and before the sale of any part thereof, the subdivider shall apply to the Board for approval (the Board shall, when receiving subdivision for approval, find that the criteria set out in Title 30-A M.R.S. ‘4404 and the standards contained herein have been met, in accordance with the following procedures.

A. Pre-application - Prior to filing an application for Conditional Approval, the subdivider may submit a written description and simple sketch plan describing the proposed subdivision. Within thirty (30) days from the date of such submission, the Board shall inform the subdivider that plans do or do not generally conform to these Regulations. When the Board finds that they do not conform to the Regulations, it shall express the reasons therefore.

B. Preliminary Subdivision Plan - Upon the subdivider determining his general program, the subdivider shall prepare a Preliminary Subdivision Plan, with accompanying data, and submit a written application to the Board and an application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the subdivider shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for each abutting property owner to the proposed subdivision who must be notified by the Town. Upon receipt by the Board of the Preliminary Subdivision Plan and the application fees, the Board shall provide a dated receipt to the subdivider and notify by mail all abutting property owners of the proposed subdivision. The preliminary data shall contain three prints with a scales of not less than 100 feet to the inch or other scale as mutually agreed upon.

The size shall be 24" x 36" maximum and shall contain the following information and conditions.

(1) Name and title of subdivision.

(2) Graphic map scale, date, and magnetic north point.

(3) Boundaries of tract based on an actual field survey made and certified by a Professional Land Surveyor accompanied by a copy of the deed from which the survey was based.

(4) Name of owner(s) and engineer(s) or surveyor(s).

(5) Names and addresses of abutting owners.

(6) Name, location, width, profile, and cross-section of all existing and proposed streets.

(7) Kind, location, profile and cross-section of all existing and proposed drainage.

(8) Location of features, natural and man-made, affecting the subdivision, including water bodies, rivers, streams, brooks, wetlands, wooded areas, significant wildlife habitats, location and elevation of any 100-year floodplains, location of known or potential archaeological or historic resources, location of documented rare or endangered species, location of direct watersheds of Great Ponds, location of
scenic sites or views as identified in the Town of Rumford Comprehensive Plan, railroads, ditches, building, etc.

(9) Location of utilities - water, electrical lines, etc.

(10) Sanitation existing and proposed location, size, profile, and cross-section of sanitary sewers; or description plan, location or other means of sewage disposal with evidence of soil suitability (soils analysis).

(11) Lines and dimensions of lots.

(12) Topographic map if ground slope is more than 5 or less than 1.

(13) Soil erosion and sediment control plan.

(14) The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project as proposed.

(15) Other studies to be made when required. In addition to the Preliminary Plan, the Board may cause to be undertaken by the subdivider or by the town engineer or others, any studies it deems necessary to desirable to protect and assure the health, safety and welfare of the citizens of the Town of Rumford, including the future occupants of such subdivision whether residential, commercial or industrial.

C. Within thirty (30) days of the Board issuing a dated receipt of a Preliminary Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Preliminary Plan.

D. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

E. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held. or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

Approval, if granted, shall not constitute approval of the Final Subdivision Plan but a conditional approval of the Preliminary Subdivision Plan only. This may serve as a guide in the preparation of the final Subdivision Plan, which must be submitted in accordance with these Regulations and the conditions, of Preliminary Plan approval.

F. Final Subdivision Plan - The Final Subdivision Plan and data shall be submitted with application within six (6) months after approval of the Preliminary Subdivision Plan; otherwise, such approval shall become null and void.

The Final Subdivision Plan shall conform substantially to the Preliminary Subdivision Plan as approved. The final plan submitted by the subdivider shall consist of 3 prints and two reproducible, stable based transparent originals embossed with the seal of the professional who prepared the plan. The Final Subdivision Plan shall contain the following information and be subject to the following conditions:
All information required for a preliminary plan.

Existing and final proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.

Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.

Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U.S.G.S. datum; or other datum approved by the Board.

Location of all permanent monuments properly identified to whether existing or proposed.

Suitable space to record, on the plan, final approval by the Planning Board, with conditions, if any, and also the date of such approval as follows:

Certificate of Approval: The Planning Board of the Town of Rumford, Maine, hereby approves this plan in accordance with the provisions of the Rumford Subdivision Regulations and the Statutes of Maine.

____________________________________
____________________________________
____________________________________
____________________________________
____________________________________

Members of the Planning Board of the
Town of Rumford, Maine

Accompanying Data. The Final Plan shall be accompanied by a statement from the Rumford Water District Superintendent of conditions on which the district will supply water, and approving the size and locations of mains, valves and hydrants proposed; and a statement from the Fire Chief approving the number, size and location of hydrants proposed.

Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.

If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail.

The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit
as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

(11) Performance Guarantee. As a condition to final approval of any subdivision, a performance guarantee shall be submitted with the Final Plan.

(a) Certified Check or Surety Bond. The subdivider shall tender either a certified check payable to the Treasurer of the Town of Rumford or a faithful performance bond running to the Town of Rumford and issued by a surety company acceptable to the Board, in an amount of money to be determined by the Board with the advice of the various town departments and agencies concerned.

The check or bond shall be equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities specified in the final plan, conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of such check or bond. Extensions of date of completion may be made by the Board, but in no instance shall said extension be for a period exceeding three (3) years.

(b) Release of Check or Bond. Before voting to release such check or bond, the municipal officers shall determine to its satisfaction in part by a written certification signed by the Town Clerk and by the Board Chairperson that there have been submitted to them by the subdivider or his agent written statements signed by:

1. The Town Engineer, stating that the streets and storm drainage have been constructed and completed in conformance with the Final Plan; that the sewage or means of waste disposal have been constructed and are in place in conformance with the Final Plan.
2. The Water District Superintendent stating that the water mains and hydrants have been installed and are in place in conformance with the Final Plan.
3. A Professional Land Surveyor, paid for by the subdivider, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the Final Plan.

(12) Conditional Agreement. The subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Rumford. Such agreement shall be endorsed in writing on the Final Plan, and shall provide that the Board may approve the Final Plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until:

(a) It shall have been certified to the Town Clerk and the Planning Board in the manner set forth in 11(b) above, that all of the street and utility improvements required have been installed and completed at the
expense of the subdivider in accordance with all applicable provisions of the Final Plan;

(b) A certificate of compliance covering the lots and streets or portions of streets involved, has been signed by the Town Engineer and the Board Chairperson, and a copy of such certificate has been recorded with the Oxford County Registry of Deeds.

(13) A sum equal to 1% of the cost of required improvements as determined by the Board shall be deposited by the subdivider with the Town Clerk to cover costs incurred by the Town for engineering inspection and legal expenses. The minimum shall be one hundred dollars ($100.00).

(14) Improvements shall be guaranteed against failures for a period of one (1) year from the date of completion, the form of guarantee to be subject to approval by the Board.

(15) The subdivider shall offer the dedication of all streets, parks, or other public open spaces, by deeding, as the improvements are completed as determined by the Board. Approval of the Final Subdivision Plan by the Board, however, shall not constitute an acceptance by the town of such dedication until said deeds have been accepted by the town meeting as streets and ways are accepted.

(16) No transfer or sale shall be made of any land in a proposed subdivision until the Final Subdivision Plan has been approved by the Board, the approval noted on four (4) copies of such plan and the plan filed in the office of the Town Clerk. Two (2) copies of the approved plan shall be returned to the subdivider and the others retained by the Board. Unless the subdivider records the approved Final Subdivision Plan in the Oxford County Registry of Deeds within ninety (90) days after the date of approval, such approval shall expire. (Chapter 90-A Section 61, V, A.)

G. Public Hearings - The Planning Board may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.

(1) Public Hearing Procedures

(a) Presiding Officer

1) The presiding officer at any hearing shall be either (a) a member of the Board selected by those members present at the hearing, or (b) a qualified employee or representative of the Board, as designated by the Board.

2) The presiding officer shall have the authority to:
a) Rule upon issues of evidence,
b) Regulate the course of the hearing,
c) Rule upon issues of procedure,
d) Certify questions to the Board for its determination,
e) Take such action as may be ordered by the Board or that is necessary for the efficient and orderly conduct of the hearing, consistent with these Regulations and applicable statutes.
3) In special cases, where good cause appears, the presiding officer may permit deviation from these procedural rules insofar as compliance therewith is found to be impractical or unnecessary.

(b) General Conduct

1) **Opening Statement.** The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and the general procedure governing its conduct.

2) **Transcription of Testimony.** All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.

3) **Witnesses.** Witnesses shall be sworn. Witnesses will be required to state for the record their names, residence and who they represent, if anyone, for the purpose of the hearing.

4) **Testimony in Written Form.** Any time, prior to or during the course of the hearing, the presiding officer may require that all or part of the testimony to be offered as such a hearing be submitted in written form at such time and in such form as may be specified. All persons offering testimony in written form shall be subject to questioning. This subsection (b-4) shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.

(3) **Continuance.** All hearings conducted pursuant to these Regulations may be continued for reasonable cause and reconvened from time to time and from place to place by the Board or the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the presiding officer shall notify interested persons and the public in such a manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

(4) **Regulation of Certain Devices.** The placement and use of television cameras, still cameras, motion picture cameras or microphones at Board hearings, may be regulated by the Board or the presiding officer.

(5) **General Evidence.**

(a) Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Board’s experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.
(b) **Official Notice** - The Board may, at any time, take official notice of relevant laws, official regulations and transcripts of other hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Board shall include in its final decision those facts of which it took official notice, unless those facts are included in the transcript of the record.

(c) **Documentary and Real Evidence**

1. All documents, materials and object offered in evidence as exhibits shall, if accepted be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The presiding officer may require, after prior oral or written reasonable notice, that any person offering any documentary or photographic evidence shall provide the Board with a specified number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not to be reasonable susceptible of reproduction.

2. All written testimony and documents, materials and objects admitted into evidence shall be made available during the course of the hearing for public examination.

(d) **Record of Application.** In any proceeding involving an application, the application filed with the Board including exhibits and amendments thereto, shall be placed into evidence.

(e) **Objections.** All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefor shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the ruling of the presiding officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.

(6) **Offer of Proof.** An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.

(7) **Public Participation.** Any person may participate in a hearing by making oral or written statements of such person’s position on the issues, and submit written or oral questions through the presiding officer, within such limits and on such terms and conditions as may be fixed by the Board or presiding officer.

(8) **Testimony and Questions.**

(a) **Direct Testimony.** Direct testimony shall be offered in the following order:
i. The applicant and representative and witnesses the applicant selects,

ii. Board staff members and consultants,

iii. State, municipal and other governmental agencies and representatives thereof,

iv. Other interested persons.

(b) Questions. At the conclusion of the testimony of each witness questioning of witnesses shall be in the following order:

i. Board members, counsel, staff and consultants may be permitted by the presiding officer to ask questions at any time.

ii. The applicant,

iii. Federal, state and other governmental agency representatives,

iv. All other persons may have the opportunity to question such witness by oral or written questions through the presiding officer.

(c) The presiding officer may require that all examination, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.

(d) Varying Order of Appearance. When circumstances warrant the presiding officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are questioned.

(9) Conclusion of Hearing. At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

(10) Reopening the Record. At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with regulations provided, however, that the Board shall give notice of such further proceeding, in writing, to the applicant at least 10 days prior to such proceedings, and further provided that the Board shall notify other interested persons and the public in such manner as is appropriate.

(11) Record. The record of the hearing shall consist of the application, the transcript of the hearing, all exhibits, and proposed findings of fact and conclusions of the presiding officer, if any.

(12) Petitions to correct Mis-statements of Fact. The Board may also receive written petitions to correct mis-statements of fact in draft orders.

(13) Representatives. The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Board and staff shall be sent.
(14)  **Rulings.** The Chairperson or presiding officer may be over-ruled by a majority vote of the Board members present or on any decision or ruling relating to a hearing.

(15)  **Computation of Time.** All computations of time under these Rules shall be in the same manner as provided by Maine Rules of Civil Procedure, Rule 6 (a), (b) and (e).

H.  **Appeals.** An applicant or an abutting property owner may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager's Office within ten (10) days of the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will establish a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described below in section 30150A(C)(2). The Board of Appeals shall use the same procedure for administration of the hearing as is established in 201(E) above. A written decision of the Board of Appeals shall be sent to the appellant and filed with the Town Clerk no later than thirty (30) days after the hearing date.

**Article 3. Design Standards**

**Section 301.** All required improvements in a subdivision shall be constructed in accordance with the design standards outlined below and in the appropriate schedule established by the Board.

A.  **General** - General requirements shall consist of the following.

1.  Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.

2.  Minimum Lot Size to be 10,000 sq. feet with 100 feet of frontage on the street for lots within municipal sewage; and in rural areas without municipal sewage 40,000 sq. feet with 150 feet on frontage on the street. The use of lots within the subdivision shall conform to the requirements of all applicable health and town regulations.

3.  Where a proposed park, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area when the Board deems such requirements to be proper and reasonable.

B.  **Streets** - The arrangement, type and location of streets shall conform to the Comprehensive Plan or Official Map and shall be considered in relation to existing and planned streets, topography, public convenience and safety, and the uses of the land to be served by such streets. Streets shall be of such width as to provide an adequate system for present and future traffic needs with the minimum right of way being fifty (50) feet.

1.  Where not shown in the Comprehensive Plan or Official Map, the arrangement of streets in a subdivision shall either:

   (a)  Provide for the continuation of existing street or
Conform to a plan approved by the Board to meet a particular situation where topographical or other conditions make continuance of existing street impracticable.

2. Minor streets shall be so laid out that their use by through traffic will be discouraged.

3. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision.

4. Where the subdivision lots will be accessed by off-site public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.

5. Where a subdivision will be accessed from Route 2 it shall be limited to two points of access through the use of common access or shared driveways.

6. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

7. Where a subdivision abuts or contains a railroad right-of-way or arterial street, the Board may require marginal access streets or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

8. Reserve strips controlling access to streets shall be prohibited except where their controls are in accordance with conditions approved by the Board.

9. Dead-end streets shall be avoided. Where unavoidable and designed to be dead-end streets permanently, their length shall be as approved by the Board and shall terminate in a turn-around with a diameter of at least sixty-five (65) feet.

10. Where any Plan includes a dead-end street, not designed to be so permanently, the subdivider shall make such temporary provisions for turn-around as the Board deems necessary.

11. Street names shall not duplicate the names of existing streets and shall be subject to approval by the Board.

12. Streets shall conform to the following minimum design and construction:

(a) **Width of right-of-ways.**
   
   i. **Collector Streets** - 60 feet.
   
   ii. **Local Residential Street** - 50-60 feet.

(b) **Width of pavements.**
   
   i. **Collector Streets** - Two 10 foot traffic lanes, and one 8 foot parking lanes or paved shoulder.
Local Street - Two 10-foot traffic lanes, and one 8 foot parking lane or paved shoulder.

(c) Angle of street at intersection shall not be less than 60 degrees.

(d) Street grades shall be minimum of 1.0 percent.

(e) Property lines at intersections shall be rounded with a minimum radius of 20 feet.

(f) All streets shall be crowned in accordance with good engineering practices, and be provided with adequate drainage. Type of base course and wearing surface shall be approved by the Superintendent of Public Works with a minimum of 24" gravel for street base.

(g) All shall be developed to the full width of the right-of-way.

(h) Sidewalks may be required at the discretion of the Board and shall be at least 4 feet minimum width.

(i) The standard specifications, Highway and Bridges, as used by the Maine Department of Transportation shall be the Standard Specifications to govern the building of streets in the aforementioned subdivisions.

13. Alleys shall be provided in commercial and industrial districts, except where provisions are made for other approved access, adequate for the uses proposed.

C. Easements - Easements preferably centered on lot lines, shall be provided for utilities where necessary. Where a subdivision contains a stream or drainage way, a storm water or drainage easement shall be provided conforming substantially to the lines of such water course, and of adequate width with a minimum drainage easement of twenty (20) feet. Proper provisions shall be made for protective flood control measures.

D. Open Space Subdivisions - It is the policy of the Town of Rumford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Rumford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Rumford. This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the subdivider. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of these Regulations if such subdividers commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

1. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest and other open space
resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

2. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S. ' 4404 and these Regulations.

3. **Pre-application Procedure**

Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

4. **Application Procedure**

**Required Plans:** The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under these Regulations.

5. **General Requirements**

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of these Regulations and other Town of Rumford Ordinances.

(a) **Allowable Density**

(1) Allowable density shall be based upon one of the following methods as determined by the applicant:

i. **Net Residential Density Method** which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

1. area in proposed rights-of-way;
2. area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
3. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
4. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
5. area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

ii. **Simplified Method**, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.
The Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it makes a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 3.d.4.a-d.

6. Layout and Siting Standards

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

(a) Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;

(b) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;

(c) In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses:

(d) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

7. Space Standards

(a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

(b) The required minimum land area per dwelling unit for the building envelope may be reduced to twenty thousand (20,000) square feet. The building envelope shall contain a minimum of twenty thousand (20,000) square feet of land area that does not include 100 year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area required by these Regulations.
Minimum street frontage requirements contained Section 301(a)(2) may be waived or modified by the Board provided that:

1. Any applicable provisions regarding streets in Subsection 6 below are satisfied: and

2. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.

A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.

No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development.

8. Streets

The Board shall require private streets to comply with the design standards set forth in Section 301(b) except as provided in Subsection (a) below.

(a) Travel ways and shoulders of privately-owned streets within open space subdivisions shall meet the following minimums:

1) Streets serving three (3) to ten (10) units: Sixteen (16) foot travel way and four (4) foot shoulders.

2) Streets serving eleven (11) to fifty (50) units: Twenty (20) foot travel way and four (4) foot shoulders.

9. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Ordinance.

(a) Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat recreation (active or passive), and resource conservation.

2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
(b) **Notations on Plan.** Open space, common lands, streets or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

(c) **Ownership of Open Space Land.** Open space land may be held in private ownership; or owned in common by a Homeowners’ Association; transferred to a non-profit organization such as a conservation trust or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in section.

The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

10. **Homeowners Associations or Agreements.**

Where any portion of a subdivision is proposed or required to be held in common by owners of lots or owned in common by a Homeowners’ Association or similar entity, covenants for mandatory membership in the association setting forth the owners’ rights, interest privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Board and included in the deed for each lot.

E. **Surface Drainage**

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.

2. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

F. **Erosion and Sediment Control**

The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

G. **Phosphorous Export**
Subdivisions proposed within the direct watershed of Davis Pond. Joes Pond or the Mt. Zircon Reservoir shall be designed to limit phosphorus runoff.

I. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.

2. Phosphorus control measures shall meet the design criteria contained in *Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development* (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

H. Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

I. Ground Water Quality

1. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:

   (a) A map showing the basic soils types.

   (b) The depth to the water table at representative points throughout the subdivision.

   (c) Drainage conditions throughout the subdivision.

   (d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   (e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.

   (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.
2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S. § 601.

3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

J. Protection of Significant Wildlife Habitat.

Applicants proposing to subdivide land in or within seventy-five (75) feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the effected lots.

K. Endangered and Threatened Species.

The Board shall consider a proposed subdivisions impact on state documented endangered species.

Article 3-A. Mobile Home Park Standards

Section 301-A. These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

Section 302-A. Lot Size, Width and Density. Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on 30-A M.R.S. § 4358, as amended.

A. Lots served by public sewer:
   - minimum lot area — 6,500 square feet
   - minimum lot width — 50 feet.

B. Lots served by individual subsurface sewage disposal systems:
   - minimum lot area — 20,000 square feet
   - minimum lot width — 100 feet

C. Lots served by a central subsurface wastewater disposal system:
   - minimum lot area — 12,000 square feet
   - minimum lot width — 75 feet

D. The overall density of a mobile home park served by a central subsurface wastewater disposal system approved by the Department of Human Services shall be no greater than
one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

1. the area required for road rights-of-way; and
2. the area required for buffer strips, if any; and
3. the additional area for open space, storage or recreation applicable to other residential developments within the municipality for mobile home parks that are served by a public sewer, provided that the area is not greater than 10% of the combined area of the individual lots within the mobile home park; and
4. the area of any setbacks required by Title 38 of the Maine State Statutes.

E. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

F. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

Section 303-A. Lot Setbacks.

A. The following lot setbacks shall apply to all manufactured housing units:

- front setback: 20 feet
- side setback: 10 feet
- rear setback: 20 feet

B. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile park to be varied provided that no home may be closer that 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.

C. Carports of non-combustible materials are not subject to side setback requirements.

D. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

Section 304-A. Lot Coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

Section 305-A. Buffer Strips.

A. A 50 foot wide buffer strip shall be provided along all property boundaries that:
(1) abut residential land which has a gross density of less than half of that proposed in the park, or

(2) abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

B. Within 25 feet from the exterior boundaries of the mobile home park and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project. No structures, streets or utilities may be placed in the buffer strip except a utility may cross the buffer strip to provide service to the mobile home park.

Section 306-A. Parking. For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

Section 307-A. Road Standards.

A. Roads in a mobile home park shall meet the standards contained in the Town of Rumford Subdivision Ordinance, Article 3 (Design Standards) Sec.301(b) and the provisions of this section. Where the standards are in conflict, the stricter standard shall apply, unless it is in conflict with 30-A M.R.S. § 4358.

(1) Private Roads. Privately-owned roads within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile Home park roads shall have a right of way of at least 23’ of which 20’ must be paved. On-street parking shall be prohibited.

(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town of Rumford shall meet the minimum road acceptance standards for public roads as required by the Town.

(3) Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

(a) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

(b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 3 percent.

(4) No mobile home lot may have vehicular access directly onto a public street, unless such street is constructed in a manner which shall not impair the safety of the public.

Section 308-A. Utility Requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.
Section 309-A. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

Section 3010-A. Skirting. The area between the platform and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

A. Approved vinyl or metal mobile home skirting; or
B. A poured concrete wall; or
C. A mortared or loose laid masonry wall; or
D. Painted wood or similar materials.

Section 3011-A. Siding. All structures in a mobile home park shall have siding which provides a residential appearance. Tar paper, vapor barrier (e.g., typar), asbestos shingles and asphalt shingles shall be deemed not in compliance. Aluminum or vinyl siding are acceptable forms of siding. Anyone installing vapor barrier must have siding covering the vapor barrier within one (1) year from the date of commencement of the installation of the vapor barrier.

Section 3012-A. Roofing. All structures in a mobile home park shall have pitched, shingled roofs as described in section 101(M). Tar paper is not an acceptable material for a roof.

Section 3013-A. Permanent Foundation. All structures in a mobile home park shall be on a permanent foundation as described above in section 101(L).

Section 3014-A. Standards for Earlier Built or Non-Compliant Manufactured Housing. The purpose of these standards is to establish a condition of safety that will allow manufactured housing to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park or their invitees. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

A. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.

B. A person holding a master's license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards hereafter revised or enacted.

C. A person holding a master's license issued by the State of Maine Electrician Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

Section 3015-A. Approval Process for Mobile Home Park Construction or Alteration.
A. It shall be unlawful for any person to construct or alter a mobile home park as defined in this ordinance unless such person shall first have obtained a building permit and an Approved Plan (as required by the Planning Board) from the Town Planning Board as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this ordinance unless such person shall first have obtained a license from the State of Maine and filed a copy of same with the Town Clerk.

B. An application for construction, expansion or alteration of a mobile home park shall be obtained from the Town Manager's office and shall be filed with the Town Clerk. An expansion of an existing mobile home park shall be treated in the same manner as the new construction of a new mobile home park. The application shall be fully completed in type-writing or legible writing, signed by the applicant and shall contain the following, when applicable:

1. Two mylar plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:

   a. Name and address of applicant;
   b. Name or title of mobile home park;
   c. Area and dimensions of the tract of land;
   d. Scale, date, direction of magnetic north;
   e. Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
   f. Number, size and location of all mobile home sites including the location of the permanent foundation on each site;
   g. Name(s) of abutting owners;
   h. Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other right-of-ways;
   i. Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
   j. Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
   k. Location of water lines, sewer lines, septic systems, etc.;
   l. Kind, location and profile of all existing and proposed drainage;
   m. Location and proposed uses of area proposed for outdoor recreation;
   n. Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
   o. Location of existing and proposed pedestrian walkways;
   p. Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
q. Location of existing and proposed fences, hedges, etc.

r. An on-site soils investigation by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.

s. Evidence that the Maine Department of Human Services, Division of Health Engineering, has been provided with copies of the plan and all other submittals.

2. Copies of deeds establishing ownership in the parcel or parcels of land being developed.

3. Copy of an existing license for operating the mobile home park if already in existence.

4. An application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the applicant shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for each abutter to the parcel who must be notified by the Town.

