

Filing No. 2017-01C

**CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED AMENDMENT TO  
CHARTER  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 2104]**

**Proposed Amendment of Charter Articles III and IV regarding Ordinances**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an AMENDMENT to the Charter regarding **Charter Articles III and IV regarding Ordinances** approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

Pursuant to 30-A M.R.S. § 2104, you will retain this copy of the complete text of the proposed charter amendment as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Polling Places on the day of the vote.

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chair

  
\_\_\_\_\_  
**M. PETER CHASE**, Selectperson

  
\_\_\_\_\_  
**CHRISTOPHER BRENNICK**, Selectperson

  
\_\_\_\_\_  
**MARK N. BELANGER**, Vice-Chair

  
\_\_\_\_\_  
**JAMES WINDOVER**, Selectperson

**ARTICLE III**  
**WARRANTS FOR MEETINGS AND TOWN REFERENDA**

**Section 1. Duty to Prepare.** It shall be the duty of the Board of Selectpersons to prepare the warrants for all Town meetings, the annual budget referendum, and Ordinance referendum for the Town, which shall be processed in accordance with the provisions hereinafter made. Such warrants shall be clear, concise, and in proper legal form, and shall be approved by the Town Attorney as to form and legality before they are signed and issued by the Board.

**Section 2. Basic Articles for Referendum.** The Board shall prepare and insert in the annual warrant for the referendum or Town Meeting such articles as appear essential and expedient for the conduct of the Town affairs for the ensuing year, but shall not burden such warrants with trivial matters of no general interest and which should be handled by administrative procedure.

**Section 3. Budget and Ordinance Referenda.**

**A. Finance Committee Hearing** (See Article XIV, Section 1 for composition of Finance Committee): The Finance Committee shall receive a proposed budget for the operations of the Town (aside from initiated articles) from the Town Manager no later than February 15th of each year for its review. The Finance Committee shall hold one public hearing on the budget during March. At the hearing, the Chairperson of the Finance Committee shall present the budget and be responsible for running the hearing. The hearing shall be open to comments from the Finance Committee, the Town Manager, department heads and any citizen or taxpayer of the Town of Rumford. The Chairperson shall follow Roberts Rules of Order for administering the hearing. The Finance Committee shall vote to approve or modify the budget proposed by the Town Manager. Notice of this meeting shall be as provided in Article V of this Charter for notices of Town meetings.

**B. Additional Articles for Annual Warrant:** The Board shall also include in the annual warrant for the budget referendum such additional articles as shall have been initiated and processed as provided in section 5 of this article.

**C. Monetary Issues Which Arise After Adoption of the Budget.** In the event that monetary issues arise after the adoption of the budget by the voters of the Town, the Selectpersons may call a special Town meeting pursuant to Article V, Section 6 of this

Charter to present the issues for vote at the special Town meeting by secret ballot at that special Town meeting.

**Section 4. Articles Relating to Ordinances and the Charter.** The Board of Selectpersons shall also include in the warrant for the annual referendum and November election such additional articles relating to Ordinances, as shall have been initiated and processed in accordance with the provisions of Article IV of this Charter and Charter proposals or changes initiated and processed in accordance with state law and Article IV of this Charter.

Reproduction in the warrant for the referendum of any proposed Ordinance, amendment to an existing Ordinance, or revision of a group of Ordinances or Charter proposals or changes shall not be required, provided that the pertinent article refers to the Ordinance or Charter proposals, amendments or revisions by title and by the filing number of the Town Clerk, and provided further, that such Ordinance or Charter proposal, amendment or revision, with an appropriate title, is filed in triplicate with the Town Clerk prior to the time the warrant for the referendum is issued by the Board.

**Section 5. Procedure for Initiated Articles.** The Finance Committee annually shall hold two public hearings, one during the 1st and one during the 2nd week of March, for the purpose of receiving proposals for articles, other than those relating to Ordinances, to be included in the warrant for the annual Town budget referendum. An appropriate notice of said 2 hearings shall be combined and shall be given publicity in the same manner as provided in Article V of this Charter for notices of Town meetings.

Such hearings may be held in conjunction with regular or special meetings of the Board, or independently, as the Finance Committee may determine. The Town Manager shall attend such meetings and act as secretary to the Finance Committee, and the Town Attorney shall likewise attend and render legal advice as the Finance Committee may require.