C. The Town Clerk, after determining that the provisions of Sections A and B of this section have been met, shall:

1. Notify the Code Enforcement Officer, Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation in writing as to the feasibility of any such mobile home park with respect to the areas of their responsibilities to the Planning Board;

2. Refer the application to the Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing by first class mail to the last known address of the abutter of the time, date and place of the public hearing;

3. The hearing shall be conducted as in Section 201(F) above.

D. The Planning Board within thirty (30) days after the conclusion of such hearing shall make its written determination known to the applicant as to whether the application is denied or granted. The Planning Board shall take into consideration whether:

1. the proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Shoreland Zoning Ordinance of the Town;

2. the street and road patterns in the proposed mobile home park or alterations of same are adequate for use intended and for ingress and egress for the protection of the mobile home park inhabitants, their invitees, property and the public;

3. the proposed mobile home park or alterations to an existing mobile home park otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts;
4. the proposed mobile home park or alterations to an existing mobile home park meet with the requirements of this ordinance and the ordinances and laws of the Town.

E. The Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of same.

F. If the Planning Board grants final approval of the said application, the Plan shall be signed by the Planning Board, if a plan was required by the Planning Board. Upon being provided with a recorded copy of the signed Plan by applicant or the applicant's licensed surveyor or engineer, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit for the construction of said mobile home park. In the event that a Plan was not required by the Planning Board and the Planning Board approves the application, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit. The Code Enforcement Officer and Building Inspector shall monitor the construction or expansion of the mobile home park or the alterations to an existing one.

G. An applicant or an abutter may file an appeal of the decision of the Planning Board to the Board of Appeals in writing by sending it to the Town Manager’s Office within ten (10) days of the date of the Planning Board’s written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will set a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than ten (10) days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described above in section 3015-A(2).

Section 3016-A. No plan which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback and other requirements the Town has established for that use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes for conditions of approval:

A. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

B. No dwelling unit other than a manufactured housing unit shall be located within the park.

Section 3017-A. No mobile home park existing at the time of the effective date of this ordinance shall be altered in any way except in compliance with the provisions of this ordinance.

Section 3019-A. Violations.

A. No manufactured home shall be located anywhere in the Town without certification of payment of Maine State sales tax. A person, corporation or other entity which has a mobile home located in the Town without having paid sales tax shall be subject to a fine of $125.00 per day, up to a maximum fine of $2,500.

B. A person, corporation or other entity operating a mobile home park in violation of this section shall be subject to a fine of $125 per day for each violation, up to a maximum fine of $2,500.
Article 4. Required Improvements

Section 401. The Board shall specify what improvements shall be required to meet the needs of a proposed subdivision. Such improvements shall include streets, storm drainage, sanitary sewers and water mains. The required improvements shall conform to design standards set forth in these Regulations as follows:

a. Streets as outlined in Section 301(b) above.

b. Storm drainage shall be installed with necessary manholes and catch basins to the grade, line, type of pipe, and size as determined by the Board.

c. All sanitary sewers shall be installed with necessary manholes to the size, grade, line, type of pipe and type of joints as determined by the Board on the advice of the Town Engineer.

d. Water Mains. Town water mains with hydrants shall be provided. A minimum of 6” water main is required for all street and shall be installed in compliance with requirements of the Board of Trustees of the Rumford Water District.

e. Construction by Town. The Town may agree to construct the sewer, storm drains and the wearing surface of the streets; if recommended by the Board, and approved by vote by the Town Meeting. In making its recommendation, the Board shall consider economic feasibility, cost of construction, cost per unit served, and benefits to the community.

Article 5. Waivers.

Section 501. The terms of these Regulations may be waived from time to time by the Board in accordance with the following sections:

a. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of these Regulations are strictly applied, it may waive the necessity for strict compliance with the requirements of these Regulations in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of these Regulations or the comprehensive plan.

b. In granting waivers to any of these standards in accordance with Section 501(a) the Board shall require such conditions as that will assure the objectives of these Regulations are met.

c. When the Board grants a waiver to any of the improvements required by these Regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

Article 6. Violations and Enforcement.

Section 601. These Regulations shall be enforced by the Code Enforcement Officer.

a. No plan of a division of land that would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these Regulations.
b. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

c. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party. The Selectpersons, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these Regulations and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectpersons shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

d. Utility installations, ditching, grading or construction of streets, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and endorsed as provided for by these Regulations.

Article 7. Amendments.

The Board may from time to time amend these Regulations, and any policies adopted by the Board. The procedure for such amendments or amendment shall be the same as follows for the adoption of these Regulations or policies.

Article 8. Validity.

If any article, section, subdivision, sentence, clause, or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.
CHAPTER 30
Regulation As To Dogs

CHAPTER 30 REPEALED JUNE 8, 2004

CHAPTER 30-A
Seizure of Animals by Animal Control Officer without Court Order

CHAPTER 30-A REPEALED JUNE 8, 2004

CHAPTER 30-B
Ordinance Regarding Domestic Animals

CHAPTER 30-B REPEALED JUNE 12, 2012
CHAPTER 30-C
Domestic Animals: Regulation and Enforcement

ADOPTED JUNE 12, 2012
AMENDED JUNE 14, 2016, Section 11

Section 1. Definitions.

As used in this ordinance, unless the context otherwise indicates:

A. “Domestic Animal” shall mean any animal kept within the Town limits of Rumford.

B. “Dog” shall mean any domesticated canine animal kept within the Town limits of Rumford.

C. “Cat” shall mean any domesticated feline animal kept within the Town limits of Rumford.

D. “Pet” shall mean a dog, cat or other domesticated animal commonly kept as a companion, but does not include tamed animals that are ordinarily considered wild animals or livestock.

E. “Impoundment Fees” shall mean any and all Fees as described in Town’s Schedule of License, Permit and Application Fees.

F. “Owner” shall mean any person or persons, firm association or corporation owning, or keeping, harboring or in possession of, or having the control of a domestic animal.

G. “At Large” shall mean a dog off the premises of the owner and not under the control of the “owner” or a member of his immediate family or a person left in charge of the dog, either by leash, cord, or chain.

H. “Kennel” shall be defined as it is defined under 7 M.R.S. § 3907.

I. “Leash” shall mean a leash, cord, chain, or other comparable material which must be of a gauge suitable for controlling said dog and shall not be longer than six feet.

J. “Service Dog” A service dog is a guide dog or signal dog, which has been individually trained to provide assistance to an individual with a disability and is partnered with a disabled person. Dogs, whose sole function is the provision of emotional support, well-being, comfort or companionship, are not considered service dogs. The crime deterrent effects of a dog’s presence do not qualify a dog as a service dog and a dog individually trained to provide aggressive protection, such as an attack dog, is not appropriately considered a service dog.

K. “Household” shall mean the same dwelling place or residence where a group of people live together. Examples of a household can be an apartment, a house, a flat or a room in a boarding home.

L. “Wolf hybrid” means a mammal that is the offspring of the reproduction between any species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. “Wolf hybrid” includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid.
Section 2. Licensing Required.

A. No dog may be kept within the Town limits of Rumford, unless the dog has been licensed by its owner or keeper in accordance with the laws of the State of Maine. Dogs must be current with all required shots under Maine state law before they will be licensed in the Town.

B. In addition to all the Maine Animal Welfare Laws Dealing With Dog and Kennel Licensing [7 M.R.S. §§ 3921 – 3939B], any person or persons who have previously licensed a dog within the State of Maine, and who have knowingly or unknowingly let one or more years lapse without renewing a license for the same dog, shall be charged back fees for each year the dog was kept unlicensed within the Town limits of Rumford. Back license fees shall be in the amount of the dog license fees in effect at the time the back fees are being charged. No additional late fees will be charged with any back fees.

C. Any person who harbors a dog who was over the age of six (6) months of age as of April 1st of the previous year shall pay to the Town license fees for each year that the dog was over the age of six (6) months in addition to the current year’s licensing fee before the dog will be licensed in the Town.

D. A dog which qualifies as a service dog, as defined in this Ordinance, and for whom the owner can provide a certificate of training and a current rabies vaccination will be given a service dog license at no charge.

Section 3. Number of Dogs Limited.

A. It shall be unlawful for any person or persons to keep or harbor within the Town limits more than three (3) dogs over six (6) months old on April 1st in or about any premises occupied by any one (1) family without an inspection of the premises and the dogs by the Animal Control Officer and the written approval of the Animal Control Officer stating that the premises at which the dogs will be kept is sufficient for the maintenance of four (4) or more dogs and that the dogs will not disturb the peace and tranquility of the neighbors of the household where the dogs will be kept. No more than four (4) dogs may be kept in any one household without obtaining a kennel license, if applicable, pursuant to Section 4 of this Ordinance. The Animal Control Officer shall have the right to inspect the circumstances of the dogs and their living arrangements on an annual basis prior to the Town’s issuance of licenses for four (4) or more dogs in one household.

B. Persons found to be harboring four (4) or more dogs without proper authorization are subject to the penalties in Section 17 of this Ordinance.

Section 4. Kennel Licensure.

A. Any person or persons, keeping or harboring within Town limits, five (5) or more dogs over the age of six (6) months on April 1st in or about any premises occupied by any one (1) household, must put in a request for a kennel license at the Town Clerk’s office. Applicants must meet State of Maine requirements for a kennel license, and if they do not qualify, must license all dogs individually after inspection and written authorization from the Animal Control Officer.

B. In order to be granted a kennel license, an owner of five (5) or more dogs must submit the fee established by the State of Maine pursuant to the Animal Welfare Laws of the State of Maine and submit a completed application for a kennel license in the Town Clerk’s Office and establish that:

1. The dogs are kept and used for the purpose of breeding, hunting, show, training, field trials, sledding, competition or exhibition.
2. Any property where the kennel is located is owned by the owner of the dogs. If the property where the kennel is located is being rented or leased by the dog owner, a copy of the written permission for such kennel from the landlord must be given to the Town Clerk along with the application.

3. The kennel location is not a duplex or an apartment building where more than one (1) family resides.

C. After submitting the application, the applicant for a kennel license must contact the Animal Control Officer to arrange a time and day for the Animal Control Officer to visit and inspect the location, grounds and structure where the dogs will be kept. No license will be issued by the Town until the Animal Control Officer has inspected and approved the proposed kennel location.

D. The Animal Control Officer shall be the sole authority to issue a kennel license. The Animal Control Officer also has the authority to revoke any existing kennel license of an existing kennel. Refusal to issue a license or revocation of an existing license shall be for the following grounds:

1. Improper or inadequate structure;
2. Improper or inadequate ventilation;
3. Inadequate or cramped conditions;
4. Inadequate bedding materials;
5. Inadequate temperature control;
6. Nuisance noise/barking conditions which violate Section 6 of this Ordinance;
7. Failure to comply with state law; and
8. Other good cause.

An owner will be hand-delivered by the Animal Control Officer or sent by the Animal Control Officer, by first class mail with certificate of mailing, a written copy of the grounds for failure to issue or revocation of a license at the address provided on the application of the owner. A revocation of a license may be hand-delivered to the owner by the Animal Control Officer.

The owner will be given 10 days to correct the situation(s) listed in the written notification. The owner must contact the Animal Control Officer for a date and time of re-inspection. Upon a second inspection, if the Animal Control Officer finds that there is still a failure to comply, the owner will again be given a written copy of the violations found. The owner will have another ten (10) day period to make the corrections.

The owner will be entitled to a third inspection, which he or she must request from the Animal Control Officer. If the Animal Control Officer finds failure to comply with the requested corrections, the owner requesting a kennel license will be denied for that year and may not make another request for a kennel until the following January licensing period. An owner whose license was revoked shall similarly not be eligible for applying for a license until the next year after a failed third inspection.
E. In the event that an owner is denied kennel license after the third inspection, or has his or her license revoked, the owner must license individually any dogs he or she possesses, with the written authorization of the Animal Control Officer as detailed in Section 3 of this ordinance. In event that the Animal Control Officer does not give written authorization for dogs in excess of the limits established in this Ordinance, any excess dogs must be removed permanently from the premises by selling, giving away or humanely disposing of the additional dogs.

F. Persons found to be harboring four (4) or more dogs without proper kennel licensing or without written approval of the Animal Control Officer are subject to all of the penalties contained in Section 17 of this Ordinance.

Section 5. Running At Large.
A. No person shall cause or permit any dog owned or kept by him to run at large within the town limits. Dogs while on any public way or place shall be under restraint within the meaning of this Ordinance, if the dog is controlled by a leash, or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper. Nothing in this Ordinance shall be held to require the leashing of any dog while on owner’s premises.

B. A leash shall not be more than six feet long. Any dog that is being walked on a leash on any public way or place shall not be under the control of a child unless that child is of suitable size to be able to completely control the dog.

Section 6. Barking or Howling Dog. No owner or person having custody of any dog within the legal limits of the Town shall keep or maintain a dog which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace of any person. A person who keeps or maintains a dog who’s barking or howling can be heard at or beyond the boundary of the property on which the dog is located violates this section. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

Section 7. Proper Outside Facilities for Dog House. It shall be unlawful for any owner as defined within this Ordinance who shelters a dog or dogs out of doors within the Town limits to provide any less than the minimum standards set forth by 7 M.R.S. § 4015, as amended.

Section 8. Tethering of Animals.
A. When domestic animals are confined by a chain or similar device, the chain shall be attached to both the domestic animal and the anchor by a swivel or similar device so the chain will not become entangled or twisted. The chain or similar device shall be attached to a well fitting collar or harness that in no way cuts into the domestic animals flesh or impinges the circulation of the domestic animal or impairs its ability to ingest food or water or to vocalize.

B. The gauge of the chain shall be appropriate for the size of the animal involved and the chain shall be at least five (5) times the length of the animal from the tip of its nose to the base of its tail, except in the case of dogs which are bred and trained as sled dogs. For sled dogs, the length of the chain shall be not less than 1 ½ times the length of the dog from the tip of its nose to the base of its tail if tied on a pivot or 3 times the length of the dog from the tip of its nose to the base of its tail if tied to a stationary point.

C. Multiple domestic animals confined by a chain or similar device shall be kept far enough apart to prevent the restraining devices from becoming entangled.
D. Dogs that are tethered at a pivot point permitting a 360 degree area of movement will be 2 ½ times the length of the dog from the tip of its nose to the base of its tail.

E. As prescribed by Maine State Animal Welfare Laws pursuant to 7 M.R.S. § 4015 or a successor statute, no domestic animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind, when extreme heat or extreme cold will be harmful to its health.

Section 9. Rabies.

A. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.

B. The Animal Control Officer shall direct the disposition of any animal found to be infected by rabies.

C. No person shall fail or refuse to surrender any animal for disposition by the Animal Control Officer as required herein when demand is made therefor by the Animal Control Officer.

Section 10. When Domestic Animals May Be Killed.

If any dangerous, fierce or vicious domestic animal cannot be safely taken up and impounded, such domestic animal may be slain by any policeman or duly authorized Animal Control Officer. In all cases, where any domestic animal has bitten a person or caused an abrasion of the skin of any person, if slain by any policeman, whether by order of the court or otherwise, and a period of less than ten (10) days has elapsed since the day on which the domestic animal bit any person, it shall be the duty of the policeman slaying said domestic animal to forthwith deliver the carcass and brain to the Animal Control Office who shall forward the brain intact to the Environmental Testing Lab in Augusta, Maine.

Section 11. Seizure of Animals by Animal Control Officer without Court Order.

The Animal Control Officer, who has reasonable cause to believe that a violation of 17 M.R.S. § 1031, as amended, or 17 M.R.S. § 1032, as amended, or according to any successor statutes, has taken place or is taking place, may take possession of the cruelly treated domestic animal by following the procedure established under 17 M.R.S. § 1021.

Section 12. Impoundment.

A. Dogs.

1. Dogs found running “at large” shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a period of not less than six (6) days unless beforehand claimed by its owner. If unclaimed at the end of six (6) days the dog may be disposed of in a humane manner or the Town or its duly authorized agent may transfer title of said dog.

2. When dogs are found running “at large” and their ownership is known, such dogs need not be impounded by the Town, though its duly authorized agents may cite the owner of such dogs to appear in court to answer charges of violation of this ordinance.

3. The owner shall be entitled to resume possession of any impounded dog upon the payment of impoundment fees as established by the Selectpersons in the Schedule of License, Permit and Application Fees, unless charges of cruelty to animals (7 M.R.S. §
4011 or 17 M.R.S § 1031) have been filed against the owner for cruelty to said impounded dog. In this event, the dog shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

B. Cats or other Domestic Animals.

1. Cats and other domestic animals who are stray, abandoned, thought to be homeless or that are wandering and causing destruction to another’s property shall be taken up and impounded in a shelter designated by the Town and there confined in a humane manner for a minimum of 48 hours unless feral, in which the cat need not be held more than 24 hours. Unless the cat or domestic animal is believed or known to have an owner, the cat or domestic animal may be disposed of in a humane manner or the Town or its duly authorized agents may transfer title of said cat or domestic animal.

2. The owner shall be entitled to resume possession of any impounded cat or domestic animal upon the payment of impoundment fees as set forth herein, unless charges of cruelty to animals (7 M.R.S. § 4011 or 17 M.R.S § 1031 ) have been filed against the owner for cruelty to said impounded cat or domestic animal. In this event, the cat or domestic animal shall stay in the custody of the impounding shelter until such time that a court judgment has been made. The owner shall be responsible for all impoundment and board fees as well as any other fees incurred during the period of impoundment.

Section 13. Impoundment Fees.

Any domestic animal, excluding cats, impounded hereunder may be reclaimed as herein provided upon payment by the owner of the fees established by the Board of Selectpersons in the Schedule of License, Permit and Application Fees for each domestic animal, excluding cats, to be paid to the Animal Control Officer, Police Department or Town Clerk prior to release of animal from the shelter. The designated animal shelter may not release the animal to the owner without receipt showing payment of the impoundment fee to the Town.

Section 14. Defecation.

The owner of any domestic animal shall take all responsible means to avoid the defecating of his or her domestic animal on any property other than the owner’s property. In the event of the defecation of a domestic animal on the property of another, the owner shall immediately remove the feces and dispose of same in an appropriate manner.

Section 15. Nuisance Animals.

A. No owner or keeper shall permit or allow any animal to make sounds common to its species if such sounds recur in such a manner to cause a nuisance to other persons, including businesses. This section shall not apply to agricultural working dogs as defined in 7 M.R.S. § 3950(1).

B. No owner or keeper of any reptile, including all snakes, shall permit or allow any person to display, exhibit, transport, or allow to be visible in any public area any reptile that is not contained within a suitable cage or kennel. This section does not apply to any owner or keeper of reptiles, including all snakes that are displayed or exhibited for educational purposes, except they must be contained in suitable cage or kennel during transport.
Section 16. Wolf Hybrids

A person may not keep a wolf hybrid in the State unless that person holds a valid permit to possess wildlife in captivity issued by the Department of Inland Fisheries and Wildlife under 12 M.R.S. § 12152

Section 17. Penalties.

A. Defecation Violations. Every person convicted of a violation of Section 14. Defecation shall be subject to a fine of not less than $50 for a first offense, not less than $100.00 for a second offense, and not less than $150.00 for each subsequent offense plus all court costs incurred by the municipality for prosecuting a violation of this section.

B. Other Violations. Every person convicted of a violation of any provision of this Ordinance, excluding Section 14. Defecation, shall be subject to a fine of not less than $25.00 nor more than $100.00 for each violation for each day that a violation exists, not to exceed a total of $2,500.00 plus all court costs incurred by the municipality for prosecuting a violation under this Ordinance.

Section 18. Prosecution of Complaints.

In order for any complaint made to the Town regarding violations of this Ordinance to be prosecuted in court, the complainant must make a signed statement to the Animal Control Officer or a Police Officer.

Section 19. Validity.

It is the intention of the municipality that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the municipality that if any provisions of the ordinance be declared invalid by the courts, all other sections thereof shall remain valid and enforceable.
CHAPTER 31
Right-of-Ways

Article 1. Definitions

Section 101. For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

   a. The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the Town of Rumford and established for the use of vehicles and pedestrians.

   b. The word "person" shall mean any individual, firm or corporation.

Article 2. Interference with Public Use

Section 201. It shall be unlawful for any person or persons to hereafter place within the right-of-way of any public street, within the Town of Rumford, any wall, structure, building or part thereof, fence, lawn, trees, or bushes, where same will interfere with the public use of said road or street which uses include but are not limited to the following:

   a. Snow removal
   b. Drainage
   c. Visibility
   d. Safety of Traveling Public

Article 3. Removal

Section 301. Any structure, wall, fence, lawn, trees or bushes placed within the right-of-way without the written permission from the Board of Selectpersons shall be removed by the Town of Rumford at the expense of the person having placed or having authorized the placement of the above.

Article 4. Variances

Section 401. The Board of Selectpersons may modify the terms of this Ordinance on the occurrence of the following:

   a. A written petition for a hearing sent to the Board of Selectpersons requesting modification, and,

   b. Publication of said petition in the Rumford Falls Times newspaper at least one week prior to the hearing on the petition, and,

   c. A finding by the Board that an extraordinary hardship may result from strict compliance with these Regulations, and,
d. That the Board of Selectpersons is satisfied that said variance will not interfere with the intent and objectives of the Permanent Road Improvement Program of the Town of Rumford.
CHAPTER 32
Snowmobile and ATV Registration Funds

Chapter 32, Section 1. Snowmobile Registration Funds
AMENDED JUNE 14, 1994

Chapter 32, Section 2. All Terrain Vehicles Agent Fee Funds.
ADOPTED JUNE 10, 2003

Section 1. The snowmobile registration refund received annually by the Town of Rumford from the Maine Department of Inland Fisheries and Game shall be placed into the Rumford Snowmobile Recreation Fund to be used exclusively for the construction, development, maintenance and improvement of snowmobile trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of snowmobiling for the public within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford Snowmobile Recreation Fund, under the supervision of said municipal officers. On May first, annually, any unexpended funds in the Rumford Snowmobile Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in Section 1.

Section 2. All Terrain Vehicles Agent Fee Funds. The All Terrain Vehicles (ATVs) Agent Fee Funds collected annually by the Town of Rumford as part of the registration fee for ATVs registered in the Town of Rumford shall be placed into the Rumford ATV Recreation Fund to be used exclusively for the construction, development and improvement of ATV trails, shelters, maintenance and rescue equipment, leases of real and personal property and other purposes reasonably adapted to the improvement and safety of ATV traveling within the Town of Rumford.

The Board of Selectpersons shall designate an agent for the administration of the Rumford ATV Recreation Fund, under the supervision of said municipal officers. On May 1st annually, any unexpended funds in the Rumford ATV Recreation Fund shall continue to be used by the Board of Selectpersons and/or its agent for the purposes described in this section.
CHAPTER 33-A
Flood Hazard

REPEALED JUNE 9, 1987
CHAPTER 33
SHORELAND ZONING

ADOPTED JUNE 11, 1991
AMENDED JUNE 8, 1993
AMENDED JUNE 11, 2002
AMENDED JUNE 9, 2009
CHAPTER 33, SECTION 16
AMENDED JUNE 8, 2010

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Section 2. Authority

Section 3. Applicability

Section 4. Effective Date
   A. Effective date of Ordinance and Ordinance Amendments
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Section 5. Availability

Section 6. Severability

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Section 17. Definitions
Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date

A. Effective date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on June 11, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance amendments, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance, or Ordinance amendments within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance amendments if the Ordinance, or Ordinance amendments is approved by the Commissioner of the Department of Environmental Protection.

B. Repeal of Municipal Timber Harvesting Regulation.

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B (5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of “forest management activities” and “residual basal area”.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map, which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerline of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements
Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Ordinance, or amendments thereto, shall be allowed to continue, subject to the requirements set forth in this section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs a and b below:

   a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

   b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

2. Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback
requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

Any nonconforming structure which is located less than the required setback from the water body, tributary stream or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50 percent or less of the market value of the structure, excluding
normal maintenance and repair, may be reconstructed in place if a permit is obtained from the code enforcement officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider in addition to the criteria in section 12.C.2 above, the physical condition and type of foundation present, if any.

4. Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12.C.1.a above.

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Nonconforming Lots

1. Nonconforming Lots: A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of section12.E.3.a are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl, and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of October 1, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.

3. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   a. Areas devoted to manufacturing, fabricating, or other industrial activities;
   b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
   c. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, race tracks, and fairgrounds.

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses
All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

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<th>Key</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Allowed (no permit required but the use must comply with all applicable land use standards.)</td>
</tr>
<tr>
<td>No</td>
<td>Prohibited</td>
</tr>
<tr>
<td>PB</td>
<td>Allowed with permit issued by the Planning Board</td>
</tr>
<tr>
<td>CEO</td>
<td>Allowed with permit issued by the Code Enforcement Officer</td>
</tr>
<tr>
<td>LPI</td>
<td>Allowed with permit issued by the Local Plumbing Inspector</td>
</tr>
</tbody>
</table>

Abbreviations:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP</td>
<td>Resource Protection</td>
</tr>
<tr>
<td>LR</td>
<td>Limited Residential</td>
</tr>
<tr>
<td>LC</td>
<td>Limited Commercial</td>
</tr>
<tr>
<td>GD</td>
<td>General Development</td>
</tr>
<tr>
<td>SP</td>
<td>Stream Protection</td>
</tr>
</tbody>
</table>
### TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td></td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>CEO yes yes yes yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than</td>
<td>CEO1 yes yes yes yes</td>
</tr>
<tr>
<td>timber harvesting</td>
<td></td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no yes2 yes2 yes2 yes2</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no PB3 PB PB PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes PB yes yes yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB PB PB yes yes</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td></td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB4 PB9 CEO CEO CEO</td>
</tr>
<tr>
<td>B. Multi-unit residential</td>
<td>no no PB PB PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no no10 no10 PB PB</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no no no no PB</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no no PB PB PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or</td>
<td>PB4 PB CEO CEO CEO</td>
</tr>
<tr>
<td>nature interpretation purposes</td>
<td></td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB4 PB CEO CEO yes</td>
</tr>
<tr>
<td>17. Piers, docks, wharfs, bridges and other structures and uses</td>
<td></td>
</tr>
<tr>
<td>extending over or below the normal high-water line or within a wetland</td>
<td></td>
</tr>
<tr>
<td>a. Temporary</td>
<td>CEO CEO1 CEO CEO</td>
</tr>
<tr>
<td>b. Permanent</td>
<td>11 1 11 1 11</td>
</tr>
<tr>
<td>18. Conversions of seasonal residences to year-round residences</td>
<td>LPI LPI LPI LPI LPI</td>
</tr>
<tr>
<td>19. Home occupations</td>
<td>PB PB PB CEO yes</td>
</tr>
<tr>
<td>20. Private sewage disposal systems for allowed uses</td>
<td>LPI LPI LPI LPI LPI</td>
</tr>
<tr>
<td>21. Essential services</td>
<td>PB6 PB6 PB PB PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO CEO6 yes12 yes12 yes12</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten</td>
<td>PB6 PB6 CEO CEO CEO</td>
</tr>
<tr>
<td>poles or less in the shoreland zone</td>
<td></td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven</td>
<td>PB6 PB6 PB PB PB</td>
</tr>
<tr>
<td>or more poles in the shoreland zone</td>
<td></td>
</tr>
<tr>
<td>D. Other essential services</td>
<td>PB6 PB6 PB PB PB</td>
</tr>
<tr>
<td>22. Service drops, as defined, to allowed uses</td>
<td>yes yes yes yes yes</td>
</tr>
<tr>
<td>23. Public and private recreational areas involving minimal structural</td>
<td>PB PB PB CEO CEO</td>
</tr>
<tr>
<td>development</td>
<td></td>
</tr>
<tr>
<td>24. Individual, private campsites</td>
<td>CEO CEO CEO CEO CEO</td>
</tr>
<tr>
<td>25. Campgrounds</td>
<td>no no7 PB PB PB</td>
</tr>
<tr>
<td>26. Road construction</td>
<td>PB no8 PB PB PB</td>
</tr>
<tr>
<td>27. Parking facilities</td>
<td>no</td>
</tr>
<tr>
<td>28. Marinas</td>
<td>PB</td>
</tr>
<tr>
<td>29. Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
</tr>
<tr>
<td>30. Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
</tr>
<tr>
<td>31. Signs</td>
<td>yes</td>
</tr>
<tr>
<td>32. Uses similar to allowed uses</td>
<td>CEO</td>
</tr>
<tr>
<td>33. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
</tr>
<tr>
<td>34. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
</tr>
</tbody>
</table>

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3 In RP not allowed in areas so designated because of wildlife value.
4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5 See further restrictions in Section 15(L)(2).
6 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
7 Except as provided in Section 15(H)(4).
8 Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
9 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district.
10 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12 Permit not required, but must file a written “notice of intent to construct” with CEO.

### Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable:

#### A. Minimum Lot Standards

1. **Minimum Lot Standards**

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Shore Frontage (feet)</th>
<th>Minimum Road Frontage (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
<tr>
<td>Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
<td>125</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
<td>125</td>
</tr>
</tbody>
</table>

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record,
or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fish habitat.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding area, uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

8. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

D. Campgrounds
Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds and streams which flow to great ponds:

1. Auto washing facilities

2. Auto or other vehicle service and/or repair operations, including body shops

3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms

5. Commercial painting, wood preserving, and furniture stripping

6. Dry cleaning establishments

7. Electronic circuit assembly

8. Laundromats, unless connected to a sanitary sewer

9. Metal plating, finishing, or polishing

10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

11. Photographic processing

12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
   b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary steams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the
installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15.H.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in the Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 15Q.

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands roads and driveway shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:
<table>
<thead>
<tr>
<th>Grade (percent)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential, and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be allowed provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.
J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 17.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of section 15.M.4 below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond and within seventy-five (75) feet, horizontal distance, of the normal high-water line of
any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

   a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

   b. The final graded slope shall be two and one-half to one (21/2:1) slope or flatter.

   c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with Conservation Plan.
O. **Timber Harvesting**

1. In a resource protection abutting a great pond, timber harvesting shall be limited to the following:

   a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards.

   b. Beyond the 75 foot "no-harvest" strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 1 inch in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

   a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

      1. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

      2. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100), horizontal distance, feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

   b. Timber harvesting operations exceeding the 40% limitation in paragraph (a.) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

   c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

   d. Timber harvesting equipment shall not use stream channels as travel routes except when:

      1. Surface waters are frozen; and
2. The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75), horizontal distance, feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section P.1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.
<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 – &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8&lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

2. Each successive plot must be adjacent to, but not overlap a previous plot;

3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15. P paragraphs 2 and 2.a above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
Section 15.P.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15.P.

Q. **Erosion and Sedimentation Control**

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

   a. Mulching and revegetation of disturbed soil.

   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

   c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A MRSA Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
   a. The replacement culvert is not more than 25% longer than the culvert being replaced;
   b. The replacement culvert is not longer than 75 feet; and
   c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property, or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
D. Procedure for Administering Permits

1. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.

2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.

3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:
   a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board’s agenda following receipt of the completed application, or
   b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing.

4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

5. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

6. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
   a. Will maintain safe and healthful conditions;
   b. Will not result in water pollution, erosion, or sedimentation to surface waters;
   c. Will adequately provide for the disposal of all wastewater;
   d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
   e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
   f. Will protect archaeological and historic resources as designated in the comprehensive plan;
   g. Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district.
   h. Will avoid problems associated with flood plain development and use; and
   i. Is in conformance with the provisions of Section 15, Land Use Standards.
If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exception

In addition to criteria specified in Section 16.D above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residence in the Resource Protection District provided that the applicant demonstrates that all of the following conditions are met.

1. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Oxford County Registry of Deeds before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:
   a. Located on natural ground slopes of less than 20%; and
   b. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the Town of Rumford, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps it is deemed to be ½ the width of the 100-year floodplain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures located within the Resource Protection District is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, are set back from the normal high-waterline of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the
appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. Appeals

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

   a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

   b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals. Variances may be granted only under the following conditions:

   a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

   b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

   c. The Board shall not grant a variance unless it finds that:

      (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

      (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

          a. That the land in question cannot yield a reasonable return unless a variance is granted;

          b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

          c. That the granting of a variance will not alter the essential character of the locality; and

          d. That the hardship is not the result of action taken by the applicant or a prior owner.

   d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with
the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure

a. Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court.

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

6. Reconsideration.

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Public Hearing Procedures and Notification Requirements – Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time, and place of the hearing:
1. Given to the Applicant.

2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and

3. Published at least one (1) time, in a newspaper having general circulation in the town. The date of the publication must be at least seven (7) days prior to the hearing.

**J. Enforcement**

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

   a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

   b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

   c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, MRSA section 4452.
NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However in a Resource Protection District the maximum penalty is increased to $5,000.

Section 17. Definitions

Accessory structure or use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture: the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Aquaculture: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground: any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy: the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

DBH: the diameter of a standing tree measured 4.5 feet from ground level.

Development: a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
**Driveway**: a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two family dwelling or less.

**Emergency operations**: operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services**: gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure**: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Expansion of use**: the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family**: one or more persons occupying a premises and living as a single housekeeping unit.

**Floor area**: the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities**: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland**: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

**Foundation**: the supporting substructure of a building or other structure, excluding wood sills and post supports, but including basements, slabs, frost walls or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland**: freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses**: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating.
facilities, excluding recreation boat storage buildings, waterfront dock facilities, boat yards and boat building facilities, navigation aides, retaining walls, industrial uses requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

**Great pond**: any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great pond classified GPA**: any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

**Ground cover**: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Height of a structure**: the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Home occupation**: an occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure**: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase nonconformity.

For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream or wetland than the closest portion of the existing structure from the water body, tributary stream or wetland. Included in this allowance are expansions, which in-fill irregularly shaped structures.

**Individual private campsite**: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire places, or tent platforms.

**Industrial**: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional**: a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
**Lot area:** the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina:** a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat bait and tackle shops, and fuel service facilities.

**Market value:** the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Minimum lot width:** the closest distance between the side lot lines of a lot.

Mineral exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction:** any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

**Multi-unit residential:** a residential structure containing three (3) or more residential dwelling units.

**Native:** indigenous to the local forests.

**Non-conforming condition:** non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot:** a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure:** a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use:** use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Normal high-water line:** that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

**Person:** an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Piers, docks, wharfs, bridges** and other structures and uses extending over or beyond the normal high-water line or within a wetland:

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
**Permanent**: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Principal structure**: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal use**: a use other than one which is wholly incidental or accessory to another use on the same premises.

**Public facility**: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent floodplain soils**: the following soil series as described and identified by the National Cooperative Soil Survey:

- Alluvial
- Cornish
- Charles
- Fryeburg
- Hadley
- Limerick
- Lovewell
- Medomak
- Ondawa
- Podunk
- Rumney
- Saco
- Suncook
- Sunday
- Winooski

**Recreational facility**: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational vehicle**: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement system**: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

**Residual Basal Area**: the sum of the basal area of trees remaining on a harvested site.

**Residential dwelling unit**: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

**Riprap**: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**River**: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**Road**: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Service drop**: any utility line extension which does not cross or run beneath any portion of a water body provided that:
1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance of the normal high waterline of a stream.

Shoreline: the normal high-water line, or upland edge of a freshwater wetland.

Skid trail: a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within a shoreland zone.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.
**Timber harvesting**: the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that is less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.

**Tributary stream**: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland**: the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation**: all live trees, shrubs, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Volume of a structure**: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body: any great pond, river, stream.

**Water crossing**: any project extending from one bank to the opposite bank of a river, stream, tributary stream or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland**: a freshwater wetland.

**Wetlands associated with great ponds and rivers**: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Woody Vegetation**: live trees or woody, non-herbaceous shrubs.

*Drafted by AVCOG/JAM*

*Approved by Town of Rumford voters on 06.09.09 (reformatted by tp)*
CHAPTER 33-A
FLOODPLAIN MANAGEMENT ORDINANCE

ADOPTED JUNE 9, 1987
ENACTED JUNE 13, 1995
AMENDED JUNE 11, 2002
AMENDED JULY 6, 2009

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(TOWN OF RUMFORD NOTE: THIS DOCUMENT DRAFTED BY MAINE STATE PLANNING OFFICE.)

60.3 (d) Rev. 2/09
(Ordinance prepared February 17, 2009 by SPO/dlt)
ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Rumford, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Rumford, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Rumford, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Rumford has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Rumford having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Rumford, Maine.


derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Oxford County,” which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Rumford, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
D. A statement of the intended use of the structure and/or development;
E. A statement of the cost of the development including all materials and labor;
F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones AE, from data contained in the "Flood Insurance Study- Oxford County," as described in Article I; or,
   b. in Zone A:
      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT’S FEE

A non-refundable application fee of $25 for all minor development and $50 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:
   1. the base flood and floodway data contained in the “Flood Insurance Study – Oxford County, Maine,” as described in Article I;
   2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
   3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
   a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE shall:
   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
   b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

b. meet the anchoring requirements of Article VI.H.1.c.

1. **Recreational Vehicles** - Recreational Vehicles located within:

   a. be on the site for fewer than 180 consecutive days,

   b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

   c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
K. **Floodways** -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
   b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors* (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspace may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
   a. be engineered and certified by a registered professional engineer or architect; or,
   b. meet or exceed the following minimum criteria:
      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:
   
   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

   b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones AE and A shall:
   
   a. have the containment wall elevated to at least one foot above the base flood elevation;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant’s written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Rumford may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
   c. that the granting of a variance will not alter the essential character of the locality; and,
   d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
   1. other criteria of Article IX and Article VI.K. are met; and,
   2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
   1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
   2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairperson of the Board of Appeals that:
   1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
   2. such construction below the base flood level increases risks to life and property; and,
   3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals
   1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.
ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see Structure.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L.

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similar unusually unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
**Historic Structure** - means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".
**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)** - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community’s Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.
**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

**Variance** - means a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - means the failure of a structure or development to comply with a community's floodplain management regulations.

**ARTICLE XIV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (d) Rev. 2/09

_Prepared by SPO/fpm/dlt_
CHAPTER 33-B
Site Plan Review Ordinance

ADOPTED JUNE 11, 2002

Section 1. Purpose.

The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Rumford, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

Section 2. Authority, Validity, Severability and Amendments.

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).

2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Rumford, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. Validity and Separability: Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. Effective Date: The effective date of this Ordinance is ______________, __________ the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectpersons to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectpersons shall conduct a public hearing on any proposed amendment.

Section 3. Applicability.

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

3. Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.

2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

3. All nonstructural uses of land for agricultural or forestry purposes.

4. Home occupations which meet the following conditions do not need Site Plan approval.
   a. The home occupation is incidental and secondary to the primary residential use of the premises;
   b. Do not employ persons who do not make the residence their permanent home;
   c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
   d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
   e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VIIA.

Section 4. Administration.

A. The Planning Board of the Town of Rumford shall administer this Ordinance.

B. No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from
the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.

D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner’s agent as designated in writing by the owner.

E. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectpersons who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administrating and enforcing the provisions of this Ordinance. Prior to revising the fee schedule the Selectpersons shall hold a public hearing. This application fee shall be made by check payable to the Town of Rumford and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.

F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

Section 5. Application Procedure.

A. Pre-Application Meeting

1. Prior to submitting an application for development, the applicant or the applicant’s authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

   The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.

3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairperson to act as the Board’s representative.

4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.
B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board’s regular scheduled meeting.

2. One copy of the plan(s), which may be reduced to 8-1/2" X 11", shall be mailed or delivered to each member of the Planning Board and Code Enforcement Officer at least seven (7) days prior to the Planning Board's regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development.

3. Notice to Abutters: Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board’s consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

   a. Owner’s name, address and signature.

   b. Names and addresses of all abutting property owners.

   c. Sketch map showing general location of the site within the Town.

   d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

   e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

g. The location of all building setbacks.

h. The location, size, and character of all signs and exterior lighting.

i. The area of the parcel and street frontage.

j. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

k. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.

m. A storm water drainage plan showing:

   1. The existing and proposed method of handling storm water run off.

   2. The direction of flow of the run off through the use of arrows.

   3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

   4. Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

n. Location of aquifers and aquifer recharge areas, if mapped.

o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.

p. Location and elevation of the 100-year flood plain.

q. If the development site is located in the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond the name of that watershed shall be indicated on the plan.

r. A utility plan showing provisions for water supply and waste water disposal.
s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.

3. A written, narrative statement by applicant that supplies the following information and is substantiated by the appropriate documents.
   
a. Evidence by the applicant of right, title or interest in the property for which the application covers.

b. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold.

c. Total floor area and ground coverage of each proposed building and structure and percent lot covered by each building or structure.

d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.

e. Method of solid waste disposal.

f. Erosion and sedimentation control plan.

g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.

h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.

i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin.

j. The applicant’s evaluation of the availability and suitability of off-site public facilities including sewer, water and streets.

k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.

l. If public water and/or sewer are to be used, a statement from the water and sewer departments as to the availability of public water and/or sewer lines.

m. An estimate of the date when construction will start and when the development will be completed.

n. A description of the current or most recent use of the building or land including type of product(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours and other items as the Planning Board may find necessary.
o. Traffic data shall include the following when required by the Planning Board:

1) the estimated peak hour and average daily traffic to be generated by the proposal;

2) existing traffic counts on surrounding roads;

3) traffic accident data covering the most recent three-year period for which such data is available.

p. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 2, Route 5, Route 120 Route 108, Route 232, Intervale Road, Milton Road, South Rumford Road or Wyman Hill Road.

q. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

r. If located in the direct watershed of David and Joes Ponds and the Mt. Zircon Reservoir Pond a phosphorous control plan prepared in accordance with Section VII.9.a.

D. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

Section 6. Application Review.

A. Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in 30-A M.R.S. § 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning
Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

Section 7. Performance Standards.

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. **Preserve and Enhance the Landscape**: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

   Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

   The Board shall assess the proposed activities impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic site, the Planning Board shall require the applicant to minimize such effects.

2. **Relationship of the Proposed Structures to the Environment**: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse affect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

   a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

   b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

   c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
3. **Vehicular and Pedestrian Access:** The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

a. **Vehicular Access:** The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

1) The proposed development shall provide safe vehicular access to and from public and private streets.

   a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

   The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

   (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

   (2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curbline or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

**MINIMUM SIGHT DISTANCE**

**Posted Speed Limit**

- 25 mph 200'
- 30 mph 250'
- 35 mph 305'
- 40 mph 360'
- 45 mph 425'
- 50 mph 495'
- 55 mph 570'
c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway of proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

f) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

g) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

1. the proposed development will generate 100 or more peak hour site trips.
2. The existence of a current safety problem in the area: high accident location, confusing intersection, etc.
3. Current or projected capacity deficiencies near the development.
4. Sensitive neighborhood areas adjacent to the development.
5. The proximity of site drives to other drives or intersections.

2) **Vehicular access to Route 2 & 108** shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

a) Where a proposed development is to be located at the intersection of Route 2 or 108 and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.

b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

c) The maximum number of curb cuts to a particular site shall be governed by the following:
(1) No low volume traffic generator shall have more than one two-way access onto a single street.

(2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 2 or 108.

d) Curb cut widths and design shall conform to the following standards:

(1) **Low volume driveways**: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time shall:

(a) have two-way operation;

(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;

(c) not require a median;

(d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and

(e) comply with the following geometric standards:

**NOTE**: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
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<tbody>
<tr>
<td>R</td>
<td>15-25*</td>
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<td>15-25*</td>
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<tr>
<td>W</td>
<td>20-30*</td>
<td>20</td>
<td>24-30*</td>
</tr>
</tbody>
</table>

*Upper values apply where major street speed and/or volume is high.

(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers’ Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:

(a) have either two-way or one-way operation and be a minimum of 50 feet in length;

(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
(c) not require a median;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and

(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
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</thead>
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<td>ONE WAY</td>
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<tr>
<td>R1 (radius)</td>
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<td>R2 (radius)</td>
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<tr>
<td>W (drive width)</td>
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<td>24</td>
</tr>
<tr>
<td>TWO WAY</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>R</td>
<td>30</td>
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</tr>
<tr>
<td>WS</td>
<td>26-36*</td>
<td>24</td>
<td>30-40*</td>
</tr>
</tbody>
</table>

*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.

(b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;

(c) be striped for 2 to 4 lanes, with each lane 12 feet wide;

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;

(e) have a “STOP” sign control and appropriate “Keep Right” and “Yield” sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume drive-ways; and

(f) comply with the following geometric standards;
NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
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<tr>
<td>R</td>
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</tr>
<tr>
<td>WR</td>
<td>20</td>
<td>16</td>
<td>20</td>
</tr>
</tbody>
</table>

*For industrial developments with a high percentage of truck traffic maximum values are desired.

**g)** When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

**h)** When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written fording that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 108 where full access presently exists and cannot be provided by Route 2 or 108 and/or adjacent side street.

4. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

**a.** A use shall not be extended and no structure shall be constructed or enlarged unless sufficient offstreet parking space is provided that conforms to the following:

1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
4) Off-street parking spaces shall comply with the following standards.

(a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

(b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required in the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>one per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Wholesale/warehouse</td>
<td>one per 1,200 sq. ft. of storage or gross floor area</td>
</tr>
<tr>
<td>Industrial/manufacturing</td>
<td>one per employee on maximum working shift</td>
</tr>
<tr>
<td>Hotels, motels, tourist homes</td>
<td>one per room plus ½ per employee</td>
</tr>
<tr>
<td>Nursing/convalescent homes</td>
<td>1/2 per bed</td>
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<tr>
<td>Schools</td>
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</tr>
<tr>
<td>Elementary</td>
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<tr>
<td>Secondary</td>
<td>five per classroom</td>
</tr>
<tr>
<td>Theaters/auditoria/churches</td>
<td>one per five seats and one space per 100 sq. ft. of area for assembly</td>
</tr>
<tr>
<td>Eating/drinking establishments</td>
<td>one per three seats</td>
</tr>
</tbody>
</table>

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Rumford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.
If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. **Advertising Features**: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

6. **Special Features of the Development**: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

7. **Emergency Vehicle Access**: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

8. **Municipal Services**: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Planning Board may require the applicant to obtain, at the applicant’s expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time “impact fee” may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

9. **Water Pollution**: The development will not result in water pollution. In making this determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

   a. **Phosphorus Export**: When required by the Planning Board, projects proposed within the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond shall be designed to limit phosphorous run off.
1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10. **Ground Water**: The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

11. **Floodplain Protection**: The proposed development will avoid problems associated with floodplain development and use.

12. **Shoreland Areas**: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Rumford, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Rumford.

13. **Water Supply**: The development shall have sufficient water available for the reasonably foreseeable needs of the development, and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

   a. When connection to a public water supply is proposed, the water system will be designed and installed in accordance with the rules, terms and conditions of the Rumford Water District. The Planning Board shall require a statement from the Rumford water District of the conditions under which the District will supply water, and the approval of the size and location of mains, valves and hydrants proposed.

14. **Sewage Disposal**: The development shall provide for adequate sewage disposal.

   a. In cases where municipal sewage is proposed, the system shall conform with all the standards of the Rumford Sewage Department. The Planning Board shall require a statement from the Superintendent of the Rumford Sewer Department and the Rumford-Mexico Sewer District that states whether capacity is available for the development.

   b. Where a septic system is to be used, it shall be built in accordance with the *Maine Subsurface Wastewater Disposal Rules*.

15. **Stormwater Drainage**: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run off waters shall be utilized to minimize discharges from the site.

17. **Exterior Lighting:*** All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

18. **Noise:*** The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

   a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

   Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)
   (measured in dB(a) scale)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 a.m. – 10 p.m.</td>
<td>55</td>
<td>65</td>
<td>70</td>
</tr>
<tr>
<td>10 p.m. – 7 a.m.</td>
<td>45</td>
<td>55</td>
<td>70</td>
</tr>
</tbody>
</table>


   c. The following uses and activities shall be exempt from the sound pressure level regulations.

      1. Noise created by construction and temporary maintenance activities between 6:30a.m. and 8:00 p.m.
      2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

19. **Air Pollution:*** The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.

20. **Odors:*** The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

21. **Financial and Technical Capacity:*** The applicant has adequate financial and technical capacity to meet the above standards.

22. **Conformance with the Comprehensive Plan:*** The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.
Section 8. Special Regulations.

The following regulations shall be complied with, in addition to the performance standards contained in Section 8 of this Ordinance.

A. **Home Occupations**: Home Occupations which do not meet the criteria contained in Section III.B.4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds.

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. **Applications Located on Sand and Gravel Aquifers**: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are
disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. **Petroleum and other hazardous material storage and transfer.** A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

   - dry cleaners
   - printers
   - laundromats
   - salt piles/sand-salt piles
   - leather tanning
   - plastic/fiberglass fabricating
   - industrial waste disposal/impoundment areas
   - chemical manufacturing
   - metal platters
   - photo processors
   - auto washes
   - meat packers/slaughter houses
   - wood preservers
   - electrical equipment manufacturers
   - chemical reclamation facilities
   - graveyards
   - pesticide/herbicide stores
   - concrete/asphalt/coal companies

**Section 9. Enforcement.**

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectpersons of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectpersons are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph 9 A, above, are not promptly complied with after receipt of said notices, the Selectpersons shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

**Section 10. Appeals.**
A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board's decision. If it is shown after public hearing that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.

Section 11. Definitions.

**Abutting Landowners**: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

**Agricultural Land Management Practices**: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

**Accessory Use or Structure**: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

**Building**: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

**Change in Use**: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

**Commercial**: Connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

**Dwelling Unit**: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

**Forest Management Activities**: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

**Home Occupation**: An occupation or profession which results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:
1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the home.