At such hearings, the elected and appointed officers and agents of the Town and any qualified voter of the Town shall present, in writing, to the Finance Committee, such proposals relative to articles, other than Ordinances and the Charter, as they may consider appropriate or advisable for inclusion in the annual warrant.

To the end that brevity and orderly form shall result, all boards, commissions, departments and officials submitting proposals involving appropriations of money shall group all related items, wherever practical and legal, under one (1) article, in such form that the total appropriation requested shall appear as well as the itemized allocation of such total.



The Finance Committee shall take action on each proposal so placed before the meeting, and by majority vote of those members present shall approve or reject such proposal. The secretary of the Finance Committee shall record each vote and announce the result forthwith, and no other notification shall be required.

The board, commission, officer or voter aggrieved by the decision of the Finance Committee on a submitted proposal may, within seven (7) business days following such decision, file with the Finance Committee, through the Town Manager, a petition or petitions signed in the aggregate by at least 10 percent of registered voters of the Town as of January 1st of the current year, with their street addresses, and street numbers, if any, requesting the inclusion of the rejected article in the warrant. Said petition or petitions shall be referred to the Town Clerk for inspection, and the Clerk, as soon as possible, shall certify to the Board whether or not there are on said petition or petitions the required number of signatures of qualified voters of the town which are in his/her opinion genuine. If the certificate is in the affirmative, the Board shall thereupon insert such article in the warrant with an appropriate legend to indicate that the same originates by petition. The Board shall have the right to revise such an initiated article before inclusion in the warrant, as to form, on its own motion. It shall also revise the same as to substance to such extent as may be required by written opinion of the Town Attorney to make said article conform to the provisions of the constitution and general law of the state, of this Charter and the Ordinances of the Town.

#### **ARTICLE IV**

### **PROMULGATION OF ORDINANCES AND CHARTER AMENDMENTS**

**Section 1. Ordinances.** The Board of Selectpersons shall hold 2 public hearings during the months of February and September, for the purpose of receiving proposals for articles relating to new Ordinances or to amendment of or elimination of existing Ordinances, to be included in the warrant for the next Town annual referendum in June or for the November election. Notice of such hearings, and the procedure with relation to such proposals, shall be the same as provided in section 5, of Article III of this Charter.

**Section 2. Charter Amendments.** On a semi-annual basis in June and November of each year, the Board of Selectpersons shall have the opportunity to amend the Town of Rumford Charter in accordance with the provisions of Title 30-A MRS §§ 2104, 2105 and 2528-2532.



Filing No. 2017-01

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Amend Chapter 10-A The Planning Board**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 10-A The Planning Board**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.


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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
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**JEFFREY STERLING**, Chair

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**MARK N. BELANGER**, Vice-Chair

  
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**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson

**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 up-date and revise the Comprehensive Plan as necessary. Each plan must be submitted to the municipal officers for consideration of submission to the legislative body for review and acceptance.
- (c) The Board shall perform such duties and exercise such other powers as are provided by Rumford ordinance and the laws of the State of Maine.
- (d) The Board shall be coordinated with other branches of the municipal government in order to carry out the projects and goals of the Comprehensive Plan and other duties prescribed by State and Municipal Law.
- (e) The Planning Board may, with the approval of the municipal officers, be authorized to contract with Federal, State, and private agencies.

**Section 2. Organization and Rules.**

- (a) **Membership:** There shall be 5 members appointed by the Board of Selectpersons. Two 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:** The organizational meeting shall be held the third Wednesday in June at 7:00 p.m. Regular monthly meetings shall be held on the first Wednesday of each month in the Planning Office a day to be established annually at the organizational meeting of the Planning Board. The Planning Board may change the day and time of the monthly meetings, as circumstances may require, with a minimum of five (5) days notice to the public. Meetings shall be held in the conference room on the bottom floor of the Municipal Building or in another room in the Municipal Building if there is not adequate room for attendees, with notice being posted on the conference room door to notify the change of location. 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.



Filing No. 2017-02

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Amend Chapter 16 Excavations and Deposits in Streets**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 16 Excavations and Deposits in Street**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson

## CHAPTER 16

### Excavations and Deposits in Public Streets, Rights of Ways and Sidewalks

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



Filing No. 2017-03

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE**

**BY THE SELECT BOARD OF THE TOWN OF RUMFORD**

**[30-A M.R.S. § 3002(2)]**

**Amend Chapter 25-C Building Code**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 25-C Building Code**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.