**Impervious Surface**: The area of land covered by buildings, structures and paved and gravel surfaces.

**Industrial**: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

**Institutional**: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

**Mineral Extraction**: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

**Persons**: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

**Recreational Vehicle**: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

**Retail**: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

**Sign**: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Structure**: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

**Substantial Construction**: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

**Substantial Enlargement**: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period

**Use**: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Wetlands**: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils
CHAPTER 33-C
Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance

ADOPTED November 8, 1994

AMENDED JUNE 10, 1997

Section 1(A) – Scotties Brook Aquifer added
AMENDED JUNE 13, 2006

Section 2(A) – last sentence deleted regarding rate of demand comparison with flow
AMENDED JUNE 13, 2006

Section 2(C) – “toxic waste pollution” deleted and replaced with “contamination”
AMENDED JUNE 13, 2006

Section 2(E) – entire language deleted and replaced with new language
AMENDED JUNE 13, 2006

Section 2(F) – Scotties Brook added and potential well points language deleted
AMENDED JUNE 13, 2006

Section 4(A) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 4(B) – “A copy” changed to “Copies” added
AMENDED JUNE 13, 2006

Section 4(C) – Scotties Brook and zones language added
AMENDED JUNE 13, 2006

Section 4(E)
DELETED JUNE 13, 2006

Section 6(A) – Language added to include the Swift River
AMENDED JUNE 13, 2006

Section 6(C) – DELETED and lettering for remaining sections re-lettered
JUNE 13, 2006

Section 6(I) – Letter changed to H for paragraph and Section 1 added for Maine licensing and to delete
“hydrogeologist” and add “Certified Geologist”
AMENDED JUNE 13, 2006

Section 11(B) – Scotties Brook language added
AMENDED JUNE 13, 2006

Section 11(F) – Effective date of July 13, 2007 for amended ordinance added
AMENDED JUNE 13, 2006
Section 1. Purpose

A. To manage the groundwater recharge areas of the Ellis River and Scotties Brook aquifers in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuing a dependable water supply to the Town for the future.

B. To protect the aquifers from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifers’ high water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Rumford as well as surrounding communities to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

A. The Town of Rumford is fortunate in that it has access to water supplies that are both plentiful and of excellent quality. From the Ellis River and Scotties Brook aquifers, the Rumford Water District draws water to serve roughly 1600 customers in Rumford. The total demand from customers is 24,000,000 gallons of water per month, a rate that is relatively consistent throughout the year.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of contamination are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. A report on the aquifer done in the fall of 1990 by Caswell, Eichler, and Hill entitled “Evaluation of the Ellis River Aquifer” states that “because of the likelihood of future development within the Ellis River drainage basin, the possibility exists that future water quality may be adversely affected unless timely and appropriate resource management steps are taken.”

E. Scotties Brook has been determined to be a “losing stream” meaning that water flowing in the brook enters the aquifer. The water quality of Scotties Brook can affect the water quality of the aquifer. Therefore, the water quality of Scotties Brook must also be protected.

F. Changes in the Federal Drinking Water Standards related to the Safe Drinking Water Act require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Ellis River and Scotties Brook Aquifers will give the Rumford Water District flexibility in the future when considering options for the efficient delivery of clean drinking water as well as protect the investment which the District has already put forth for the well supplies.
Section 3. Definitions

Definitions from Rumford’s Shoreland Zoning Ordinance shall apply unless the definitions below are more restrictive.

**Accessory Uses:** A use or structure, which is incidental or subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant qualities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered “high yield” aquifers. The estimated yield of the Ellis River Aquifer is 400 gallons per minute and over.

**Automobile Graveyard:** As defined by 30-A M.R.S. § 3752.

**Campground:** Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

**Car Wash:** A commercial facility for the cleaning of automobiles.

**Cemetery:** An area for more than 10 graves.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Contained Salt, Sand/Salt Storage Piles:** Salt or sand/salt mixtures stored under cover with a runoff/leachate collection system.

**Demolition/Stump Dump:** An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.
**Drawdown:** The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

**Dry Cleaning Establishment:** Commercial establishment for dry cleaning clothes.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Forestry/Timber Harvesting:** The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

**Full Hydrogeological Study:** A study done by a Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Furniture Stripping:** Commercial or industrial establishment involved in the stripping and refinishing of furniture.

**Gas Station:** Establishment involved in the storage or dispensing of petroleum fuels.

**Hazardous Material:** This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.
**Impervious Surface:** Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

**Industrial Use:** A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

**In-Law Apartment:** A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

**Junkyards:** As defined by 30-A M.R.S. § 3752.

**Kennels:** Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

**Leachable Material:** Liquid from solid materials that are capable of releasing harmful contaminants.

**Manufacturing:** An industrial/commercial establishment which mass produces objects or materials (goods).

**Metal Plating:** An industrial/commercial establishment involved in the plating of metals.

**Multifamily Home:** A structure that houses three (3) or more dwelling units as defined.

**Non-Domestic Waste Stream:** Waste products not typically associated with residential use.

**Open Space:** Undeveloped area kept free of trees, bush and shrubs such as hayfields or meadows.

**Petroleum:** Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

**Photo Processors:** Commercial establishments involved in the business of developing film.

**Primary Recharge Area:** The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that within the Town of Rumford identified in the Caswell, Eichler and Hill report as “Maximum Primary Recharge Area.” The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 500 feet to either side of the Ellis River. The primary recharge area is defined as Zones 1 and 2 on the Wellhead Protection map.

**Public Utilities:** Any person, firm, corporation, municipal department, board or commission authorized to furnish electricity, communication facilities, transportation or water to the public.

**Recharge Area:** The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Ellis River aquifer is comprised of a primary and secondary recharge area.
Safe Yield: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

Sand & Gravel Extraction: Moving, removing or uncovering of natural resources such as sand and gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand and gravel extraction.

Sawmills or Wood Processing Plant: An industrial/commercial facility involved in the processing of raw wood.

Secondary Recharge Area: The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Ellis River in Rumford and surrounding communities as established by topographical high points, excluding the area defined as the primary recharge area. This area is identified on the Wellhead Protection - Zone 3 Boundaries plan.

Service & Repair, Boats and Motor Vehicles: Commercial facility involved in the repair of boats and motor vehicles.

Single-Family Home: A dwelling designed for or occupied exclusively by one (1) family.

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, and refuse.

Subdivision: As defined by Title 30-A of the Maine Statutes Revised.

Truck Terminal: Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

Two-Family Home: A dwelling designed for or occupied exclusively by two (2) families.

Uncontained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.
Waste Water Disposal System: Any system designed to dispose of waste or wastewater on or in the surface of the earth or in surface water bodies.

Watershed: The area of contribution to a surface water body. It is defined by topographic high points.

Section 4. District Boundaries

A. For the purposes of this ordinance, and in order to carry out its regulations, the Ellis River Aquifer Protection District shall be delineated on a map titled “Wellhead Protection: Ellis River Aquifer Protection District Map” and the Scotties Brook Aquifer Protection District shall be delineated on a map titled “Wellhead Protection: Scotties Brook Aquifer Protection District Map”.

B. Copies of said maps will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. Aquifer Protection Districts:

1. The Ellis River Aquifer Protection District includes three (3) zones:

   Zone 1 consists of land that is owned or fully controlled by the Water District and would be considered to be within the 200 day travel time.

   Zone 2 which consists of the area depicted between the 200 day and the 2500 day time of travel.

   Zone 3 which consists of the watershed of the Ellis River within the Town of Rumford and surrounding communities as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes a secondary recharge area. Zone 3 is shown on Map 2, “Wellhead Protection”, Zone 3 Boundaries.

2. The Scotties Brook Aquifer Protection District includes three (3) zones:

   Zone 1 consists of land that is within 300 feet of each wellhead.

   Zone 2 consists of the area depicted between the 200 day and the 2500 day time of travel and a 250 foot buffer on each side of Scotties Brook and its tributaries.

   Zone 3 consists of the watershed of Scotties Brook as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes the secondary recharge area.
D. **Revision of Map**

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.

2. No changes to the Aquifer Protection District Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Rumford and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Aquifer Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Rumford Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectpersons that the proposed Aquifer Protection Map amendment be placed on the next Town Meeting or Special Town Meeting Warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.
## Section 5. District Use and Space Standards

### A. Uses of Land within Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Residential</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Accessory Uses</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations</td>
<td>X</td>
<td>PR</td>
<td>P</td>
</tr>
<tr>
<td>Two-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family homes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>In-law apartments</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>2. Commercial</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal husbandry other than commercial animal feed lots</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boats and motor vehicle service &amp; repair</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Car washes</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Commercial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Dry cleaning establishments</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Forestry/timber harvesting subject to the performance standards of the</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Town’s Shoreland Zone Ordinance within 250 ft of Ellis River</td>
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<tr>
<td>Furniture stripping</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Gas Stations</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Kennels</td>
<td>X</td>
<td>PR</td>
<td>P</td>
</tr>
<tr>
<td>Photo processors</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Truck terminals</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td><strong>3. Industrial</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand and gravel extraction</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
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<tr>
<td>Activity</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>--------------------------------------------------------------------------</td>
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<tr>
<td>Junkyard/automobile graveyard</td>
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<td>Manufacturing</td>
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<td></td>
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<tr>
<td>Metal plating</td>
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<td></td>
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<tr>
<td>Sawmills and wood processing plant</td>
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<td></td>
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<tr>
<td>Other industrial uses with non-domestic waste streams</td>
<td></td>
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<tr>
<td>4. Miscellaneous</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Disposal of storage of solid waste, hazardous materials or leachate</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>materials (unless specifically permitted within the Zone)</td>
<td></td>
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<tr>
<td>Engineered&quot; (wastewater disposal) system when accompanied by a full</td>
<td>X</td>
<td></td>
<td>PR</td>
</tr>
<tr>
<td>hydrogeological study and meeting the performance standards herein</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Open space</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor recreation, except those which disrupt the surfaces of hillsides</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>or other watershed areas</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Foot bridge and bicycle paths</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Uncontained salt, sand/salt storage piles</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Wastewater disposal system</td>
<td>X</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Use of off-road vehicles</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utilities</td>
<td>PR</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Contained salt, sand/salt storage piles</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Roads and parking areas</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Application of chemical fertilizers, herbicides or pesticides on more</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>than three (3) of land</td>
<td></td>
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<tr>
<td>Application of chemical fertilizers, herbicides pesticides on more than</td>
<td>X</td>
<td>X</td>
<td>PR</td>
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<tr>
<td>five (5) acres of land</td>
<td></td>
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<tr>
<td>Demolition/stump dumps</td>
<td>X</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>Activity</td>
<td>X</td>
<td>P</td>
<td>PR</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with Volume 2 of the code of Maine Rules, 4th printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for Underground Storage Facilities</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Petroleum storage for commercial or industrial use</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Non-residential pipelines for transmission of oil, gas or hazardous materials</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Aerial spraying of herbicides, pesticides</td>
<td>X</td>
<td>X</td>
<td>PR</td>
</tr>
<tr>
<td>Operations and maintenance activities of the Rumford Water District consistent with the purposes of this ordinance and provision of a safe and adequate water supply, including but not limited to water supply exploration and well development; water system flushing and treatment; construction and maintenance of transmission and distribution lines, structures, and access roads; operation of vehicles and equipment; installation of fencing and signage; and activities necessary to comply with state and federal regulations</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

X - Not permitted  
P - Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met).  
PR - Requiring Planning Board review.
Section 6. Administration and Enforcement

A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.

B. All activity within Zone 3 in the Town of Rumford shall meet these requirements and shall follow the guidelines set forth in this ordinance. The Rumford Water District shall be notified in writing prior to any decisions made on the activity by the CEO or the Planning Board. All activities within the Shoreland Zone of the Ellis River and Swift Rivers and their tributaries in the Town of Rumford shall require Planning Board approval. The District shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the District of these impending activities.

C. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

D. If any portion of a lot is located in Zone 1 or Zone 2, all the land located in Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by the regulations for Zone 2.

E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Rumford Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Aquifer Protection District. The CEO shall notify the Chairperson of the Planning Board and the Chairperson of the Rumford Water District Trustees of any applications for uses proposed in the Aquifer Protection District.

F. The Planning Board (hereafter referred to as “the Board”) shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.

2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.
3. The Board shall notify the Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.

5. The Board shall, after a public hearing with due notice, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:

a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

b. The proposed use meets all applicable performance standards;

c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;

d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

G. The CEO shall enforce the provisions of the Aquifer Protection Districts. The CEO and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.

H. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.

1. The number, location and depth of the monitoring wells shall be determined by a Maine licensed engineer or Certified Geologist chosen or approved by the Town in accordance with “Guidelines for Monitoring Well Installation and Sampling” (Tolman, Maine Geologic Survey, 1983).

2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations do not exceed ½ of any federal, state or local drinking water quality standards.
I. For subdivisions located in the Aquifer Protection District, the Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision’s impact on groundwater quality.

J. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than $100 and not more than $2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

K. Existing and future activities of the Rumford Water District are exempt from regulation under this ordinance. This exemption is necessary to allow the District to carry out its purpose of supplying high quality water to the residents of Rumford.

Section 7. Submission Requirements.

A. Applications for permission to carry out any activity in Zone 1 or Zone 2 shall be accompanied by and the following information.

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:

   a. Aquifer Protection District boundaries if they cross the parcel.

   b. Boundaries of the property and abutting streets.

   c. Outlines of all buildings.

   d. Layout and location of access drives, parking areas and vehicular maneuvering areas.

   e. Location of all petroleum storage tanks.

   f. Location of buffers, landscaping, and existing vegetation which may be retained.

   g. Location and description of storage areas and types of materials to be stored.

   h. Location of wastewater disposal systems or public sewer facilities.
i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.

3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200).

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high water table.

2. A hydrogeological study of the proposed use’s impact on groundwater quality.

3. Water quality data from on-site monitoring wells.

4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards. All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection Districts shall conform to use and space standards contained in the Ordinance and the following minimum levels of performance.

A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Rumford’s groundwater supply.

2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating
winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control


2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Oxford County Soil and Water Conservation District shall be submitted by the applicant.

C. Home Occupations

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.

2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.

3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.

4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.

6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

D. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year’s production and must be covered.
E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for predevelopment and post-development runoff for the site for a 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

G. Subsurface Waste Disposal Systems

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro-geological study of the proposed engineered system.

   The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

   The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than one half of the Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.
2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.

9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Non-Conformance

A. Structures, uses and lots which were legally existing as of November 8, 1994 (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance.

C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance.
Section 10. Appeals

A. Administrative Appeals

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or CEO in writing to the Board of Appeals, within 30 days of the Planning Board’s or the CEO’s decision. The Board of Appeals may reverse the Planning Board’s or the CEO’s decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of 30-A M.R.S. § 2691 as amended. Administrative appeals shall be administered according to the provisions of the Rumford Shoreland Zoning Ordinance.

2. If the Planning Board disapproves an application for subdivision approval which is subject to the provisions of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

B. Variances

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of an undue hardship, as defined in 30-A M.R.S. § 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Rumford Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority
This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the Wellhead Protection Ordinance for the Ellis River and Scotties Brook Aquifers.

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

E. Separability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

F. Effective Date

The effective date of this ordinance is September 14, 1994.

The effective date of amended ordinance to include permitting section is September 10, 1997.

The effective date of the amended ordinance to include Scotties Brook is July 13, 2007.
CHAPTER 33-D
Wind Energy Facility Ordinance

ADOPTED NOVEMBER 8, 2011

REPEALED JUNE 14, 2016 AND REPLACED WITH CHAPTER 33-E
Section 1. Title. This Ordinance shall be known as the Wind Energy Facility Ordinance for Rumford.

Section 2. Authority. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S. § 4312, et seq.

Section 3. Purpose. The purpose of the Ordinance is to provide for the construction and operation of Wind Energy Facilities in Rumford, subject to reasonable conditions that will protect the public health, safety, and welfare.

Section 4. Definitions.

  Applicant is the legal entity, including successors and assigns, that files an application under this Ordinance.

  Approved Residential Subdivision means a residential subdivision for which all applicable land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

  Associated Facilities means elements of a Wind Energy Facility other than its Generating Facilities that are necessary to the proper operation and maintenance of the Wind Energy Facility, including but not limited to buildings, access roads, Generator Lead Lines and substations.

  DEP Certification means a certification issued by the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 for a Wind Energy Development.

  Generating Facilities means Wind Turbines and electrical lines, not including Generator Lead Lines that are immediately associated with the Wind Turbines.

  Generator Lead Line means a "generator interconnection transmission facility" as defined by 35-A M.R.S. § 3132 (1-B).

  Historic Area means a Historic Site administered by the Bureau of Parks and Recreation of the Maine Department of Conservation, with the exception of the Arnold Trail.

  Historic Site means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony as being of historic significance.

  Locally-Designated Passive Recreation Area means any site or area designated by a municipality for passive recreation that is open and maintained for public use and which: a) has fixed boundaries, b) is owned in fee simple by a municipality or is accessible by virtue of public easement, c) is identified and described in a local comprehensive plan and, d) has been identified and designated at least nine months prior to the submission of the Applicant's Wind Energy Facility permit application.

  Meteorological Tower (MET Tower) means a Tower used for the measurement and collection of wind data that supports various types of equipment, including but not limited to anemometers, data recorders, and solar power panels. MET Towers may also include wildlife related equipment such as ANABAT detectors, bird diverts and wildlife entanglement protectors.
**Municipal Reviewing Authority** means the municipal planning board, agency or office, or if none, the municipal officers.

**Nacelle** means the frame and housing at the top of the Tower that encloses the gearbox and generator.

**Non-Participating Landowner** means any landowner, other than a Participating Landowner whose land is located within Rumford.

**Occupied Building** means a residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

**Participating Landowner** means one or more Persons that hold title in fee or a leasehold interest with sublease rights to property on which Generating Facilities or Associated Facilities are proposed to be located pursuant to an agreement with the Applicant or an entity that has entered into an appropriate agreement with the Applicant allowing the Applicant to demonstrate the requisite right, title and interest in such property.

**Person** means an individual, corporation, partnership, firm, organization or other legal entity.

**Planned Residence** means a Residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

**Protected Location** means any location that is:

1) accessible by foot, on a parcel of land owned by a Non-Participating Landowner containing a residence or planned residence, or an approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the development site at the time an application for a Wind Energy Facility is submitted under this Ordinance;

2) within a State Park, Baxter State Park, a National Park, a nature preserve owned by a land trust, the Maine Audubon Society or the Maine chapter of the Nature Conservancy, the Appalachian Trail, the Moosehorn National Wildlife refuge, a federally designated wilderness area, a state wilderness area designated by statute, a municipal park or a locally-designated passive recreation area, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location, or;

3) a hotel, motel, campsite or duly licensed campground that the municipal authority responsible for review and approval of the pending application under 9.1 has designated a Protected Location after making a determination that the health and welfare of the guests or the economic viability of the establishment will be unreasonably impacted by noise in excess of that allowed under section 13.1.3(b).

**Residence** means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

**Scenic Resource** means either a Scenic Resource of state or national significance, as defined in 35-A M.R.S § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

**Shadow Flicker** means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.
**Short Duration Repetitive Sounds** means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

**Sight Line Representation** means a profile drawing showing prominent features, including but not limited to topography, buildings, and trees, along and in relation to a line of sight extending from an observer’s eye to the lowest point visible on a proposed Tower.

**Significant Wildlife Habitat** means a Significant Wildlife Habitat as defined in 38 M.R.S. § 480-B (10).

**Substantial Start** means that construction shall be considered to be substantially commenced when any work beyond excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

**Tower** means the free-standing structure on which a wind measuring or energy conversion system is mounted.

**Turbine Height** means the distance measured from the surface of the Tower foundation to the highest point of any turbine rotor blade measured at the highest arc of the blade.

**Wind Energy Facility** means a facility that uses one or more Wind Turbines to convert wind energy to electrical energy. A Wind Energy Facility includes Generating Facilities and Associated Facilities.

**Wind Energy Facility, Type 1A** means a Wind Energy Facility having a maximum generating capacity of less than 100kW, a maximum of one Wind Turbine and a maximum Turbine Height of 80 feet.

**Wind Energy Facility, Type 1B** means a Wind Energy Facility having a maximum generating capacity of less than 100kW and either more than one Wind Turbine, or one or more Wind Turbines with a Turbine Height greater than 80 feet.

**Wind Energy Facility, Type 2** means a Wind Energy Facility having a maximum generating capacity of 100 kW or greater and which does not require a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Energy Facility, Type 3** means a Wind Energy Facility having a generating capacity of 100kW or greater and which requires a state permit issued by the Department of Environmental Protection under the Site Location of Development Act, 38 M.R.S. §481, et seq.

**Wind Turbine** means a system for the conversion of wind energy into electricity which is comprised of a Tower, generator, Nacelle, rotor and transformer.

### Section 5. Applicability.

5.1 This Ordinance applies to any Wind Energy Facility proposed for construction in Rumford after the effective date of this Ordinance. This Ordinance does not apply to Associated Facilities unless the Generating Facilities are located within Rumford, in which case this Ordinance applies to both the Generating Facilities and the Associated Facilities.

5.2 A Wind Energy Facility that is the subject of an application determined to be complete by the Planning Board prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modifications after the effective date of the Ordinance shall be subject to the permitting requirements of Section 9.2.
Section 6. Conflict and Severability.

6.1 If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Rumford ordinance, the provision of this Ordinance shall apply.

6.2 The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

Section 7. Effective Date. This Ordinance becomes effective on June 30, 2016.

Section 8. Classification of Wind Energy Facilities.

All Wind Energy Facilities shall be classified in accordance with Table 1 below:

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Aggregate Capacity</th>
<th>Turbine Height</th>
<th>Max. # of Turbines</th>
<th>DEP Site Location Permit Required</th>
<th>Local Review and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;100 kW</td>
<td>&lt; 80'</td>
<td>1</td>
<td>No</td>
<td>Code Enforcement Officer</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;100 kW</td>
<td>&gt; 80'</td>
<td>NA</td>
<td>No</td>
<td>Planning Board</td>
</tr>
<tr>
<td>2</td>
<td>≥100 kW</td>
<td>NA</td>
<td>NA</td>
<td>No ¹</td>
<td>Planning Board</td>
</tr>
<tr>
<td>3</td>
<td>≥ 100 kW</td>
<td>NA</td>
<td>NA</td>
<td>Yes ²</td>
<td>Planning Board</td>
</tr>
</tbody>
</table>

1 Per 35-A M.R.S. § 3456. DEP Certificate required if energy generated is for sale or use by a Person other than the generator.
2 Per 38 M.R.S. § 482(2)

Section 9. Administration.

9.1 Review and Approval Authority

1. The Code Enforcement Officer is authorized to review all applications for Type 1A Wind Energy Facilities and MET Towers pursuant to section 11.0, and may approve, deny or approve such applications with conditions in accordance with the standards of the Ordinance.

2. The Planning Board is authorized to review all applications for Type 1B, Type 2, and Type 3 Wind Energy Facilities and may approve, deny or approve such applications with conditions in accordance with this Ordinance.

9.2 Permit Required

1. No Wind Energy Facility shall be constructed or located within Rumford without a permit issued in accordance with this Ordinance.

2. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.
9.3 Permit Applications

1. Application components. A Wind Energy Facility permit application shall consist of the application form, application fee, and supporting documents, as described below:

   a. Application Forms. The municipality shall provide the application form which shall be signed by: 1) a Person with right, title and interest in the subject property or; 2) a Person having written authorization from a Person with right, title and interest in the subject property. The signature shall be dated and the signatory shall certify that the information in the application is complete and correct and that the proposed facility will be constructed and operated in accordance with the standards of this ordinance and all approval and permit conditions, if any.

   b. Application Fees. Application fees shall be assessed and paid upon submission of the application in accordance with the Schedule of License, Permit and Application Fees.

   c. Supporting Documents. The application shall include all additional documents necessary to satisfy the applicable submission requirements under section 10 of this Ordinance.

2. Application Submission. The Applicant shall submit its application for a Wind Energy Facility permit to the Code Enforcement Officer who shall note on the application the date on which it was received.

3. Changes to a Pending Application

   a. The Applicant shall promptly notify the municipal entity responsible for review and approval of a pending application under section 9.1 of any changes the Applicant proposes to make to information contained in the application.

   b. If changes are proposed to a pending application after a public hearing has been held, the Planning Board may consider those changes and continue with the review and approval process without a renewed public hearing if it determines that the changes do not materially alter the application. If the Planning Board determines that the proposed changes do materially alter the application it shall schedule and conduct another public hearing within 30 days of that determination. In making its determination, the Planning Board shall consider whether the proposed changes involve potential adverse effects different than or in addition to those addressed in the initial application.

9.4 Permit Application Procedures

1. Type 1A Wind Energy Facility Application

   a. Within 10 days after receiving an application, the Code Enforcement Officer shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Code Enforcement Officer may waive any submission requirement if the Code Enforcement Officer issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.
b. Within 30 days after determining the application to be complete, the Code Enforcement Officer shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making the decision, the Code Enforcement Officer shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12 and 13.

c. With the agreement of the applicant, the Code Enforcement Officer may extend the procedural time frames of this section.

2. Type 1B, Type 2 and Type 3 Wind Energy Facility Applications

a. The Applicant is strongly encouraged to meet with the Code Enforcement Officer before submitting an application. At this pre-application meeting, the Code Enforcement Officer will explain the Ordinance’s provisions, application forms, and submission requirements. The Applicant should provide photos of the proposed site and written descriptions of the proposed facility and the proposed site, including its location and lot area.

b. An application shall be eligible for consideration at a regularly-scheduled meeting of the Planning Board only if the applicant submits it at least 14 days prior to the meeting.

c. Within 30 days after receipt of the application by the Code Enforcement Officer, the Planning Board shall notify the Applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board may waive any submission requirement if it issues a written finding that, due to special circumstances of the application, adherence to that requirement is not necessary to determine compliance with the standards of this Ordinance.

d. The Planning Board shall hold a public hearing for a Type 3 Wind Energy Facility application within 60 days after determining that the application is complete. The Planning Board may decide to hold a public hearing for a Type 1B or a Type 2 Wind Energy Facility application. If it decides to hold a public hearing for a Type 1B application, the Planning Board shall hold that hearing within 30 days after determining that application is complete. If it decides to hold a public hearing for a Type 2 application, the Planning Board shall hold that hearing within 60 days after determining that the application is complete.

e. Within 60 days after determining that an application for a Type 1B Wind Energy Facility is complete or within 90 days after determining that an application for a Type 2 or Type 3 Wind Energy Facility is complete, the Planning Board shall issue a written order: 1) denying approval of the proposed Wind Energy Facility, 2) granting approval of the proposed Wind Energy Facility or, 3) granting approval of the proposed Wind Energy Facility with conditions. In making its decision, the Planning Board shall make findings on whether the proposed Wind Energy Facility meets the applicable criteria described in sections 12, 13, and 14.

f. With the agreement of the applicant, the Planning Board may extend the procedural time frames of this section.
Table 2
Procedural Time Frames

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Application Completeness</th>
<th>Public Hearing</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>&lt;10 days ¹</td>
<td>NA</td>
<td>&lt;30 days ²</td>
</tr>
<tr>
<td>1B</td>
<td>&lt;30 days ¹</td>
<td>&lt;30 days ²</td>
<td>&lt;60 days ²</td>
</tr>
<tr>
<td>2</td>
<td>&lt;30 days ¹</td>
<td>&lt;60 days ²</td>
<td>&lt;90 days ²</td>
</tr>
<tr>
<td>3</td>
<td>&lt;30 days ¹</td>
<td>&lt;60 days ²</td>
<td>&lt;90 days ²</td>
</tr>
</tbody>
</table>

1  Days after receipt of the application by the Code Enforcement Officer
2  Days after the application is determined to be complete

9.5 Notice of Meetings

Ten days prior to any meeting at which an application for a Type 1B, Type 2, or Type 3 Wind Energy Facility is to be considered, the Planning Board shall send notice by first class mail, to the applicant and all owners of property abutting the property on which the Wind Energy Facility is proposed to be located. The notice shall state the date, time and place of the meeting and the proposed location and the classification of the proposed Wind Energy Facility.

9.6 Public Hearings

The Planning Board shall have notice of the date, time, and place of any public hearing and the proposed location and the classification of the proposed Wind Energy Facility:

1. Published at least once in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 10 days before the hearing.

2. Mailed by first class mail to the Applicant and to owners of property within 500 feet of the property on which the Wind Energy Facility is proposed to be located, at least 10 days before the public hearing. The Planning Board shall maintain a list of property owners to whom notice is mailed in the application file. Failure of any of these property owners to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

9.7 Professional Services

In reviewing the application for compliance with this Ordinance, the Planning Board may retain professional services, including but not limited to those of an attorney or consultant, to verify information presented by the Applicant. The attorney or consultant shall first estimate the reasonable cost of such review and the Applicant shall deposit, with the municipality, the full
estimated cost, which the municipality shall place in an escrow account. The municipality shall pay the attorney or consultant from the escrow account and reimburse the Applicant if funds remain after payment.

9.8 Expiration of Permits
Permits shall expire: 1) two years after the date of approval unless a substantial start on construction has occurred and; 2) three years after the date of approval unless construction of the Wind Energy Facility has been completed. If a permit for a Type 2 or Type 3 Wind Energy Facility expires, the Applicant shall implement pertinent provisions of the approved decommissioning plan. Upon the Applicant’s written request, the municipal entity responsible for review and approval of the application under section 9.1 may extend either or both expiration time limits by one year.

9.9 Access
The Code Enforcement Officer shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents directly related to the design, construction and operation of the facility.

9.10 Enforcement
1. It shall be unlawful for any Person to violate or fail to comply with or take any action that is contrary to the terms of the Ordinance, or to violate or fail to comply with any permit issued under the Ordinance, or to cause another to violate or fail to comply or take any action which is contrary to the terms of the Ordinance or any permit under the Ordinance.

2. If the Code Enforcement Officer or other Person charged with enforcement of municipal laws determines that a violation of the Ordinance or the permit has occurred, the Code Enforcement Officer shall provide written notice to any Person alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Code Enforcement Officer and the alleged violator shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation and, with the consent of the alleged violator, may be extended.

3. If, after thirty (30) days from the date of notice of violation or further period as agreed to by the alleged violator, the Code Enforcement Officer determines, in the Officer’s reasonable discretion, that the parties have not resolved the alleged violation, the Code Enforcement Officer may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

9.11 Appeals
Any Person aggrieved by a decision of the Code Enforcement Officer or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals, as provided by Chapter 37, Board of Appeals.

Section 10. Application Submission Requirements.

10.1 General Submission Requirements
1. A completed application form including:
   a. The Applicant and Participating Landowner(s’) name(s) and contact information.
b. The address, tax map number, zone and owner(s) of the proposed facility site and any contiguous parcels owned by Participating Landowners.

c. The tax map number, zone, current use, owner(s) and addresses of owner(s) of parcels that abut the proposed facility site or abut parcels of Participating Landowners that are contiguous with the proposed facility site (Not required for Type 1A applications)

d. An affirmation, signed and dated by the Applicant, that the information provided in the application is correct and that the proposed Wind Energy Facility, if approved and built, shall be constructed and operated in accordance with the standards of this ordinance and all conditions of approval, if any

2. Receipt showing payment of application fee in accordance with the Schedule of License, Permit and Application Fees.

3. A copy of a deed, easement, purchase option or other comparable documentation demonstrating that the Applicant has right, title or interest in the proposed facility site.

4. Location map showing the boundaries of the proposed facility site and all contiguous property under total or partial control of the Applicant or Participating Landowner(s) and any Scenic Resource or Historic Site within 2500 feet of the proposed development.

5. Description of the proposed Wind Energy Facility that includes the number and aggregate generating capacity of all Wind Turbines, the Turbine Height and manufacturer's specifications for each Wind Turbine (including but not limited to the make, model, maximum generating capacity, sound emission levels and types of overspeed controls) and a description of Associated Facilities.

6. Site plan showing the proposed location of each Wind Turbine and Associated Facilities and any of the following features located within 500 feet of any Wind Turbine: parcel boundaries, required setbacks, topographic contour lines (maximum 20-foot interval), roads, rights-of-way, overhead utility lines, buildings (identified by use), land cover, wetlands, streams, water bodies and areas proposed to be re-graded or cleared of vegetation.
   a. In addition to the information in 6, above, site plans for Type 1B, Type 2 and Type 3 Wind Energy Facilities shall show the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

7. Written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application and the location and Turbine Height of all proposed Wind Turbines.

8. Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

9. Description of emergency and normal shutdown procedures.

10. Photographs of existing conditions at the site.

11. An application for a Type 1A or 1B Wind Energy Facility shall include structural drawings of the Tower foundation and anchoring system: a) prepared by the Wind Turbine or Tower manufacturer, b) prepared in accordance with the manufacturer's specifications or, c) prepared and stamped by a Maine-licensed professional engineer.

12. An application for a Type 1A or Type 1B Wind Energy Facility shall include:
   a. a written statement, signed by the Applicant, that certifies that the proposed facility is designed to meet the applicable noise control standards under section 13.1.3 and acknowledges the Applicant’s obligation to take remedial action in accordance with section 13.1.6 if the Code Enforcement Officer determines those standards are not being met or;
b. a written request for review under section 14.1 along with information required under Section 15, subsection 15.2 (Submissions).

13. An Application for Type 1B, Type 2 or Type 3 Wind Energy Facility shall include the following site line, photographic and, if applicable, screening information, provided that an Applicant for a Type 3 Wind Energy Facility may provide this information as part of a visual assessment if required pursuant to section 14.5:
   a. Sight Line Representations of each Wind Turbine from the nearest Occupied Building and from at least one other representative location within 500 feet of the Wind Turbine, such as a Scenic Resource or another Occupied Building. Each Site Line Representation shall be drawn at a scale sufficiently large to make it legible. If screening is proposed, the proposed screening device, such as trees, shrubs or fencing, shall be depicted on the drawing along with the sight line as altered by the screening.
   b. A current four-inch by six-inch color photograph of the proposed site of the Wind Turbine(s) taken from viewpoints corresponding to each of the Site Line Representations.
   c. One copy of each of the photographs described in b, above, onto which is superimposed an accurately-scaled and sited representation of the Wind Turbine(s).

14. An application for a Type 2 Wind Energy Facility that generates energy primarily for sale or use by a Person other than the generator, shall include, if issued at the time of application, certification from the Department of Environmental Protection pursuant to 35-A M.R.S. § 3456 that the Wind Energy Facility:
   a. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to the Site Location of Development Act, 38 M.R.S. § 481, et seq.;
   b. Will be designed and sited to avoid unreasonable adverse Shadow Flicker effects; and
   c. Will be constructed with setbacks adequate to protect public safety.

If such certification has not been issued at the time of application, the Applicant shall include written evidence that the Applicant has applied for certification.

10.2 Additional Submission Requirements for an Application for a Type 2 and 3 Wind Energy Facility

1. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, or other similar certifying organizations.
2. Decommissioning plan in conformance with Section 16.
3. Written summary of operation and maintenance procedures for the Wind Energy Facility and a maintenance plan for access roads, erosion and sedimentation controls and storm water management facilities.
4. Standard boundary survey of the subject property stamped by a Maine-licensed surveyor. The Planning Board may waive this requirement if it determines that the Applicant has provided information sufficient to identify property boundaries to the extent necessary.
5. Visual impact assessment, if required pursuant to section 14.5.
6. Stormwater management plan stamped by a Maine-licensed professional engineer.
7. Sound level analysis, prepared by a qualified engineer, which addresses the standards of section 14.1.
8. Shadow Flicker analysis based on WindPro or other modeling software approved by the Department of Environmental Protection.
9. Foundation and anchoring system drawings that are stamped by a Maine-licensed professional engineer.
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

Section 11. Meteorological Towers (MET Towers).
Applications for Meteorological (MET) Towers shall be subject to the submission and review standards for a Type 1A Wind Energy Facility, as applicable, except that no height limitation shall apply. A permit for a MET Tower shall be valid for 2 years and 2 months from the date of issuance. The Code Enforcement Officer may grant one or more one-year extensions of this permit period. Within 30 days following removal of a MET Tower, the Applicant shall restore the site to its original condition to the extent practicable. The provisions of this section do not apply to permanent MET Towers included as Associated Facilities in approved Wind Energy Facility applications.

Section 12. General Standards.
12.1 Safety Setbacks
Wind Turbines shall be set back a horizontal distance equivalent to 150% of the Turbine Height from property boundaries, public and private rights-of-way and overhead utility lines that are not part of the proposed Generating Facility except that the entity responsible for review and approval of the application may allow a reduced setback if the Applicant submits, in writing: 1) a waiver of the property boundary setback signed by the pertinent abutting landowner or; 2) evidence, such as operating protocols, safety programs, or recommendations from the manufacturer or a licensed professional engineer with appropriate expertise and experience with Wind Turbines, that demonstrates that the reduced setback proposed by the Applicant is appropriate.

12.2 Natural Resource Protection
A Wind Energy Facility shall not have an unreasonable adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the municipal entity responsible for review and approval of the permit application under section 9.1 shall consider pertinent application materials and the written comments and/or recommendations, if any, of the Maine Department of Inland Fisheries and Wildlife (MDIFW) Environmental Coordinator and the Maine Natural Areas Program (MNAP).

12.3 Building Permit
All components of the Wind Energy Facility shall conform to relevant and applicable local and state building codes.

12.4 Overspeed Controls and Brakes
Each Wind Turbine shall be equipped with an overspeed control system that: 1) includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or 2) has been designed by the manufacturer or a licensed civil engineer and found by the municipal entity responsible for review and approval of the application under 9.1, based on its review of a written description of the design and function of the system, to meet the needs of public safety.

12.5 Electrical Components and Interconnections
All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state, and national codes.

12.6 Access
All ground-mounted electrical and control equipment and all access doors to a Wind Turbine shall be labeled and secured to prevent unauthorized access. A Wind Tower shall not be climbable up to a minimum of fifteen (15) feet above ground surface.

12.7 Blade Clearance
The minimum distance between the ground and all blades of a Wind Turbine shall be 25 feet as measured at the lowest arc of the blades.

12.8 Signal Interference
The Applicant shall make reasonable efforts to avoid and mitigate to the extent practicable any disruption or loss of radio, telephone, television, or similar signals caused by the Wind Energy Facility.

12.9 Structure Type
With the exception of Meteorological (MET) Towers, Towers shall be monopoles with no guy wires. This requirement may be waived if the Applicant demonstrates to the satisfaction of the municipal entity responsible for review and approval of the permit application under section 9.1, that there is no practicable alternative. Bird flight diverters must be installed on any guy wires that are permitted.

12.10 Erosion Control

12.11 Building-Mounted Wind Turbines
Building-mounted Wind Turbines are not permitted.

12.12 Visual Appearance
1. A Wind Turbine shall be a non-obtrusive color such as white, off-white or gray, or as may otherwise be required by another governmental agency with jurisdiction over the Wind Energy Facility.

2. A Wind Turbine shall not be lighted artificially, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the Wind Energy Facility.

3. A Wind Turbine shall not be used to support signs and shall not display advertising except for reasonable and incidental identification of the turbine manufacturer, facility owner and operator, and for warnings.

12.13 Visibility of Wind Turbine
The following requirements apply, to the extent practicable, to Type 1B and Type 2 Wind Energy Facilities:
1. To the extent that doing so does not inhibit adequate access to the wind resource, each Wind Turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features in screening views of the Wind Turbine from Occupied Buildings and Scenic Resources.

2. When existing features do not screen views of a Wind Turbine from Residences and Scenic Resources, screening may be required, where feasible and effective, through the planting of trees and/or shrubs. In order to maximize the screening effect and minimize wind turbulence near the Wind Turbine, plantings should be situated as near as possible to the point from which the Wind Turbine is being viewed. Such plantings should be of native varieties.

Section 13. Special Standards for Type 1A and Type 1B Wind Energy Facilities.
13.1 Noise emanating from a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of this section or, upon the written request of the applicant, the provisions of section 14.1. If the Applicant chooses review under section 14.1, the provisions of 13.1.1, 13.1.2 and 13.1.6 shall apply, but the provisions of 13.1.3, 13.1.4 and 13.1.5 shall not apply.
1. The sound level limits contained in this section apply only to areas that are defined as Protected Locations and to property boundaries that describe the outer limits of the facility site in combination with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.
2. The sound level limits contained in this section do not apply to the facility site or any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site.

3. The sound levels resulting from routine operation of a Wind Energy Facility, as measured in accordance with the procedures described in section 13.1.5 shall not exceed the limits specified for the following locations and times:
   a. At a Protected Location with no living and sleeping quarters:
      
      55 dBA during the Protected Location’s regular hours of operation
   
   b. At a Protected Location with living and sleeping quarters:
      
      1. Area(s) within 500 feet of living and sleeping quarters:
         
         42 dBA between 7:00 p.m. and 7:00 a.m.
         
         55 dBA between 7:00 a.m. and 7:00 p.m.
      
      2. Area(s) more than 500 feet from living and sleeping quarters:
         
         55 dBA at all times.
   
   c. At property boundaries that describe the outer limits of the facility site combined with any parcel(s) owned by a Participating Land-Owner that are contiguous with the facility site:
      
      75 dBA at all times.

4. If the Applicant submits the certification and acknowledgement required by Section 10.1.12(1), the municipal entity responsible for review and approval of the application under Section 9.1 shall determine, for purposes of issuing its approval, that the pertinent sound-level limits under section 13.1.1 have been met, subject to the Applicant's obligation to take remedial action as necessary under section 13.1.6.

5. The Code Enforcement Office may perform measurements of sound levels resulting from routine operation of an installed Type 1A or Type 1B Wind Energy Facility at the officer's own initiative or in response to a noise-related complaint to determine compliance with the pertinent standards in section 13.1.1. Such measurements shall be performed as follows:
   a. Measurements shall be obtained during representative weather conditions when the sound of the Wind Energy Facility is most clearly noticeable. Preferable weather conditions for sound measurements at distances greater than about 500 feet from the sound source include overcast days when the measurement location is downwind of the Wind Turbine and inversion periods (which most commonly occur at night).
   b. Sound levels shall be measured at least four (4) feet above the ground by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
   c. 5 dBA shall be added to sound levels of any Short Duration Repetitive Sound measured in accordance with paragraphs a and b.

6. The Applicant shall operate the proposed Wind Energy Facility in conformance with the sound level limits of section 13.1 or section 14.1, as applicable. If, based on post-
installation measurements taken in accordance with section 13.1.3 or section 14.1, as applicable, the Code Enforcement Officer determines that the applicable sound-level limits are not being met, the Applicant shall, at the Applicant's expense and in accordance with the Rumford Wind Energy Facility Ordinance and in consultation with the Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial action that the Code Enforcement Officer may require, includes, but shall not be limited to, one or more of the following:

a. modification or limitation of operations during certain hours or wind conditions;
b. maintenance, repair, modification or replacement of equipment;
c. relocation of the Wind Turbine(s); and,
d. removal of the Wind Turbine(s) provided that the Code Enforcement Officer may require removal of the Wind Turbine(s) only if the Code Enforcement Officer determines that there is no practicable alternative.

13.2 Discontinued Use

1. A Type 1A or Type 1B Wind Energy Facility that is not generating electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the Applicant within 120 days of receipt of notice from the Code Enforcement Officer, unless the Applicant provides information that the Planning Board deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the Wind Energy Facility is not removed within this time period, the municipality may remove the turbine at the Applicant's expense. The Applicant shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

2. If a surety has been given to the municipality for removal of a Type 1B Wind Energy Facility, the Applicant may apply to the Planning Board for release of the surety when the Wind Energy Facility has been removed to the satisfaction of the Code Enforcement Officer.

Section 14.0. Special Standards for Type 2 and Type 3 Wind Energy Facilities.

14.1 Control of Noise
Noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility, or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility shall be controlled in accordance with the provisions of Section 15. If there is a conflict between a provision of Section 15 and another provision of this ordinance, the provision of Section 15 shall apply.

14.2 Use of Public Roads
1. The Applicant shall identify all state and local public roads to be used within Rumford to transport equipment and parts for construction, operation or maintenance of a Type 2 or Type 3 Wind Energy Facility.

2. The Town Engineer, Road Commissioner or a qualified third-party engineer reasonably acceptable to both the Planning Board and the Applicant and paid for by the Applicant pursuant to Section 9.7 of the Ordinance, shall document road conditions prior to construction. The Town Engineer, Road Commissioner or third-party engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

3. The Applicant shall demonstrate, to the satisfaction of the Planning Board, that it has financial resources sufficient to comply with subsection 4, below, and the Planning Board may require the Applicant to post a bond or other security in order to ensure such compliance.
4. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

14.3 Warnings
A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

14.4 Artificial Habitat
To the extent practicable, the creation of artificial habitat for raptors or raptor prey shall be minimized. In making its determination under this subsection the Planning Board shall consider comments and recommendations, if any, provided by the Maine Department of Inland Fisheries and Wildlife.

14.5 Effect on Scenic Resources
1. Except as otherwise provided in this subsection, if a Type 2 or Type 3 Wind Energy Facility is proposed for location in or is visible from a Scenic Resource, the Applicant shall provide the Planning Board a visual impact assessment that addresses the evaluation criteria in subsection 14.5.3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of a Type 2 or Type 3 Wind Energy Facility that are located more than 3 miles, measured horizontally, from a Scenic Resource. The Planning Board may require a visual impact assessment for portions of the Type 2 or Type 3 Wind Energy Facility located more than 3 miles and up to 8 miles from a Scenic Resource if it finds that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the Scenic Resource. Information intended to rebut the presumption must be submitted to the Planning Board by any interested Person within 30 days of acceptance of the application as complete. The Planning Board shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

2. The Planning Board shall determine, based on consideration of the evaluation criteria in subsection 14.5.3, whether the Type 2 or 3 Wind Energy Facility significantly compromises views from a Scenic Resource such that the proposed facility has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of that Scenic Resource.

3. In making its determination pursuant to subsection 14.5.2, and in determining whether an Applicant for a Type 2 or 3 Wind Energy Facility located more than 3 miles from a Scenic Resource must provide a visual impact assessment in accordance with subsection 14.5.1, the Planning Board shall consider:
   a. The significance of the potentially affected Scenic Resource;
   b. The existing character of the surrounding area;
   c. The expectations of the typical viewer;
   d. The Type 2 or Type 3 Wind Energy Facility’s purpose and the context of the proposed activity;
   e. The extent, nature and duration of potentially affected public uses of the Scenic Resource and the potential effect on the public’s continued use and enjoyment of the Scenic Resource; and
   f. The scope and scale of the potential effect of views of the Wind Energy Facility on the Scenic Resource, including but not limited to issues related to the number and extent of Wind Turbines visible from the Scenic Resource, the distance from the Scenic Resource and the effect of prominent features of the Wind Energy Facility on the landscape.

A finding by the Planning Board that the Type 2 or Type 3 Wind Energy Facility is a highly visible feature in the landscape is not a solely sufficient basis for determination that it has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a Scenic Resource. In making its determination under subsection 14.5.2, the Planning Board shall consider insignificant the effects of portions of a Type 2 or Type 3 Wind Energy Facility located more than 8 miles, measured horizontally, from a Scenic Resource.

14.6 Shadow Flicker
Type 2 and Type 3 Wind Energy Facilities shall be designed to avoid unreasonable adverse shadow flicker effect at any Occupied Building located on a Non-Participating Landowner’s property.

14.7 Relationship to DEP Certification and Permitting
1. For a Type 2 Wind Energy Facility for which a DEP Certification has been submitted in accordance with section 10.1.14, the Planning Board shall consider, to the extent applicable, pertinent findings in that certification when making its determination under sections 12.1, 14.1, and 14.6. There is a rebuttable presumption that a Wind Energy Facility that has obtained DEP Certification meets the requirements of sections 12.1, 14.1, and 14.6. The Planning Board may, as a condition of approval of a Type 2 Wind Energy Facility that generates energy for sale or use by a person other than the generator, deem DEP’s issuance of a certificate for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 14.1, 14.6.

2. If DEP has issued a Site Location of Development Act permit for a Type 3 Wind Energy Facility pursuant to 38 M.R.S. § 484(3), there is a rebuttable presumption that the development meets the requirements of sections 12.1 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance as defined by 35-A M.R.S. §3451(9), section 14.5. The Planning Board may, as a condition of approval of a Type 3 Wind Energy Facility, deem DEP’s issuance of a permit for the development sufficient to meet, in whole or in part, as applicable, the requirements of sections 12.1, 12.2, 14.1, 14.6, 14.12 and, as it pertains to Scenic Resources of state or national significance, section 14.5.

14.8 Local Emergency Services
1. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

2. Upon request, the Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for a Type 2 or Type 3 Wind Energy Facility.

3. A Wind Turbine shall be equipped with an appropriate fire suppression system to address fires within the Nacelle portion of the turbine or shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.

14.9 Liability Insurance
The Applicant or an Applicant’s designee acceptable to the Planning Board shall maintain a current general liability policy for the Type 2 or Type 3 Wind Energy Facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the Facility. The Applicant or its designee shall make certificates of insurance available to the Planning Board upon request.

14.10 Design Safety Certification
Each Wind Turbine shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and at least one of the following: Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organization.

14.11 Public Inquiries and Complaints
1. The Applicant or its designee shall maintain a phone number and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the Wind Energy Facility.

2. The Applicant or its designee shall make reasonable efforts to respond to the public’s inquiries and complaints and shall provide written copies of all complaints and the company’s resolution or response to the Code Enforcement upon request.
14.12 Decommissioning
The Applicant shall prepare a decommissioning plan in conformance with Section 16.