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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
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**MARK N. BELANGER**, Vice-Chair

  
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**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson

**CHAPTER 25-C**  
**Building Code**

**Section 1. Adoption of Code.** Certain documents, ~~three (3) copies~~ one (1) copy of which ~~are~~ is on file in the Office of the Town Clerk of the Town of Rumford, being marked and designated as the International Building Code, ~~2003-2009~~ ("IBC") and Appendices A-J, and the International Residential Code ~~2003-2009~~ ("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.



Filing No. 2017-04

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE**

**BY THE SELECT BOARD OF THE TOWN OF RUMFORD**

**[30-A M.R.S. § 3002(2)]**

**Amend Chapter 25-D Fire and Life Safety Code**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 25-D Fire and Life Safety Code**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.


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

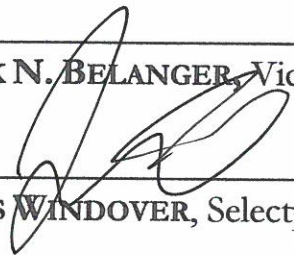
Dated: March 2, 2017


**SELECT BOARD OF THE TOWN OF RUMFORD**

  
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**JEFFREY STERLING**, Chair

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**MARK N. BELANGER**, Vice-Chair

  
\_\_\_\_\_  
**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson

**CHAPTER 25-D**  
**Fire and Life Safety Code**

**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~~ One copy of such Codes ~~have~~ has been and now ~~are~~ is 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.



Filing No. 2017-05

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Amend Chapter 26 Enforcement and Penalties**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 26 Enforcement and Penalties**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.


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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
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**JEFFREY STERLING**, Chair

  
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**MARK N. BELANGER**, Vice-Chair

  
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**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson

## CHAPTER 26 Enforcement and Penalties

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

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

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

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

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

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

Filing No. 2017-06

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE**

**BY THE SELECT BOARD OF THE TOWN OF RUMFORD**

**[30-A M.R.S. § 3002(2)]**

**Amend Chapter 33-B Site Plan Review**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 33-B Site Plan Review**" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

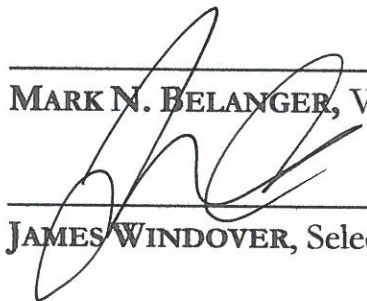
Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the proposed ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Meeting/Polling Places on the day of the vote.

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**



\_\_\_\_\_  
**JEFFREY STERLING**, Chair



\_\_\_\_\_  
**MARK N. BELANGER**, Vice-Chair



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**M. PETER CHASE**, Selectperson

*CMB*

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**JAMES WINDOVER**, Selectperson

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**CHRISTOPHER BRENNICK**, Selectperson



**CHAPTER 33-B**  
**Site Plan Review Ordinance**

**Section 1. Purpose.** The purposes of this Ordinance are to protect the public health, safety and welfare of the residents of the Town of Rumford, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

**Section 2. Authority, Validity, Severability and Amendments.**

A. Authority

1. This Ordinance is adopted pursuant to Article VIII ~~Part Second~~ of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).

Filing No. 2017-07

**CERTIFICATION OF OFFICIAL TEXT TO AMEND AN  
ORDINANCE**

**BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Amend Chapter 33-B Site Plan Review  
With inclusion of Medical Marijuana**

To: **BETH BELLEGARDE**, *Town Clerk*:


We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled "**Chapter 33-B Site Plan Review**" with inclusion of **Medical Marijuana Provisions** approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

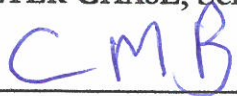
Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the proposed ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Meeting/Polling Places on the day of the vote.

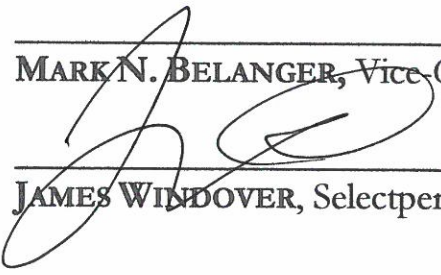
Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chair

  
\_\_\_\_\_  
**M. PETER CHASE**, Selectperson

  
\_\_\_\_\_  
**CHRISTOPHER BRENNICK**, Selectperson

  
\_\_\_\_\_  
**MARK N. BELANGER**, Vice Chair

  
\_\_\_\_\_  
**JAMES WINDOVER**, Selectperson

**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 Part Second of the Maine Constitution and 30-A M.R.S. section 3001 (Home Rule).
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Rumford, Maine.