Section 15.0. Control of Noise.
15.1 Applicability
Pursuant to section 14.1, noise emanating from a Type 2 Wind Energy Facility, a Type 3 Wind Energy Facility or, upon written request of the Applicant pursuant to section 13.1, a Type 1A or Type 1B Wind Energy Facility, shall be controlled in accordance with the following provisions:

15.2 Sound Level Limits
(1) Sound Level Limits for Routine Operation of Wind Energy Facilities
The sound levels resulting from routine operation of a wind energy facility measured in accordance with the measurement procedures described in subsection G shall not exceed the following limits:
(a) 75 dBA at any time of day at any property line of the wind energy facility or contiguous property owned or controlled by the wind energy applicant, whichever is farther from the proposed wind energy facility's regulated sound sources; and
(b) 55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime limit"), and 42 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime limit") at any protected location.

(2) Tonal Sounds
For the purposes of this subsection, a tonal sound exists if, at a protected location, the 10 minute equivalent average one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.
(a) When routine operation of a wind energy facility produces tonal sounds, a 5 dBA penalty shall be arithmetically added to each average 10 minute sound level ($L_{eq_{A,10-min}}$) measurement interval in which a tonal sound occurs.

(3) Short Duration Repetitive Sounds ("SDRS")
For the purposes of this subsection, SDRS is defined as a sequence of repetitive sounds that occur within a 10-minute measurement interval, each clearly discernible as an event resulting from the facility and causing an increase in the sound level of 5 dBA or greater on the fast meter response above the sound level observed immediately before and after the event, each typically ±1 second in duration, and which are inherent to the process or operation of the facility.
(a) When routine operation of a wind energy facility produces short duration repetitive sound, a 5 dBA penalty shall be arithmetically added to each average 10-minute sound level ($L_{eq_{A,10-min}}$) measurement interval in which greater than 5 SDRS events are present.

(4) Sound from Construction of Facilities
(a) The sound from construction activities between 7:00 p.m. and 7:00 a.m. is subject to the following limits:

(1) Sound from nighttime construction activities shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

(2) If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sound shall be subject to the nighttime routine operation sound level limits contained in subsections B (1 through 3).

(3) Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of these limits has been granted by:
   a. the Code Enforcement Officer when the duration of the nighttime construction activity is less than or equal to 90 days,
b. the Code Enforcement Officer and the Planning Board when the duration of the nighttime construction activity is greater than 90 days.

(b) Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

<table>
<thead>
<tr>
<th>Duration of Activity</th>
<th>Hourly Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 hours</td>
<td>87 dBA</td>
</tr>
<tr>
<td>8 hours</td>
<td>90 dBA</td>
</tr>
<tr>
<td>6 hours</td>
<td>92 dBA</td>
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<tr>
<td>4 hours</td>
<td>95 dBA</td>
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<tr>
<td>3 hours</td>
<td>97 dBA</td>
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<tr>
<td>2 hours</td>
<td>100 dBA</td>
</tr>
<tr>
<td>1 hour or less</td>
<td>105 dBA</td>
</tr>
</tbody>
</table>

(c) All equipment used in construction on facility sites shall comply with applicable federal noise regulations and shall include environmental noise control devices in proper working condition, as originally provided with the equipment by its manufacturer.

(5) Sound from Maintenance Activities

(a) Sound from routine, ongoing maintenance activities shall be considered part of the routine operation of the facility and the combined total of the routine maintenance and operation sound shall be subject to the routine operation sound level limits contained in subsection B (1 through 3).

(b) Sound from occasional, major, scheduled overhaul activities shall be subject to the construction sound level limits contained in subsection B (4). If overhaul activities are conducted concurrently with routine operation and/or construction activities, the combined total of the overhaul, routine operation and construction sound shall be subject to the construction sound level limits contained in subsection B(4).

(6) Compliance with the Sound Level Limits

Compliance of a wind energy facility with the sound level limits set forth in subsection B (1 through 3) shall be determined in accordance with the following:

(a) Sound level data shall be aggregated in 10-minute measurement intervals within a given compliance measurement period (daytime: 7:00 am to 7:00 pm or nighttime: 7:00 pm to 7:00 am) under the conditions set forth in subsection G.

(b) Compliance will be demonstrated when the arithmetic average of the sound level of, at a minimum, twelve, 10-minute measurement intervals in a given compliance measurement period is less than or equal to the sound level limit set forth in subsection B (1through 3).

(c) Alternatively, if a given compliance measurement period does not produce a minimum of twelve, 10-minute measurement intervals under the atmospheric and site conditions set forth in subsection G, the wind energy facility may combine six or more contiguous 10-minute measurement intervals from one 12-hour (7:00 am to 7:00 pm daytime or 7:00 pm to 7:00 am nighttime) compliance measurement period with six or more contiguous 10-minute intervals from another compliance measurement period. Compliance will be demonstrated
when the arithmetic average of the combined 10-minute measurement intervals is less than or equal to the sound level limit set forth in subsection B (1 through 3).

15.3 Submissions

(1) Facilities with Minor Sound Impact
An applicant for a proposed facility with minor sound impact may choose to file as part of the wind energy facility application a statement attesting to the minor nature of the anticipated sound impact of their facility. An applicant proposing an expansion or modification of an existing facility with minor sound impact may follow the same procedure as described above. For the purpose of these standards, a facility or an expansion or modification of an existing facility with minor sound impact means a facility where the applicant demonstrates, by estimate or example, that the regulated sound from routine operation of the facility will not exceed 5 dBA less than the applicable limits established under subsection B. It is the intent of this subsection that an applicant need not conduct sound level measurements to demonstrate that the facility or an expansion or modification of an existing facility will have a minor sound impact.

(2) Other Facilities
Technical information shall be submitted describing the wind energy applicant’s plan and intent to make adequate provision for the control of sound. The wind energy applicant’s plan shall contain the following:

(a) A map depicting the location of all proposed sound sources associated with the wind energy facility, property boundaries for the proposed wind energy facility, property boundaries of all adjacent properties within one mile of the proposed wind energy facility, and the location of all protected locations located within one mile of the proposed wind energy facility;

(b) A description of the major sound sources, including tonal sound sources and sources of short duration repetitive sounds, associated with the construction, operation and maintenance of the proposed wind energy facility;

(c) A description of the equivalent noise levels expected to be produced by the sound sources at protected locations located within one mile of the proposed wind energy facility. The description shall include a full-page isopleths map depicting the modeled decay rate of the predicted sound pressure levels expected to be produced by the wind energy facility at each clearly identified protected location within one mile of the proposed wind energy facility. The predictive model used to generate the equivalent noise levels expected to be produced by the sound sources shall be designed to represent the "predictable worst case" impact on adjacent properties and shall include, at a minimum, the following:
   1. The maximum rated sound power output (IEC 61400-11) of the sound sources operating during nighttime stable atmospheric conditions with high wind shear above the boundary layer and consideration of other conditions that may affect in-flow airstream turbulence;
   2. Attenuation due to geometric spreading, assuming that each turbine is modeled as a point source at hub height;
   3. Attenuation due to air absorption;
   4. Attenuation due to ground absorption/reflection;
   5. Attenuation due to three dimensional terrain;
   6. Attenuation due to forestation;
   7. Attenuation due to meteorological factors such as but not limited to relative wind speed and direction (wind rose data), temperature/vertical profiles and relative humidity, sky conditions, and atmospheric profiles;
   8. Inclusion of an “uncertainty factor” adjustment to the maximum rated output of the sound sources based on the manufacturer’s recommendation; and
   9. Inclusion, at the discretion of the Planning Board, of an addition to the maximum rated output of the sound sources to account for uncertainties in the modeling of sound propagation for wind energy facilities. This discretionary uncertainty factor of up to 3 dBA may be required by the Planning Board based on the following conditions: inland or coastal location, the extent and specificity of credible evidence of meteorological...
operating conditions, and the extent of evaluation and/or prior specific experience for
the proposed wind turbines. Subject to the Planning Board’s discretion based on the
information available, there is a rebuttable presumption of an uncertainty factor of 2 to
3 dBA for coastal facilities and of 0 to 2 dBA for inland facilities.

(d) A description of the protected locations near the proposed wind energy facility.

(e) A description of proposed major sound control measures, including their locations and
expected performance.

(f) A comparison of the expected sound levels from the proposed facility with the sound level
limits of these standards.

(g) A comparison of the expected sound levels from the proposed facility with any quantifiable
noise standards of any neighboring municipality which may be affected by the noise.

(h) A description and map identifying one or more compliance testing locations on or near the
proposed wind energy facility site. The identified compliance testing locations shall be
selected to take advantage of prevailing downwind conditions and be able to meet the site
selection criteria outlined in subsection G(4)(b).

(i) A description of the compliance measurement protocol as required by subsection G below.

(j) A description of the complaint response protocol proposed for the wind energy facility. The
complaint response protocol shall adequately provide for, at a minimum:

1. A 24-hour contact for complaints;
2. A complaint log accessible by the Planning Board;
3. For those complaints that include sufficient information to warrant an investigation, the
protocol must provide for an analysis as set forth in (a) through (c) below. Sufficient
information includes, at a minimum: the name and address of the complainant; the date,
time and duration of the sound event; a description of the sound event, indoor or
outdoor, specific location and a description of any audible sounds from other sources
outside or inside the building of the complainant. Analysis of the complaint by the permit
holder must include:

   (a) documentation of the location of the nearest turbines to the complaint location
and ground conditions in the area of the complaint location;
   (b) weather conditions at the time of the complaint and surface and hub height
wind speed and direction;
   (c) power output and direction of nearest turbines; and
   (d) notification of complaint findings to the Planning Board and the complainant;

4. A plotting of complaint locations and key information on a project area map to
evaluate complaints for a consistent pattern of site, operating and weather
conditions; and
5. A comparison of these patterns to the compliance protocol to determine whether
testing under additional site and operating conditions is necessary and, if so, a
testing plan that addresses the locations and the conditions under which a pattern
of complaints had occurred.

15.4 Terms and Conditions
The Planning Board may, as a term or condition of approval, establish any reasonable requirement to
ensure that the applicant has made adequate provision for the control of noise from the facility and to
reduce the impact of noise on protected locations. Such conditions may include, but are not limited to,
enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment
of specific design technologies, site design, modes of operation, or traffic patterns.

The sound level limits prescribed in this ordinance shall not preclude the Planning Board from requiring
an applicant to demonstrate that sound levels from a facility will not unreasonably disturb wildlife or
adversely affect wildlife populations. In addition, the sound level limits shall not preclude the Planning
Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure
that the applicant has made adequate provision for the protection of wildlife.

15.5 Waiver from Sound Level Limits
A waiver may be granted by the Planning Board if: (1) a facility is deemed necessary in the interest of national defense or public safety and the applicant has shown that the sound level limits cannot practicably be met without unduly limiting the facility's intended function, and (2) a finding is made by the Planning Board that the proposed facility will not have an unreasonable impact on protected locations. The Planning Board shall consider the request for a waiver as part of the review of a completed wind energy facility application. In granting a waiver, the Planning Board may, as a condition of approval, impose terms and conditions to ensure that no unreasonable sound impacts will occur.

15.6 Definitions

Terms used herein are defined below for the purpose of this noise ordinance.

(1) AMBIENT SOUND: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific facility of interest.

(2) CONSTRUCTION: Activity and operations associated with the development or expansion of a facility or its site.

(3) EMERGENCY: An unforeseen combination of circumstances which calls for immediate action.

(4) EMERGENCY MAINTENANCE AND REPAIRS: Work done in response to an emergency.

(5) ENERGY SUM OF A SERIES OF LEVELS: Ten times the logarithm of the arithmetic sum of the antilogarithms of one-tenth of the levels. [Note: See Section B (1 through 3).]

(6) EXISTING FACILITY: A facility constructed or approved under a pertinent ordinance prior to the effective date of this ordinance or a proposed facility for which the permit application is complete for processing on or before the effective date of this ordinance. Any development with a permit approval which has been remanded to the Planning Board by a court of competent jurisdiction for further proceedings relating to noise limits or noise levels prior to the effective date of this ordinance shall not be deemed an existing facility and this ordinance shall apply to the existing noise sources at that facility.

(7) EXISTING HOURLY SOUND LEVEL: The hourly sound level resulting from routine operation of an existing facility prior to the first expansion that is subject to this ordinance.

(8) EQUIVALENT SOUND LEVEL: The level of the mean-square A-weighted sound pressure during a stated time period, or equivalently the level of the sound exposure during a stated time period divided by the duration of the period.

NOTE: For convenience, a one-hour equivalent sound level should begin approximately on the hour.

(9) HISTORIC AREAS: Historic sites administered by the Bureau of Parks and Recreation of the Maine Department of Agriculture, Conservation and Forestry, with the exception of the Arnold Trail.

(10) HOURLY SOUND LEVEL: The equivalent sound level for one hour measured or computed in accordance with this ordinance.
(11) **LOCALLY-DESIGNATED PASSIVE RECREATION AREA**: Any site or area designated by Rumford for passive recreation that is open and maintained for public use and which:

(a) has fixed boundaries,
(b) is owned in fee simple by Rumford or is accessible by virtue of public easement,
(c) is identified and described in the Rumford comprehensive plan, and
(d) has been identified and designated at least nine months prior to the filing of the applicant's permit application.

(12) **MAXIMUM SOUND LEVEL**: Ten times the common logarithm of the square of the ratio of the maximum sound to the reference sound of 20 micropascals. Symbol: $L_{AF_{\text{max}}}$.

(13) **MAXIMUM SOUND**: Largest A-weighted and fast exponential-time-weighted sound during a specified time interval. Unit: pascal (Pa).

(14) **RESIDENCE**: A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft.

(15) **PRE-DEVELOPMENT AMBIENT**: The ambient sound at a specified location in the vicinity of a facility site prior to the construction and operation of the proposed facility or expansion.

(16) **PROTECTED LOCATION**: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital or nursing home near the facility site at the time a permit application is submitted; or any location within a State Park, Baxter State Park, National Park, Historic Area, a nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy, The Appalachian Trail, the Moosehorn National Wildlife Refuge, federally-designated wilderness area, state wilderness area designated by statute (such as the Allagash Wilderness Waterway), or locally-designated passive recreation area; or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands of the Maine Department of Agriculture, Conservation and Forestry as a protected location.

At protected locations more than 500 feet from living and sleeping quarters within the above noted buildings or areas, the daytime hourly sound level limits shall apply regardless of the time of day.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, the Moosehorn National Wildlife Refuge, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Planning Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Planning Board may designate certain hotels, motels, campsites and duly licensed campgrounds as protected locations.
This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition, (1) a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired, and (2) a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired.

(17) **QUANTIFIABLE NOISE STANDARD**: A numerical limit governing noise from developments that has been duly enacted by ordinance by a local municipality.

(18) **ROUTINE OPERATION**: Regular and recurrent operation of regulated sound sources associated with the purpose of the facility and operating on the facility site.

(19) **SHORT DURATION REPETITIVE SOUNDS**: A sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

(20) **SOUND COMPONENT**: The measurable sound from an audibly identifiable source or group of sources.

(21) **SOUND LEVEL**: Ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals. For the purpose of this ordinance, sound level measurements are obtained using the A-weighted frequency response and fast dynamic response of the measuring system, unless otherwise noted.

(22) **SOUND PRESSURE**: Root-mean-square of the instantaneous sound pressures in a stated frequency band and during a specified time interval. Unit: pascal (Pa).

(23) **SOUND PRESSURE LEVEL**: Ten times the common logarithm of the square of the ratio of the sound pressure to the reference sound pressure of 20 micropascals.

(24) **TONAL SOUND**: for the purpose of this ordinance, a tonal sound exists if, at a protected location, the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

**NOTE**: Additional acoustical terms used in work associated with this ordinance shall be used in accordance with the following American National Standards Institute (ANSI) standards:
15.7 Measurement Procedures

These procedures specify measurement criteria and methodology for use with wind energy facility applications, compliance and complaint response. They provide methods for measuring the sound from operation of the wind energy facility and set forth the information to be reported.

(1) Measurement Criteria

(a) Measurement Personnel

Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound, or by personnel trained to operate under a specific measurement plan approved by the Planning Board.

(2) Measurement Instrumentation

(a) A sound level meter or alternative sound level measurement system used shall meet all of the Type 0 or 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.

(b) An integrating sound level meter (or measurement system) shall also meet the Type 0 or 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 61672-1 and ANSI 1.43.

(c) A filter for determining the existence of tonal sounds shall meet all the requirements of the American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11 and IEC 61260, Type 3-D performance.

(d) The acoustical calibrator used shall be of a type recommended by the manufacturer of the sound level meter and one that meets the requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.

(e) The microphone windscreen used shall be of a type recommended by the manufacturer of the sound level meter.

(f) Anemometer(s) used for surface (10 meter (m)) (32.8 feet) wind speeds shall have a minimum manufacturer specified accuracy of ±1 mph providing data in one second integrations and 10 min. average/maximum values for the evaluation of atmospheric stability.

(g) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp.

(3) Equipment Calibration

(a) The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Institute of Standards and Technology.

(b) Field calibrations shall be recorded before and after each measurement period and at shorter intervals if recommended by the manufacturer.

(c) Anemometer(s) and vane(s) shall be calibrated annually by the manufacturer to maintain stated specification.

(4) Compliance Measurement Location, Configuration, and Environment

(a) Compliance measurement locations shall be at nearby protected locations that are most likely affected by the sound from routine operation of the wind energy facility subject to permission from the respective property owner(s).
(b) To the greatest extent possible, compliance measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 75-foot radius around the sound and audio monitoring equipment.

(c) To the greatest extent possible, meteorological measurement locations shall be at the center of open flat terrain, inclusive of grass and a few isolated obstacles less than 6 feet in height for a 2500-foot radius around the anemometer location. The meteorological data measurement location need not be coincident with the sound and audio measurement location provided there is no greater than a 5 mile separation between the data collection points and the measurement locations have similar characterization, i.e. same side of the mountain ridge, etc.

(d) Meteorological measurements of wind speed and direction shall be collected using anemometers at a 10-meter height (32.8 feet) above the ground. Results shall be reported, based on 1-second integration intervals, and shall be reported synchronously with hub level and sound level measurements at 10-minute measurement intervals. The wind speed average and maximum shall be reported.

(e) The sound microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.

(f) When possible, measurement locations should be at least 50 feet from any sound source other than the wind energy facility’s power generating sources.

(5) Compliance Data Collection, Measurement and Retention Procedures

(a) Measurements of operational, sound, audio and meteorological data shall occur as set forth in subsections G (5)(g through j).

(b) All operational, sound and meteorological data collected shall be retained by the wind energy facility for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(c) All audio data collected shall be retained by the wind energy facility for a period of four weeks from the date of collection unless subject to a complaint filed in accordance with the complaint protocol approved by the Planning Board and is subject to inspection by the Planning Board and submission to the Planning Board upon request. Specific audio data collected that coincides with a complaint filed in accordance with the approved complaint protocol shall be retained by the wind energy permit holder for a period of 1 year from the date of collection and is subject to inspection by the Planning Board and submission to the Planning Board upon request.

(d) Written notification of the intent to collect compliance data must be received by the Planning Board prior to the collection of any sound level data for compliance purposes. The notification shall state the date and time of the compliance measurement period.

NOTE: Notice received via electronic mail is sufficient regardless of whether it is received during business hours.

(e) Compliance data from the operation of a wind energy facility shall be submitted to the Planning Board, at a minimum:
   (1) Once during the first year of facility operation;
   (2) Once during each successive fifth year thereafter until the facility is decommissioned;
   (3) In response to a complaint regarding operation of the wind energy facility as set forth in subsection C (2)(j) and any subsequent enforcement by the Code Enforcement Officer; and
   (4) For validation of an applicant's calculated sound levels when requested by the Planning Board.

(f) All sound level, audio and meteorological data collected during a compliance measurement period for which the Planning Board has been notified that meets or exceeds the specified wind speed parameters shall be submitted to the Planning Board for review and approval. All data submittals shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data.
(g) Measurement shall be obtained during weather conditions when the wind turbine sound is most clearly noticeable, generally when the measurement location is downwind of the wind energy facility and maximum surface wind speeds < 6 miles per hour (mph) with concurrent turbine hub-elevation wind speeds sufficient to generate the maximum continuous rated sound power from the nearest wind turbines to the measurement location. A downwind location is defined as within 45° of the direction between a specific measurement location and the acoustic center of the five nearest wind turbines.

NOTE: These conditions typically occur during inversion periods usually between 11 pm and 5 am.

(h) In some circumstances, it may not be feasible to meet the wind speed and operations criteria due to terrain features or limited elevation change between the wind turbines and monitoring locations. In these cases, measurement periods are acceptable if the following conditions are met:

1. The difference between the $L_{A90}$ and $L_{A10}$ during any 10-minute period is less than 5 dBA; and
2. The surface wind speed (10 meter height) (32.8 feet) is 6 mph or less for 80% of the measurement period and does not exceed 10 mph at any time, or the turbines are shut down during the monitoring period and the difference in the observed $L_{A50}$ after shut down is equal to or greater than 6 dBA; and
3. Observer logs or recorded sound files clearly indicate the dominance of wind turbine(s).

(i) Measurement intervals affected by increased biological activities, leaf rustling, traffic, high water flow, aircraft flyovers or other extraneous ambient noise sources that affect the ability to demonstrate compliance shall be excluded from all compliance report data. The intent is to obtain 10-minute measurement intervals that entirely meet the specific criteria.

(j) Measurements of the wind energy facility sound shall be made so as to exclude the contribution of sound from other facility equipment that is exempt from this ordinance.

(6) Reporting of Compliance Measurement Data

Compliance Reports shall be submitted to the Planning Board within 30 days of notification of intent to collect compliance data or upon request by the Planning Board and shall include, at a minimum, the following:

(a) A narrative description of the sound from the wind energy facility for the compliance measurement period result;
(b) The dates, days of the week and hours of the day when measurements were made;
(c) The wind direction and speed, temperature, humidity and sky condition;
(d) Identification of all measurement equipment by make, model and serial number;
(e) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations;
(f) All $A_{10}$ weighted equivalent sound levels for each 10-minute measurement interval;
(g) All $L_{A10}$ and $L_{A90}$ percentile levels;
(h) All 10 minute 1/3 octave band linear equivalent sound levels (dB);
(i) All short duration repetitive events characterized by event amplitude. Amplitude is defined as the peak event amplitude minus the average minima sound level immediately before and after the event, as measured at an interval of 50 milliseconds (“ms”) or less, $A_{10}$ weighted and fast time response, i.e. 125 ms. For each 10-minute measurement interval short duration repetitive sound events shall be reported by number for each observed amplitude integer above 5 dBA.
(j) Audio recording devices shall be time stamped (hh:mm:ss) and at a minimum 16 bit digital, recording the sound signal output from the measurement microphone at a minimum sampling rate of 24 thousand (k) samples per second to be used for identifying events. Audio recording and compliance data collection shall occur through the same microphone/sound meter and bear the same time stamp. Should any sound data collection be observed by a trained attendant, the attendant’s notes and observations may be substituted for the audio files during the compliance measurement period;
(k) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present; and
Section 16. Decommissioning Plan

Pursuant to section 14.12, the Applicant shall provide a plan for decommissioning a Type 2 or Type 3 Wind Energy Facility. The decommissioning plan shall include, but shall not be limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all Wind Turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other Associated Facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing.

   [Note: At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Wind Energy Facility. Any changes to the approved decommissioning plan shall be subject to review and approval by the Code Enforcement Officer.]

3. An estimate of the total cost of decommissioning less salvage value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, parental guarantee or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Wind Energy Facility the Applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning, less salvage value. The Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Wind Energy Facility.
CHAPTER 34
Obscenity Ordinance

No person with knowledge of the content and character shall display or exhibit for sale in a public place any book, newspaper, magazine or publication depicting obscene, lewd and indecent pictures and/or the exploitation of nudity.
CHAPTER 34-A  
Licensing and Regulation of Sexually Oriented Businesses  
ADOPTED JUNE 13, 2006

Section 1. Findings. This ordinance was created to counter the negative secondary effects of sexually oriented businesses by regulating the time, place and manner of operation of sexually oriented businesses. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. This evidence is relevant to issues facing the Town of Rumford. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, libraries, or other sexually oriented businesses. Research indicates that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties in the opinion of real estate appraisers and lenders.

The Town of Rumford further finds that it is necessary to prevent the commercial exploitation of the human body and specific anatomical areas having to do with sex and sexual arousal in order to prevent the creation of a tawdry atmosphere that adversely affects the quality of life, to prevent blight and deterioration, and to prevent negative secondary affects and advance the public health, safety and welfare.

Section 2. Purpose. The purpose of this ordinance is to regulate the time, place and manner of operation of sexually oriented businesses in order to insure compliance with this ordinance and to insure that the business is not having a negative secondary effect on the neighborhood or town. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the town at large. The primary control or regulation of this ordinance pertains to the location and manner of operation of sexually oriented businesses. The purpose of this ordinance is not to prohibit sexually oriented businesses from operating in the Town of Rumford, but to regulate their operation while providing a reasonable opportunity for such businesses to exist.