B. Validity and Separability, Conflict with other Ordinances and Effective Date

1. **Validity and Separability:** Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
2. **Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.
3. **Effective Date:** The effective date of this Ordinance is the date of its adoption at town meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectpersons to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectpersons shall conduct a public hearing on any proposed amendment.

**Section 3. Applicability.**

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.
2. Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.



3. **Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.**

4. Medical Marijuana:

a. Any proposal to either establish a new, or to alter an existing, medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility shall require approval of the Planning Board as a Conditional Use Permit unless exempted in Section 3 (A)(4)(c) Exemptions.

b. Medical marijuana registered dispensaries, medical marijuana registered primary caregivers or medical marijuana cultivation and/or production facilities deemed commercial use shall not be located within 750 linear feet of any existing private or public schools, child-care providers, parks, youth centers, playgrounds, and/or church, unless exempted in in Section 3 (A)4(c). Exemptions below.

(1) Applicants for private or public schools, child-care providers, parks, youth centers, playgrounds and/or churches, which are proposed to be within 750 linear feet of a non-exempted medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility shall be required to sign a form, which may be obtained from the Code Enforcement Officer, which indicates that they are aware that an existing medical marijuana registered dispensary, medical marijuana registered primary caregiver or medical marijuana cultivation and/or production facility is located within 750 feet of their proposed site.

c. **Exemptions.** As an Accessory Use, and not required to get a Conditional Use Permit, medical marijuana home occupation production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical marijuana caregiver's primary year-round residence (as defined by Maine Revenue Services) without any requirements for land use permitting. This exemption shall also extend to registered medical marijuana caregivers who cultivate, process or store medical marijuana in a qualifying patient's primary year round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use. However, Accessory Use is restricted as follows:

(1) No person other than a member of the family residing on the premises shall be engaged in such occupation.

(2) The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(3) There shall be no change in the outside appearance of the building or premises or any visible evidence of the conduct of such home occupation without signage pursuant to the Maine Medical Use of Marijuana statute and regulations related thereto.

(4) No traffic shall be generated by such home occupation in greater volumes than would primarily be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached single one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage of the premises.

(6) There shall be no stock-in-trade regularly maintained or any new commodity sold on the premises.

(7) If the home occupation is proposed to be conducted within a residence which is not owned by the resident, the resident shall have the written consent of the property owner before commencing the home occupation.

The home occupation shall undergo an initial inspection by the Code Enforcement Department and the Fire Chief to verify that the home occupation meets all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes and the Maine Use of Medical Marijuana Statute and related state regulations.

**B. This Ordinance does not apply to:**

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.
2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.
3. All nonstructural uses of land for agricultural or forestry purposes.
4. Home occupations which meet the following conditions do not need Site Plan approval.
  - a. The home occupation is incidental and secondary to the primary residential use of the premises;
  - b. Do not employ persons who do not make the residence their permanent home;
  - c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
  - d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
  - e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.
5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section ~~VII~~LA8(A).



#### Section 4. Administration.

- A. The Planning Board of the Town of Rumford shall administer this Ordinance.
- B. No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.
- C. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.
- D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.
- E. An application for Site Plan Review and/or for a Conditional Use Permit for medical marijuana shall be accompanied by a fee as established by the Board of Selectpersons who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administrating and enforcing the provisions of this Ordinance. ~~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 and/or for a Conditional Use Permit, the applicant or the applicant's authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements. For medical marijuana applicants, an applicant may be required to get a site plan review development permit and/or a Change of Use Permit and a Conditional Use Permit, depending on the circumstances.

2. The applicant shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.



3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairperson to act as the Board's representative.
4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

#### B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval and/or for a Conditional Use Permit (for medical marijuana applicants) shall be submitted on application forms provided by the Town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board's regular scheduled meeting.
2. One copy of the plan(s), which may be reduced to 8-1/2" X 11", shall be mailed or delivered to each member of the Planning Board and the Code Enforcement Officer at least seven (7) days prior to the Planning Board's regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, ~~Road Commissioner~~ Public Works Department, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development and/or evaluations related to a Conditional Use Permit.
3. **Notice to Abutters:** Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board's consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

#### C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review, including:-
  - a. Name, address and signature of the applicant.
  - b. Name and address of the Owner of the building.
  - c. Any rental agreement or other documentation of right to use and possess the premises for which the application is being submitted if the applicant is not the Owner of the premises. In addition, an acknowledgment from the Owner that the Owner understands that the premises are going to be used for the purposes allowed in this Ordinance.
  - d. Names and addresses of all abutting owners.
  - e. The location of all setbacks.

- f. The location, size and character of any exterior lighting.
- g. Copies of the current deed to the premises and any existing and/or proposed easements, restrictions and covenants on the property.
- h. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of protection services.
- i. Evidence of adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.
- j. For Medical Marijuana applicants, Information for the Planning Board to make its findings of fact as to each of the standards in Section 8. **Additional Standards for Medical Marijuana.**

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
- a. Owner's name, address and signature.
  - b. Names and addresses of all abutting property owners.
  - c. Sketch map showing general location of the site within the Town.
  - d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
  - e. If requested by the Planning Board, a perimeter survey of the parcel made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, corners of parcel and date of survey and total acreage.
  - f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.
  - g. The location of all building setbacks.
  - h. The location, size, and character of all signs and exterior lighting.
  - i. The area of the parcel and street frontage.
  - j. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.
  - k. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.



- l. Existing and proposed topography of the site at contour intervals as determined by the Planning Board if major changes to the existing topography are being proposed.
- m. A storm water drainage plan showing:
  - (1) The existing and proposed method of handling storm water run off.
  - (2) The direction of flow of the run off through the use of arrows.
  - (3) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
  - (4) Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
- n. Location of aquifers and aquifer recharge areas, if mapped.
- o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.
- p. Location and elevation of the 100-year flood plain.
- q. If the development site is located in the direct watershed of Davis and Joes Ponds and the Mt. Zircon Reservoir Pond the name of that watershed shall be indicated on the plan.
- r. A utility plan showing provisions for water supply and waste water disposal.
- s. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.
- t. For Medical Marijuana, this is also required:
  - (1) Six copies of all documentation of applicant's authorization from the State to cultivate, process, store and/or distribute medical marijuana pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S. Chapter 558-C) and 10-144 CMR Chapter 122.
  - (2) Six copies of the applicant's plans for compliance with the Maine Medical Use of Marijuana Act (22 M.R.S. Chapter 122), 10-144 CMR Chapter 122 and this Ordinance.



(3) Documentation of compliance with all other permits that may be required pursuant to the Ordinances of the Town or State and Federal Law (e.g., Shoreland Zoning Ordinance, sales tax, food handler's license, etc.)

(4) Documentation of application to the Town for a medical marijuana business license.

3. A written, narrative statement by applicant that supplies the following information and is substantiated by the appropriate documents.
- a. Evidence by the applicant of right, title or interest in the property for which the application covers.
  - b. A description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold.
  - c. Total floor area and ground coverage of each proposed building and structure and percent lot covered by each building or structure.
  - d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.
  - e. Method of solid waste disposal.
  - f. Erosion and sedimentation control plan.
  - g. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.
  - h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.
  - i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin.
  - j. The applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water and streets.
  - k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.
  - l. If public water and/or sewer are to be used, a statement from the water and sewer departments as to the availability of public water and/or sewer lines.
  - m. An estimate of the date when construction will start and when the development will be completed.
  - n. A description of the current or most recent use of the building or land including type of product(s) sold or manufactured, operating hours, nature and number of patrons

served on a daily basis, peak hours and other items as the Planning Board may find necessary.

- o. Traffic data shall include the following when required by the Planning Board:
  - (1) the estimated peak hour and average daily traffic to be generated by the proposal;
  - (2) existing traffic counts on surrounding roads;
  - (3) traffic accident data covering the most recent three-year period for which such data is available.
- p. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 2, Route 5, Route 120 Route 108, Route 232, Intervale Road, Milton Road, South Rumford Road or Wyman Hill Road.
- q. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.
- r. If located in the direct watershed of David and Joes Ponds and the Mt. Zircon Reservoir Pond a phosphorous control plan prepared in accordance with Section 7 (A)(10)(a) 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. Determination of Complete Application. Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development/use of the property.
- B. Site Walk. At any time during the review of the application, the Planning Board may conduct a site walk. The site walk shall be a legally advertised Planning Board meeting, at which time, the Planning Board, the Code Enforcement Officer, Fire Chief or his or her designee, the applicant and/or representatives of the applicant, and any other interested parties may examine the proposed project site. The applicant shall be responsible for notifying abutting land owners and businesses by certified mail within ten (10) days of the site walk of the date and time of the site walk.
- BC. Public Hearing. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in 30-A M.R.S. § 2691, Subsection 3 (A), (B), (C), (D), and (E).
- DC. Ruling. Within 30-45 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with



conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

DE. Within ~~seven (7)~~ fourteen (14) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