Section 3. Definitions.
A. Adult Book, Video, and/or Amusement Store: An establishment having as a substantial or significant portion of it stock in trade in “sexual devices,” and/or printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.

B. Adult Entertainment Facility: A public or private establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” or featuring topless or nude dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers and patrons who may be encouraged to perform in a sexually explicit manner, perform “specified sexual activities” or display “specified anatomical areas.” It shall also include any establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the
prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of “specified sexual activities;” or offers sadomasochistic acts or bondage and discipline to patrons or performs such acts on employees or other entertainers.

C. **Adult Spa.** An establishment or place primarily in the business of providing (i) a steam bath or sauna, (ii) other bathing or hot tub services, or (iii) “rub-down” or other pseudo-massage services by a person or persons not licensed as a Massage Therapist by the State of Maine.

D. **Corporation:** The use of “corporation” in this ordinance shall mean a “corporation”, “limited liability company” or “partnership” as defined under Maine state law.

E. **Sexually Oriented Business:** Sexually oriented businesses include, but are not limited to, adult video, book and/or amusement stores and adult entertainment facilities and adult spas.

F. **Residence:** Any structure which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium or a mobile home.

G. **Sadomasochistic Acts or Acts of Bondage and Discipline:** Flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

H. **Sexual Device:** A device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.

I. **Specified Sexual Activities:** Activities that contain or produce

   1. Human genitals in a state of sexual stimulation or arousal;
   2. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact, as defined by Maine law, or sodomy;
   3. Fondling or other touching of human genitals, pubic region, buttock or female breast.

J. **Specified Anatomical Areas:** Areas including, but not limited to:

   1. Human genitals, pubic region, buttocks or the female breast below a point immediately above the top of the areola; and
   2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Section 4. License Required.** A person or entity wishing to operate a sexually oriented business shall obtain an annual license prior to opening the establishment, prior to expiration of a current annual license and, for a sexually oriented business in existence at the time of adoption of this ordinance, within six (6) months after the adoption of this ordinance.

**Section 5. Application; Investigation and Issuance of License.**

A. **Application.** An application for a sexually oriented business license shall:

   1. Annually complete and file an application prescribed by the Town Clerk;
   2. Deposit the license fee and a processing fee, established by the Selectpersons in the Schedule of License, Permit and Application Fees, in advance with the Town Clerk;
   3. Submit the completed application to the Town Clerk, together with: attested copies of the articles of incorporation and by-laws, if the applicant is a corporation; evidence of partnership, if
a partnership; or articles of association and by-laws, if the applicant is an association, as well as a list of all officers and directors;

4. File an affidavit that identifies all owners, financial investors, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding three (3) years;

5. File the release authorized by 16 M.R.S. § 620(6) (Criminal History Record Information Act) with the application for each officer, owner, manager or partner of the applicant;

6. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner; and

7. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

B. Investigation of Applicant and Officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

1. The Code Enforcement Officer shall verify that the premises at which the establishment will be located comply with all applicable laws and building codes of the town and state and the State Plumbing Code and shall report his or her findings in writing to the Town Clerk;

2. The Health Officer shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

3. The Fire Chief shall inspect the location or proposed location to determine if all state laws and codes and all town ordinances concerning fire and safety have been satisfied and shall report his or her findings in writing to the Town Clerk;

4. The Town Manager shall investigate the application, including the criminal history record information required under Section 5(a)(5) above and shall report his or her findings in writing to the Board of Selectpersons;

5. The Town Manager shall arrange for public notice of the public hearing on the application in a newspaper of general circulation at least 10 days before the public hearing before the Board of Selectpersons and the Town Manager shall forward the application and other documents to the Board of Selectpersons for public hearing and action.

C. Compliance with Land Use Ordinances: The applicant shall obtain all applicable permits and permissions as required by the Town of Rumford Land Use Ordinances and shall furnish such executed permits, permissions or approvals with the application to the Town Clerk.

D. Issuance of License. The Board of Selectpersons, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this ordinance. The license shall be issued upon determination by the Board of Selectpersons, based upon the record, evidence and testimony at the public hearing, that the application meets the requirements of this ordinance. The license may not be transferred or assigned.
Section 6. Standards for Denial. An application for a sexually oriented business license shall be denied by the Board of Selectpersons in the following circumstances:

A. The applicant is a corporation not licensed to do business in the State of Maine;

B. The applicant is an individual who is less than 18 years of age;

C. The applicant has submitted an incomplete application, made an incorrect statement of a material nature or failed to supply additional information required by the Town Clerk or Board of Selectpersons that is reasonably necessary to determine whether the license can be issued;

D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has been denied a sexually oriented business license for making an incorrect statement of a material nature within the immediately preceding five (5) years;

E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has had a license granted pursuant to this ordinance, or a similar ordinance provision in any other municipality, revoked for any reason during the immediately preceding five (5) years;

F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation, has violated any Massage Ordinance, Public Indecency Ordinance, Paid Sexual Contact Ordinance or a similar ordinance in any other municipality within the immediately preceding five (5) years; or

G. The site on which the sexually oriented business is proposed is a prohibited site under Chapter 4 of the Land Use Code.

H. The application in any other way fails to meet the requirements of this ordinance.

Section 7. Standards for Suspension, Revocation. A sexually oriented business license may be suspended or revoked by the Board of Selectpersons upon a finding that the licensee has violated any provision of this ordinance.

Section 8. Age Restriction. No sexually oriented business shall permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

Section 9. Display of License, Prices Charged, and Names of Owners or Officers to be Prominently Displayed. A sexually oriented business must display its sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

Section 10. Prohibited Sites.

A. A sexually oriented business shall not be located within one thousand feet (1000’), as measured along the shortest straight line, of a residence, school, church, synagogue, playground, park or other area where minors congregate.

B. The main entrance of a sexually oriented business shall be located a minimum of five hundred feet (500’), as measured along the shortest straightest line, from the main entrance of another business.

C. A sexually oriented business must have a continuous 6-foot high solid fence along all boundary lines it has in common with any of the following:

1. a church, synagogue or other house of religious worship;
2. a public or private elementary or secondary school;
3. a residence;
4. a day care facility;
5. a public park or public recreational facility;
6. a library;
7. another sexually oriented business.

Section 11. Prohibited Activities.

The following activities are prohibited:

A. All acts of public indecency, as defined in 17-A M.R.S. § 854, are prohibited in sexually oriented businesses.

B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client. Patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.

C. Patrons or clients shall not directly pay or give any gratuity or object of value to any dancer, performer, employee, owner or officer of the sexually oriented business. Dancers, performers, employees, owners or officers shall not solicit any pay, gratuity or object of value from any patron or client. This shall not prevent the owner or his/her agents from charging admission to the premises and charging for products such as meals and drinks not associated with any "specified sexual activity."

D. Dancers, performers, employees, owners or officers, patrons, or clients of a sexually oriented business shall not (1) perform, offer to perform or agree to perform sexual intercourse with each other or any patron or client, or (2) commit, offer to commit or agree to commit any sexual act with each other or any patron or client or (3) make, offer to make or agree to make sexual contact with each other or any patron or client;

E. Patrons and clients of sexually oriented business shall not (1) perform sexual intercourse with any dancers, performers, employees, owners or officers of the sexually oriented business, or (2) commit any sexual act with any dancers, performers, employees, owners or officers of the sexually oriented business, or (3) make sexual contact with any dancers, performers, employees, owners or officers of a sexually oriented business.

F. Dancers, performers, employees, owners, or officers or patrons or clients of sexually oriented business shall not participate in any specified sexual activities, any sadomasochistic acts or acts of bondage or display any specified anatomical areas. All specified anatomical areas of all dancers, performers, employees, owners, officers, patrons, and clients must be covered by a completely opaque material such that no part of the specified anatomical area is visible from any angle or orientation at any time.

G. Any establishment licensed to sell, furnish or otherwise provide for the consumption of alcoholic beverages on site shall not be permitted to operate as an Adult Entertainment Facility, and no Adult Entertainment Facility shall sell or otherwise provide for the consumption of alcoholic beverages on the premises.

In the event the sexually oriented business licensee is a lessee of the premises on which the sexually oriented business is located, both the licensee and the owner shall be responsible for compliance with this section, and both the licensee and the owner shall be legally responsible for any violations.
**Section 12. Dancers and Other Performers.** A sexually oriented business must observe the following restrictions on dancers and other live performers:

A. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.

B. No dancing or other performance shall occur closer than ten (10) feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

**Section 13. Adult Book, Video, and Entertainment Store Standards.** All Adult Book, Video, and Entertainment Stores shall comply with the following standards:

A. No viewing area, booth, or cubicle which is provided for the viewing or reading of adult oriented materials may be occupied by more than one person at a time.

B. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be illuminated during all hours of operation by a minimum of 1.0 foot candle, as measured at floor level.

C. Each viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be physically constructed and arranged in such a manner that the entire interior thereof is clearly visible from the common areas of the premises. Visibility into such viewing area, booth or cubicle shall not be obscured by doors, curtains, partitions, drapes or other material or object.

D. No licensee shall, within or on the grounds of, any licensed premise permit any person to engage in masturbation, any sexual act, or specified sexual activities or display any specified anatomical areas.

E. Except as provided herein, no wall of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall have any aperture, hole or other opening.

F. No licensee shall permit the presence of any person under the age of 18 years within or on the grounds of the licensed premise.

G. All interior surfaces of every viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be composed of smooth textured, nonabsorbent, and easily cleanable materials.

H. The premises and especially all surfaces of any viewing area, booth or cubicle provided for the viewing or reading of adult oriented materials shall be maintained in a clean, sanitary condition.

**Section 14. Existing Sexually Oriented Businesses.**

All sexually oriented businesses existing at the time of adoption of this ordinance shall apply for and become licensed within six months of the adoption of this ordinance. Until licensed under this ordinance, any existing sexually oriented business may not be increased, enlarged, extended or altered, including any increase or change in the nature of products or services provided to customers, except that the use may be changed to another use conforming with the Town of Rumford Land Use Code in accordance with that ordinance.

A lawfully existing sexually oriented business shall not be rendered in violation of the site requirements of this ordinance or the Land Use Ordinance by the subsequent location of a residence, day care center, school, house of worship, or public park or recreation area, at a site that would otherwise conflict with the site requirements. This provision applies only to the renewal of a valid license, and does not apply to a new license, or when an application for a license is submitted after a license has expired or has been revoked.

**Section 15. Enforcement.** This ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectpersons. If court action is required to enforce this ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney’s fees.
Section 16. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Appeals. An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectpersons may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.
CHAPTER 34-B
Paid Sexual Contact Ordinance

ADOPTED JUNE 11, 1996

Section 1. Definitions. For the purpose of this Ordinance, the following definitions apply:

Sexual contact means any touching of the genitals, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

Pecuniary benefit means any direct or indirect payment of money or any other object of value.

Section 2. Sexual Contact for Pecuniary Benefit Prohibited.

A. Engaging in, or agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

B. Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

C. Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a 3rd person is prohibited.

D. Leasing or otherwise permitting a place controlled by the defendant in any action to enforce this Ordinance, alone or in association with others, to be used as a site for sexual contact for pecuniary benefit to any person is prohibited.

Section 3. Enforcement.

The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. Any enforcement actions shall be brought in the name of the Town of Rumford.

Section 4. Penalties.

The violation of any provision of this Ordinance shall be punished by a fine not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of any Town license for a premises or business in which sexual contact for pecuniary benefit is transacted.
Section 5. Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity or the remaining portions thereof.
The purpose of this Ordinance is to: define what constitutes public nudity; regulate where it may occur; establish enforcement procedures for violating where it may occur; and provide civil penalties for said violations.

(1) As used in this ordinance:

(a) “Entity” means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(b) “Nude” means the showing of:

1. Human or female genitals or pubic area with less than a fully opaque covering; or

2. Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

3. The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast; but shall not include any portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or

4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) “Person” means any live human being ten years of age or older.

(d) “Place Provided for Set Apart for Nudity” means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's officers, portions of hospital, and similar places in which nudity or exposure is necessarily customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where
being nude is used for the promotion of business or is otherwise commercially
exploited.

(e) “Public Place” means any location frequented by the public, or where the public is
present or likely to be present, or where a person may reasonably be expected to be
observed by members of the public. Public Places include, but or not limited to, streets,
sidewalks, parks, beaches, business and commercial establishments (whether for profit
or not for profit, whether open to the public at large, or whether entrance is limited by a
cover charge or membership requirement), hotels, motels, restaurant, night clubs,
country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal
or similar organization. Premises, or portions thereof, such as hotel rooms, used solely
as a private residence, whether permanent or temporary in nature, shall not be deemed
to be a public place.

(2) It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or
in any other place that is readily visible to the public, except a place provided or set apart for
nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any
public place to operate and knowingly, or with reason to know, permit or allow any person to
appear nude in such public place, except a place provided or set apart for nudity.

(3) A person violating section (2) of this ordinance has committed a civil violation for which a fine
not exceeding five hundred dollars ($500.00) may be charged to the person(s) and/or entity(ies)
violating section (2).

(4) This ordinance shall not be deemed to address photographys, movies, video presentations, or
any other non-live performances.

(5) This ordinance may be prosecuted by the Town Solicitor or by private action brought by an
aggrieved party in a court of competent jurisdiction.

(6) Interpretation - Interpretation of what may not be clear in this Ordinance shall be according to
the intent of the Ordinance.

(7) Conflict within this Ordinance or with other Ordinances - Whenever a provision of this Ordinance
conflicts with or is inconsistent with another provision of this Ordinance or of any other
ordinance, regulation or statute, the more restrictive provision shall control.

(8) Separability - Should any section or provision of this ordinance be declared by the courts to be
invalid, such decision shall not invalidate any other section or provision of this ordinance.
CHAPTER 35
Transportation of Waste Refuse, Garbage and Debris
Over Town Ways

Section 1. No person or persons shall transport waste, refuse, garbage or debris in an open vehicle, truck or trailer on Town streets and ways.

Section 2. All vehicles, trucks or trailers used for the transportation of waste, refuse, garbage or debris shall be covered in such a manner so as to completely prevent littering along Rumford Town streets and ways.
Any appointive officer of the Town may be removed by the Board of Selectpersons from his or her office if:

a. He or she fails to attend, without good and sufficient cause, at least 50 percent of the regularly scheduled meetings of his or her office.

b. He or she is convicted of a Class A, B or C crime as defined by Title 17-A of the Maine Revised Statutes.

c. He or she is convicted of a Class D or E crime involving moral turpitude.

d. He or she uses Town property without proper authority.

e. He or she uses his or her office, without authority, to influence the actions of any subordinate, employees and other departments.

f. He or she violates the provision of Chapter 38.

g. For cause.

The Board shall notify such officer of its intention to remove said officer by notifying him or her in writing at least seven (7) days prior to the effective date of said removal.

The officer shall have the right to appeal said removal to the Board of Appeals by notifying, in writing, the Board of Appeals and the Board of Selectpersons within five (5) business days after the effective date of the removal.

The Board of Appeals shall meet within ten (10) days of receipt of the written notification of appeal to hear said appeal pursuant to Chapter 37.

This chapter shall not apply to any employee of the Town. Removal of Town employees, other than the Town Manager, shall be governed by Chapter 36-A.
CHAPTER 36-A
Discipline and Removal of Town Employees

ADOPTED JUNE 10, 1997

Section 1. Sole authority to discipline all Town employees is vested in the Town Manager who may delegate authority to take disciplinary action, other than demoting or discharge, to a department head including the police chief and fire chief.

Section 2. Except as otherwise provided in collective bargaining agreement, in the case of an employee who, pursuant to statute or ordinance may only be demoted, suspended or discharged for cause, the Town Manager shall hold a hearing before taking such action.

Section 3. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge a department head or a member of the police or fire departments, including the chiefs, may be appealed to the Board of Selectpersons. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Selectpersons shall conduct such review as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 4. Except where a different grievance process is provided in an applicable collective bargaining agreement any decision of the Town Manager to demote, suspend, or discharge an employee other than a department head or a member of the police or fire departments may be appealed to the Board of Appeals. Any such appeal must be filed in writing with the Town Manager within five (5) business days of the employee's receipt of the decision. The Board of Appeals shall conduct such interview as it deems appropriate and render its decision within 30 days of receipt of the appeal. The decision of the Town Manager is not stayed by the filing of an appeal.

Section 5. Notwithstanding any other provisions of these ordinances, if the laws of this State require that action to discipline or remove an employee be taken only by a specified municipal officer or body, that law shall supersede these ordinances.
CHAPTER 36-B
Conflict of Interest

ADOPTED JUNE 1998

No elected official of the Town of Rumford may maintain employment with the Town of Rumford during his or her term in office other than the position to which he or she is elected.
CHAPTER 36-C
Recall of Elected Officials

ADOPTED JUNE 10, 2008
AMENDED JUNE 10, 2014, Change from Chapter 36-B to Chapter 36-C

Section 1. Authority
This Ordinance is adopted pursuant to Title 30-A MRSA §2602 (6)

Section 2. Applicability
Any elected official of the Town of Rumford, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectpersons, Assessors, Tax Collector, Town Clerk-Treasurer. This Ordinance does not apply to Directors of MSAD. 43.

Section 3. Grounds for Recall
An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office.

a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or

b. In the case of Selectpersons, absence from at least half of the regularly scheduled meetings of the Board of Selectpersons during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this Ordinance does not require the Selectpersons to schedule meetings at any specified interval; or

c. In case of two or more violations of the Rumford, Maine Town Charter and or Ordinances; as determined by the Town Attorney, or

d. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatsoever, except as otherwise provided in this Ordinance; or

e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by the court or other body of competent jurisdiction of such violations has made a final determination.

f. Failure or refusal of a Selectperson to order an election as provided in this Ordinance. In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered an absence within the meaning of the Section.

Section 4. Petitions for Recall

a. Only registered voters of the Town of Rumford may sign petitions for recall. To be valid, a petition must contain a number of valid signatures equal to twenty five percent (25%) of the number of votes cast for Governor in the last gubernatorial election in Rumford.

b. The Petition shall be addressed to those members of the Board of Selectpersons having no interest in the subject matter of the petition; if petitions for the recall of all Selectpersons are submitted, then the petitions will be addressed to the Town Clerk.
c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.

d. If recall of more than one person is being sought, there shall be a separated petition for each person whose removal is being sought.

e. Each page of the petition shall provide a space for the voter’s signature, address and printed name.

f. All petition pages shall be filed as a single document.

**Section 5. Clerk’s Certification**

Within (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk’s office and the voter who filed the petition will be notified.

**Section 6. Calling the Recall Election**

a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectpersons at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.

b. The Selectpersons, upon receipt of the certified petition, shall within 25 days time of receipt, order an election by secret ballot, pursuant to 30-A MRSA §2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case, the Selectpersons may at their discretion provide for the holding of the recall election on the date of the regular municipal election.

c. In the event that the Selectpersons fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Selectpersons failure or refusal to order the required election.

d. If at any time, between the time of ordering the election and the date of the election, the person whose recall is sought requests a public hearing, the Selectpersons will promptly schedule such a public hearing on the recall election.

**Section 7. Ballots for the Recall Election**

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectpersons, the ballots shall be printed and shall read: “SHALL______________________ BE RECALLED?” with the name of the person whose recall is being sought inserted in the blank space.

**Section 8. Result of Election**

In the event of an affirmative vote by a two-thirds majority for removal, such vote shall take effect as of the recording of the tabulation into the records.

**Section 9. Vacancies to be Filled**

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provision of Maine law.
All Town of Rumford employees will be subject to the terms and conditions stipulated in the Municipal Personnel Policy unless otherwise provided in a collective bargaining agreement.
CHAPTER 37
Board of Appeals

AMENDED JUNE 14, 1983

AMENDED JUNE 10, 1997

CHAPTER 37, SECTION 1, JURISDICTION
AMENDED JUNE 12, 2007

CHAPTER 37, SECTION 3 PROCEDURE,
AMENDED JUNE 9, 2009

Section 1. Jurisdiction. The Board of Appeals shall be vested with the power to hear appeals pursuant to Chapter 36 and Chapter 36-A. In addition, the Board shall hear any appeal from a decision or order pursuant to the ordinances and statutes set forth below, provided that a written notice of appeal is filed within ten (10) days after the date of the decision or order:

Any Town ordinance which requires an appeal to the Board of Appeals or any state statute which requires an appeal to the Board of Appeals.

Section 2. Organization.

A. The Board shall consist of five (5) members appointed by the Board of Selectpersons serving staggered three (3) year terms.

B. Neither a municipal officer nor his spouse may be a member or associate member of the Board.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member who is being challenged.

D. A member of the Board may be dismissed for cause as defined in Chapter 36, and shall not sit on any appeal from said dismissal.

E. There will be two (2) associate members appointed by the Board of Selectpersons. The Chairperson of the Board of Appeals shall designate which associate shall serve in the stead of the absent members.

Section 3. Procedure.

A. The Chairperson shall call meetings of the Board as required. The Chairperson shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers. A quorum of the Board necessary to conduct an official Board Meeting shall consist of at least three (3) members. The Chairperson shall preside at all meetings of the Board and be the official spokesman of the Board.

1. All requests for appeal shall be submitted in writing to the Chairperson, through the Town Manager’s Office, in a sealed envelope addressed to the Board of Appeals. The request shall include copies of any written decisions as well as reference to the chapter and sections(s) or actions being appealed and remedy sought.
B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary are deemed public, shall be filed in the Town Clerk’s office and may be inspected at reasonable times.

C. The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chairperson upon good cause shown.

D. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

E. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, agency or office and the municipal officers within seven (7) days of their decision.

F. An appeal may be taken, within 30 days after the decision is rendered, by any party to the Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury.
CHAPTER 38
Complaints

ADOPTED JUNE 9, 1992

AMENDED JUNE 10, 1997

AMENDED JUNE 10, 2008

Any complaints against an employee shall be submitted, in writing, to the Department Head of the department where said employee works with a copy of the complaint forwarded to the employee within five (5) working days. If the Department Head decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the employee. The Department Head and the Employee concerned shall attend the hearing. The person or persons making the complaint will be asked to attend such hearing. It is understood that the Town does not have power to compel the person to attend the hearing. However, if the person or persons making the complaint fail to appear, the hearing on the complaint shall proceed despite said person’s absence. A written copy of the Department Head’s decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Town Manager within seven (7) working days. If the Town Manager decides the complaint should be acted upon, a hearing shall be held within seven (7) working days after the complaint has been sent to the Town Manager. A written copy of the Town Manager’s decision shall be forwarded to the person or persons making the complaint and made available to the employee within five (5) working days. If the complainant is not satisfied with the decision, he or she may appeal it to the Board of Selectpersons within seven (7) working days. The Chair of Board of Selectpersons may determine if the complaint should be acted on, and, if so, shall direct the item be placed on the agenda of the next regularly scheduled Selectperson’s meeting.

If complaints filed under this article are determined to be of a criminal nature which may result in an internal investigation against individual employees, such complaints shall be treated in a confidential manner.

This section is not intended to provide an exclusive means for considering complaints against employees. Removal of elected and appointed Town officials is governed by Chapter 36 and disciplinary action and removal of Town employees is governed by Chapter 36-A

The violation of this Chapter may serve as grounds for removal from office pursuant to Chapter 36.
CHAPTER 39
Street Naming and Numbering Ordinance

CHAPTER 39 REPEALED JUNE 13, 2006
CHAPTER 39-A
Addressing Ordinance
ADOPTED JUNE 13, 2006

Section 1. Title. This ordinance shall be known as the "Addressing Ordinance."

Section 2. Purpose. The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, postal delivery, business, and emergency medical services personnel in the municipality of Rumford, Maine.

Section 3. Authority. This ordinance is adopted pursuant to and consistent with Municipal Home Rule powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and 30-A M.R.S. § 3001.

Section 4. Administration. The Rumford Fire Chief is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads in accordance with the criteria in Section 5 and 6, and shall administer this ordinance. The Rumford Fire Chief shall be responsible for maintaining the following official records of this ordinance:

a. Municipal map(s) for official use showing road names and numbers;

b. An alphabetical list of property owners as identified by current tax records, by last name, showing assigned numbers; and

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Selectpersons shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of enhanced 9-1-1 service. The Selectpersons may designate the Rumford Fire Chief as the Addressing Officer.

Section 5. Naming System. All roads that serve one or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. For the purpose of identifying what is a road we will designate that even a way that goes to only one structure that is over one thousand five hundred feet (1500') will receive a road designation. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

a. No two roads will be given the same name (e.g. Back Road and Back Lane);

b. No two roads will have similar-sounding names (e.g. Pike Lane and Bike Lane);

c. Each road will have the same name throughout its entire length.
Section 6. Numbering System. The following criteria shall govern the numbering system:

a. Numbers shall be assigned every twenty five feet (25') along both sides of the road, with even numbers being assigned on the right side of the road and odd numbers being assigned on the left side of the road, as the numbers ascend, with the following exception:

Special consideration will be given for the structures on the Island (i.e., the land in the town which bounded on all sides by water – by the canal and/or the Androscoggin River). Those considerations shall be as follows: (1) that a fifteen feet (15') increment will be used and (2) that each separate business will receive its own number address. However, any structure on the Island that has units designated for living will still designate its units by the rules for multiple occupancy.

b. All number origins shall begin from Bridge Street or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the number interval falling closest to the center of the driveway of said structure, with the following exception:

When a structure does not have a driveway, or if it shares a driveway with one or more structures, the addressing of the structure will be to the door of said structure.

d. Individual structures appearing on a single tax lot that require numbering shall be assigned one whole number each, structures with more than one family occupancy shall be designated by either apartment, suite or floor. Side-by-side duplex houses appearing on separate tax lots without a common entrance shall be assigned separate numbers.

Section 7. Compliance. All owners of structures shall, by the date stipulated in section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

a. Number on the Structure or Residence. Where the residence or structure is within fifty feet (50') of the edge of the road right-of-way, the assigned number shall be displayed on the side of the residence or structure that faces the roadway assigned as long as the number is visible and unobstructed from the roadway. If the number is obstructed the structure will fall under section 7(b).

b. Number at the Road Line. Where the residence or structure is over fifty feet (50') from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, or on some structure at the property line adjacent to the access drive of the residence or structure.

c. Size, Color, and Location of Number. Numbers shall be that of a color that contrasts with their background color and shall be a minimum of four inches (4") in height. Numbers shall be located to be visible and unobstructed from the road at all times of year.

d. Proper Number. Every person whose duty it is to display an assigned number shall remove any different number, which could be mistaken for or confused with the number assigned in conformance with this ordinance.

e. Type of Numbers Displayed. Numerical numbers shall be used on all structures. If the owner chooses to display alphabetized script or Roman numerals, the owner must also display numerical numbers in conjunction with the latter choices. Numerical numbers will be displayed in such a manner as not to be confused with the script or Roman numerals.
f. **Interior Location.** All residents and occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

g. Any numbers displayed on a post or other place other than the numbered structure shall be placed on the same side of the roadway as the numbered structure is located and positioned as close to the driveway of said structure as possible.

**Section 8. New Construction and Subdivisions.** All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. **New Construction.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done before issuance of the building permit. The owner will show the Addressing Officer the exact location of the driveway entrance before the owner’s address number is issued.

b. **New Subdivisions.** Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board after consultation with the Addressing Officer shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall make a mark, with lines or dots, to show twenty-five feet (25’) intervals on the plan in the center of the street(s), so as to aid in the assignment of numbers to structures subsequently constructed.

c. Developments that do not fall under subdivisions shall be required to present to the Addressing Officer plans that show proposed road names and shall be marked with lines or dots in the center of the roadway at twenty-five foot (25’) intervals to aid in the assignment of numbers to structures subsequently constructed.

**Section 9. Effective Date.** This ordinance shall become effective thirty (30) days from time of acceptance. It shall be the duty of the Rumford Fire Chief to notify by mail the property owner and the U.S. Postal Service of any new addresses at least 30 (thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed prior to final inspection by the Town or when the structure is first used or occupied, whichever comes first.

**Section 10. Enforcement.** It will be the duty of the Addressing Officer or his or her designees to enforce this ordinance. Violation of any part of this ordinance will be subject to a fine of $10.00 a day up to a maximum of $2,500.
CHAPTER 40
Political and Yard Sale Signs and Advertisement Banners Ordinance

ADOPTED JUNE 9, 2009

CHAPTER 40, Sections 3 and 4
AMENDED JUNE 8, 2010

CHAPTER 40, TITLE
AMENDED JUNE 14, 2011

CHAPTER 40, Section 4, All Signs and Banners
AMENDED JUNE 14, 2011

Section 1. Political Signs.

No political signs shall be posted on the Island or near the Information Booth. Signs must not impair the view of the Rumford Falls from any location. They will not be allowed on Town owned property. The time of placement of political signs shall be governed by the State Statute and removed within forty-eight (48) hours after the closing of the election voting hours.

Section 2. Yard Sale Signs.

The time of placement shall not be more than twenty-four (24) hours before the yard sale and removed within four (4) hours after the end of the sale. The yard sale signs will not be allowed on Town owned property.

Section 3. Advertisement Banners.

When banners are used to advertise a charitable event, they may be hung fourteen (14) days prior to the event after notifying the Town Manager’s Office, and removed the morning following the event. All exceptions must be approved by the Town Manager.

Section 4. All Signs and Banners.

All signs shall not exceed 500 square inches, and banners shall not exceed 30 square feet. All temporary signs must be displayed on their own stakes. There shall be no alcoholic messages or logos allowed as part of any signs or banners covered by this ordinance.

Section 5. Penalties.

A ten (10) dollar fine will be assessed for each day of noncompliance with any section of the ordinance. The candidate or persons associated with the signs shall be responsible for payment of the penalty.
CHAPTER 41
Special Amusement Ordinance
ADOPTED JUNE 12, 2007

Section 1. Title. This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Rumford.

Section 2. Purpose. The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S. § 1054 and 30-A M.R.S. § 3001.

Section 3. Definitions.

A. “Entertainment”. For the purposes of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

B. “Licensee”. For purposes of this section, “licensee” shall include the holder of a license issued under Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity or any agent or employee of any such licensee.

Section 4. Permit Required.

A. No licensee for the sale of liquor to be consumed on his/her premises shall permit on his/her licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort, unless the licensee shall have first obtained from the Town in which the licensed premises are situated a special amusement permit signed by at least a majority of the Selectpersons.

B. Applications for all special amusement permits shall be made in writing to the Selectpersons and shall state:

1) Name of the applicant;
2) Applicant’s residence address;
3) Name of applicant’s business to be conducted;
4) Applicant’s business address;
5) Nature of applicant’s business;
6) Location to be used;
7) Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically;
8) Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the Selectpersons in the issuing of the permit, including but not limited to a copy of the applicant’s current liquor license;
9) What type of music will be offered at the establishment (e.g., live band, jukebox, karaoke, etc.);
10) What type of dancing, if any, will be offered at the establishment (e.g., “exotic” dancers, floor dancing by the public, etc.);
11) What type of entertainment is being offered.
C. No permit shall be issued for any person, business, event, act or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, or rules and regulations of the Town.

D. Noise. No permit shall be issued to any person, business, event, act or premises in which noise exceeds 80 decibels between the hours of 7:00 a.m. to 10:30 p.m. and/or exceeds 70 decibels between the hours of 10:30 p.m. and 7:00 a.m. In addition, no permit shall be issued to any person, business, event, act or premises in which the bass vibrations are able to be detected on the ground, sidewalk or street outside the premises in which the entertainment is being offered or if bass vibrations cause rattling of the windows of any structures located in the vicinity of the premises in which the entertainment is being offered.

E. Fees. The fee for a special amusement permit shall be as specified in the Schedule of License, Permit and Application Fees established by the Selectpersons.

F. Hearing. The Selectpersons shall, prior to granting a permit and after reasonable notice to the Town and the applicant, hold a public hearing within 14 days of the day that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. The Selectpersons shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare of the community or would violate the Town charter, ordinances, rules or regulations or state or federal law.

G. Validity of Permit. A permit shall be valid only for the license year of the applicant’s existing liquor license.

Section 5. Inspections.

A. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee or person in charge of the premises, to give to any authorized officer, official or employee of the Town requesting the same sufficient samples of the material or commodity for analysis.

Section 6. Suspension or Revocation of a Permit. The Selectpersons may, after a public hearing, preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any Town ordinances, rules and regulations or state law.

Section 7. Rules and Regulations. The Selectpersons are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of the permitted premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 8. Permit and Appeal Procedures.
A. Any licensee requesting a special amusement permit from the Selectpersons shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit has been denied.

B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Town Board of Appeals. The Town Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations, or that the denial, revocation or suspension was arbitrary and capricious.

Section 9. Admission. A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee which has been issued a special amusement permit may charge admission in designated areas approved by the Town special amusement permit.

Section 10. Live Entertainment Regulation.

A. The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed.

B. No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises or any other persons, when the entertainment is in violation of Chapters 34, 34-A, 34-B and 34-C of the Town ordinances.

Section 11. Penalties.

A. Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) to be recovered for the use of the Town and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.

B. In addition to any other penalty which may be provided, the Selectpersons may suspend the special amusement permit of any licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty; however, no license or special amusement permit shall be suspended unless a written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 12. Separability. The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 13. Effective Date. This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
CHAPTER 42
Licenses for Victualers, Innkeepers and Lodging Houses
ADOPTED JUNE 12, 2007

Title Amended, Sections Amended: 2, 3, 4, 5, 8. Sections Added: 8A, 8B
AMENDED JUNE 12, 2012

Section 1. Authority.

This Ordinance has been prepared in accordance with the provisions of 30-A M.R.S. § 3812.

Section 2. Purpose.

The purpose of this Ordinance is to control the issuance of licenses to the various food service and lodging establishments and persons operating as innkeepers in the Town.

Section 3. Definitions.

For the purposes of this Ordinance, the following definitions shall mean:

“Innkeeper” means a person or entity that runs an inn, bed and breakfast establishment, hotel or motel to provide lodging to travelers and others for compensation.

“Licensing Board” means the Selectpersons of the Town.

“Lodging House” means a building in which three (3) or more rooms are rented, but does not include: (1) a house where lodgings are rented to persons within the second degree of kindred to the person operating the lodging house; (2) the dormitories of charitable, educational or philanthropic institutions; or (3) the emergency use of private dwelling houses at the time of conventions or similar public gatherings.

“Victualer” means a person or entity that serves food or drink prepared for consumption on the premises by the public.

“Premises” means all lands, buildings, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

Section 4. License Required.

No person or entity shall operate as a victualer, lodging house or innkeeper within the Town unless licensed to do so by the Town or unless specifically waived by the Town. Applications for a Victualer’s, Innkeeper’s or Lodging House License shall be made in writing upon forms supplied by the Town Manager’s Office and shall state: (1) the name of the applicant; (2) his residence and mailing addresses; (3) the name of the business to be conducted; (4) his business address; (5) the location(s) to be used; (6) residence and business telephone numbers; and (7) the date of the application. Upon receipt of the application, the Town Manager’s Office shall refer the same to the Code Enforcement Officer for a determination to assure compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

Section 5. Hearing.

A. Victualer’s License. The Selectpersons shall hold a hearing on any original application for a victualer’s license within thirty (30) days of the date of the request received at which time the testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the
Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The applicant shall be provided written notice of the hearing date.

B. Innkeepers and Lodging House Licenses. The Selectpersons shall meet annually during the month of May on a date and at a time and place in the Town that they determine for the purpose of holding a hearing on applications for Innkeepers and Lodging House licenses. The testimony of the applicant and that of any interested members of the public shall be taken. At least seven (7) days before the meeting the Town must post notices stating the purpose of the meeting in at least three (3) public places in the Town. The Selectpersons may also meet at any other time at a meeting specially called and with public notice as provided in this paragraph. Applicants shall be provided written notice of the hearing date.

C. The Selectpersons shall grant a license unless they find that issuance of such license will be detrimental to the public health, safety or welfare, or would be in violation of any Town ordinance, rules or regulations or state law.

Section 6. Suspensions and Revocations.

The Selectpersons may, after a public hearing, suspend or revoke any license for non-compliance with the ordinances, statutes and regulations of the Town and the State of Maine.

A license may not be revoked or suspended until after investigation and hearing. The Selectpersons shall serve notice of the hearing on the licensee or leave it at the licensed premises at least three (3) days before the time set for hearing. At the hearing, the licensee must be given an opportunity to:

A. Hear the evidence in support of the charge against the licensee and to cross-examine, alone or through counsel, the witnesses; and

B. Be heard in the licensee’s own defense.

Section 7. Appeal.

Appeal from the decision of the Selectpersons to the Superior Court in the county in which the licensing authority is located may be obtained in the manner provided in the Maine Rules of Civil Procedure. Courts of competent jurisdiction, for due cause shown, may issue temporary orders restraining the enforcement of revocations or suspensions, and after full hearing may vacate those temporary orders or make them permanent.

Section 8. Fees and Expiration.

Each person initially licensed as an innkeeper, lodging house or victualer shall pay to the Town Clerk the fee specified in the Schedule of License, Permit and Application Fees established by the Selectpersons. All licenses, unless otherwise provided, expire May 31st of each year. The renewal license fee of said licenses shall be the fee specified in the Schedule of License, Permit and Application Fees.

Section 9. Penalties.

Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished by a civil penalty of fifty dollars ($50.00). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney’s fees.

Section 10. Effective Date.

This Ordinance shall take effect and be in force from and after 30 days from the date of its official adoption by the Town of Rumford.
Section 1. Changeable Message Signs. Changeable message signs are permitted provided that each message remains fixed on the display surface, but which may be changed at reasonable intervals by electronic process or remote control and do not include any flashing, intermittent or moving light or lights. Signs whose messages change by mechanical or electronic means are not prohibited as long as the intermittent lighting is used to change messages and not solely to attract attention.

Section 2. Definitions.

“Electronic Message Sign (or Display)” - A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

“Dissolve” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

“Fade” – A mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

“Frame” – A complete, static display screen on an Electronic Message Display.

“Frame Effect” – A visual effect used on an Electronic Message Display to change from one message to another.

“Scroll” – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

"Time & Temperature Sign” – A special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.

“Travel” – A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Section 3. Permitted Uses. The display on each side of a changeable sign may be changed according to one of the following rates depending on the zone where the sign is erected. Changeable signs are not permitted in residential zones as classified by the Code Enforcement Officer. Electronic Message Signs are permitted with the approval of the Code Enforcement Officer if the sign meets the following requirements set forth in this ordinance:

Level 1 Permitted in the Downtown Area to Include Waldo Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of
moving text or images are allowed. Date, time and temperature signs are allowed to change display with a 2 second message hold rate.

**Level 2** Permit at the Hosmer Field Athletic Complex, Corner of Hancock Street and Lincoln Avenue and the River Valley Crossing.

Static display (text & images) with a 2 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects will be allowed. Frame effects may travel or scroll or have similar transitions or change in size or be revealed sequentially rather than at once including the movement of illumination or the scintillation or varying of light intensity. Date, time & temperature signs are allowed to change display with a 2 second message hold rate.

**Level 3** Permit in All Areas Owned by the Paper Mill to Exclude Canal Street.

Static display (text & images) with a 3 second hold rate of change minimum between changes. The maximum off time between messages shall be 0.3 seconds. The use of subtle transitions such as fade or dissolve, and other such frame effects that do not have the appearance of moving text or images are allowed. Date, time & temperature signs are allowed to change display with a 2 second message hold rate.

**Level 4** All areas that are not covered by level 1, 2, and 3 will be governed by the Code Enforcement Officer, Board of Selectpersons and Town Manager on an as need basis.

**Section 4. Penalties.** Except as otherwise provided by state law, violation of any provision of this ordinance shall be punished as follows:

1) **First Violation** - Written Warning;
2) **Second Violation** - by a civil penalty of one hundred dollars ($100.00). Each act of violation and every day upon which such a violation shall occur shall constitute a separate offense. The maximum fine is $1,000.00.
3) **Third Violation** – Prohibition to use the changeable sign for one (1) month.
4) **Fourth Violation** – Prohibition to use the changeable sign for six (6) months.
5) **Fifth Violation** – Removal of sign at owner’s expense.

In addition to the above penalties in this section, the Town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the Town shall prevail in any court action to enforce this ordinance, the Town shall recover its costs of suit, including reasonable attorney’s fees.

**Section 5.** The requirement of this ordinance shall complement the sign requirements contained in Chapter 25-C of these ordinances.

**Section 6. Effective Date.** This Ordinance shall take effect and be in force from and after the date of its official adoption by the Town of Rumford.
CHAPTER 44
Protection of Veterans’ Memorial Areas and Monuments Ordinance
ADOPTED JUNE 12, 2007

Section 1. Signs. It shall be unlawful for any person(s) or organizations to place signs of any kind at the Veterans’ Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford. This prohibition shall be removed only in the event of a state or national emergency or a natural disaster or other emergency declared by the Board of Selectpersons so that signs related to those situations may be placed for the safety and welfare of citizens.

Section 2. Events. It shall be unlawful for any organizations to conduct organized activities or special events in the Veterans’ Park, the Memorial Green and the adjacent two traffic islands in the rotary, the Civil War Monument in Rumford Center and any other place designated by the Board of Selectpersons as an area dedicated to the memory of veterans of the Town of Rumford without the express permission of the Board of Selectpersons.

Section 3. Penalties. Any person or organization violating the provisions of this ordinance shall be fined $50.
CHAPTER 45
Sex Offender Ordinance

ADOPTED JUNE 9, 2009

AMENDED JUNE 8, 2010
AMENDED JUNE 14, 201, Section 4.A.

Section 1. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

Section 2. Purpose.

The purpose of this Ordinance is to impose a residency restriction for persons convicted of Class A, B or C sex offenses committed against persons who had not obtained 14 years of age at the time of the offense and in acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Rumford has a compelling interest to protect the health, safety, and welfare of its children.

Section 3. Definitions.

Registered Sex Offender – An individual convicted of a sex offense in this state or another jurisdiction means a conviction for any current or former Maine crime listed in former Title 17, §§ 2922 to 2924 or Title 170A, Chapter 11 or 12 or Title 17-A, §556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earliest specified current or former Maine crimes.

Section 4. Restrictions.

A. A sex offender as defined above is prohibited from residing up to a maximum distance of 750 linear feet surrounding any real property comprising a public or private or elementary, middle or secondary school or up to a maximum distance of 750 linear feet surrounding the real property comprising a municipally owned property where children are the primary users, as well as the Greater Rumford Community Center and any licensed daycare facilities.

Section 5. Exceptions.

A. This ordinance does not restrict the residence of a person who lived in an area restricted pursuant to Section 4 prior to the adoption or amendment of this Ordinance.

B. This Ordinance is not premised on a person’s obligation to register pursuant to Title 34-A, Chapter 15.

Section 6. Violation; Injunctive Relief and Penalties.

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of $500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney’s fees, expert witness fees, or any other associated costs.
Section 7. Severability.

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of June 8, 2010.
CHAPTER 46  
Prohibition Against Abusive Solicitation  
ADOPTED JUNE 9, 2009

Section 1. Purpose. It is the intent of this chapter to impose reasonable manner of limitations on solicitation, as defined herein, in order to protect the safety of the general public against abusive solicitation while respecting the constitutional right of free speech.

Section 2. Definitions. The following words or phrases as used in this chapter shall have the following meanings:

1. “Solicitation” means any request made in person seeking an immediate donation of money or other item of value. A person shall not be deemed to be in the act of solicitation when he or she passively displays a sign or gives any other indication that he or she is seeking donations without addressing his or her solicitation to any specific person, other than in response to an inquiry by that person.

2. “Donation” means a gift of money or other item of value and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is a substantial a gift.

3. “Abusive solicitation” means to do one or more of the following while engaging in solicitation or immediately thereafter:

   (a) Blocking or impeding the passage of the person solicited;
   (b) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited declines to make a donation;
   (c) Threatening the person solicited with physical harm by word or gesture;
   (d) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
   (e) Touching the solicited person without the solicited person’s consent;

Section 3. Penalties. Any person who engages in abusive solicitation as defined herein shall be guilty of a violation of this article and, upon conviction, shall be punished by a fine or not less than twenty-five dollars ($25.00) nor more than one hundred fifty dollars ($150) for each offense. The Town may also seek, and the court may order, injunctive relief designed to prevent any further violations of this chapter.
CHAPTER 47
Gender Neutral References
ADOPTED JUNE 9, 2009

All existing ordinances and all future ordinances shall be gender neutral, unless the context otherwise requires or the modification would cause the ordinance to be unlawful.
CHAPTER 48  
Rumford Performing Arts Committee  
ADOPTED JUNE 8, 2010  

Any monies raised or appropriated for, or donated to, the Rumford Performing Arts Committee shall not be deposited into the General Fund of the Town, but will be carried forward into the next budget year to be used by the Rumford Performing Arts Committee for future performances or, with permission of the Board of Selectpersons, to make improvements to the Rumford Falls Auditorium. No salaries will be paid from these funds. If the Rumford Performing Arts Committee ceases to exist, then and only then, will any monies that have accrued be transferred into the General Fund of the Town.
It is unlawful for a locomotive engine to be parked idling within 1,000 linear feet of a residence for a period greater than three (3) consecutive hours. Violation of this Ordinance will result in a civil fine not less than $1,000.00 per offense.
CHAPTER 50
AMENDMENTS TO ORDINANCES
ADOPTED JUNE 8, 2010

Amendment of various Ordinances of the Town relative to gender, grammar, language and unnecessary provisions as follows:

Chapter 1 A, Section 1, Sections 2 (c) and (d); Chapter 2, Sections 1 (b) and (c); Chapter 3, Sections 4, 5, 6; Chapter 4, Sections 1 and 1(A), 3, 4, 7; Chapter 10 (a), Section 1 (e); Chapter 11, Section 1, 4, 6, 7; Chapter 13, Section 2; Chapter 15-B, Section 4; Chapter 16, Section 3; Chapter 21, Section 3; Chapter 37, Section 2 (D) and (E), Section 3 (A) (C); Chapter 41, Section (4).
Chapter 51
Exemptions from Excise Tax

ADOPTED JUNE 12, 2012

Section 1. Military Duty.

A resident of the Town who is on active duty serving in the United States Armed Forces and, who is (1) either permanently stationed at a military or naval post, station, or base outside this State or (2) deployed for military service for a period of more than 180 days, may apply for an exemption from paying excise tax on that resident's vehicle. To apply for this exemption, the resident must present to the Tax Collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is (1) permanently stationed at that post, station or base or (2) is deployed for military service for a period of more than 180 days. For purposes of this ordinance, “United States Armed Forces” includes the National Guard and the Reserve of the United States Armed Forces. For the purpose of this ordinance, “deployed for military service” has the same meaning as in 26 M.R.S. § 814(1)(A).
Chapter 53
Property Assessed Clean Energy (PACE) Ordinance
ADOPTED JUNE 12, 2012

Section 1. Purpose and Enabling Legislation.

A. **Purpose.** By and through this Chapter, the Town of Rumford declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

B. **Enabling Legislation.** The Town enacts this ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature — “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S. § 10151, et seq.).

Section 2. Title and Definitions.

A. **Title.** This ordinance shall be known and may be cited as “the Town of Rumford Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

B. **Definitions.** Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1) **Energy Saving Improvement.** “Energy Saving Improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

   a) Will result in increased energy efficiency and substantially reduced energy use and:

   b) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Star program or similar energy efficiency standards established or approved by the Trust; or

   c) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

   d) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2) **Town.** “Town” shall mean the Town of Rumford.

3) **PACE Agreement.** “PACE Agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4) **PACE Assessment.** “PACE Assessment” means an assessment made against qualifying property to repay a PACE loan.

5) **PACE District.** “PACE District” means the area within which the Town establishes a PACE program hereunder, which is all that area within the Town’s boundaries.

6) **PACE Loan.** “PACE Loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7) **PACE Mortgage.** “PACE Mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8) **PACE Program.** “PACE Program” means a program established under State statute by the Trust or a Town under which property owners can finance energy savings improvements on qualifying property.

9) **Qualifying Property.** “Qualifying Property” means real property located in the PACE district of the Town.

10) **Renewable Energy Installation.** “Renewable Energy Installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11) **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S. § 10103 and/or its agent(s), if any.

Section 3. **PACE Program.**

A. **Establishment; Funding.** The Town hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the Town’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the Town’s PACE program.

B. **Amendment to PACE program.** In addition, the Town may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Town shall be responsible for administration of loans made from those other funding sources.

Section 4. **Conformity with the Requirements of the Trust.**

**Standards Adopted; Rules Promulgated; Model Documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Town’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Town shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

Section 5. **Program Administration; Municipal Liability.**
A. **Program Administration.** PACE Administration Contract. Pursuant to 35-A M.R.S. § 10154(2)(A)(2) and (B), the Town will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Town. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

1) the Trust will enter into PACE agreements with owners of qualifying property in the Town’s PACE district;

2) the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

3) the Trust, or its agent, will disburse the PACE loan to the property owner;

4) the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

5) the Trust, or its agent, will be responsible for collection of the PACE assessments;

6) the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

7) the Trust or its agent on behalf of the Town, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. **Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Town shall adopt and implement an education and outreach program so that citizens of the Town are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. **Assistance and Cooperation.** The Town will assist and cooperate with the Trust in its administration of the Town’s PACE program.

D. **Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Section V, §1(A) above, a Town has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

E. **Liability of Municipal Officials; Liability of Town.**

1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.