EE. The Planning Board may impose conditions on any site plan approval, change of use permit and/or conditional use permit where it finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

FG. 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 curb line or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

#### MINIMUM SIGHT DISTANCE

#### Posted Speed Limit

25 mph 200'  
 30 mph 250'  
 35 mph 305'  
 40 mph 360'

45 mph 425'  
50 mph 495'  
55 mph 570'

- (c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
- (d) The grade of any exit driveway of proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.
- (e) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.
- (f) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:
  - 1. the proposed development will generate 100 or more peak hour site trips.
  - 2. The existence of a current safety problem in the area: high accident location, confusing intersection, etc.
  - 3. Current or projected capacity deficiencies near the development.
  - 4. Sensitive neighborhood areas adjacent to the development.
  - 5. The proximity of site drives to other drives or intersections.

4.2 **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.

| Item | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|------|---------------------|---------------------|---------------------|
| R    | 15-25*              | 10                  | 15-25*              |
| W    | 20-30*              | 20                  | 24-30*              |

\*Upper values apply where major street speed and/or volume is high.

2. Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:
  - (a) have either two-way or one-way operation and be a minimum of 50 feet in length;
  - (b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
  - (c) not require a median;
  - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and



(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

| Item            | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|-----------------|---------------------|---------------------|---------------------|
| <b>ONE WAY</b>  |                     |                     |                     |
| R1 (radius)     | 30                  | 25                  | 40                  |
| R2 (radius)     | 5                   | 5                   | 10                  |
| W (drive width) | 20-24               | 20                  | 24                  |
| <b>TWO WAY</b>  |                     |                     |                     |
| R               | 30                  | 25                  | 40                  |
| WS              | 26-36*              | 24                  | 30-40*              |

\*Where separate left and right exit lanes are desirable.

3. High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:
  - (a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length;
  - (b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees;
  - (c) be striped for 2 to 4 lanes, with each lane 12 feet wide;
  - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
  - (e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and
  - (f) comply with the following geometric standards.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

| Item                      | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|---------------------------|---------------------|---------------------|---------------------|
| <b>W/O CHANNELIZATION</b> |                     |                     |                     |
| R                         | 50                  | 30                  | 50                  |
| R                         | 24                  | 20                  | 26                  |
| W                         | 6                   | 6                   | 10                  |

| W/CHANNELIZATION |     |    |     |
|------------------|-----|----|-----|
| R                | 100 | 75 | 100 |
| WD               | 24  | 20 | 26  |
| M                | 6   | 6  | 10  |
| WR               | 20  | 16 | 20  |

\*For industrial developments with a high percentage of truck traffic maximum values are desired.

- (g) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.
- (h) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 108 where full access presently exists and cannot be provided by Route 2 or 108 and/or adjacent side street.

4.5

**Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

- a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:
  - (1) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
  - (2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
  - (3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
  - (4) Off-street parking spaces shall comply with the following standards.
    - (a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.
    - (b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(5) Off-street parking shall be provided to conform with the number required in the following:

|                                |   |
|--------------------------------|---|
| Retail                         | one per 300 sq. ft. of gross floor area                               |
| Office                         | one per 300 sq. ft. of gross floor area                               |
| Wholesale/warehouse            | one per 1,200 sq. ft. of storage or gross floor area                  |
| Industrial/manufacturing       | one per employee on maximum working shift                             |
| Hotels, motels, tourist homes  | one per room plus ½ per employee                                      |
| Nursing/convalescent homes     | 1/2 per bed   |
| Schools                        |   |
| Elementary                     | one per classroom   |
| Secondary                      | five per classroom  |
| Theaters/auditoria/churches    | one per five seats and one space per 100 sq. ft. of area for assembly |
| Eating/drinking establishments | one per three seats   |

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

(6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Rumford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

(7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.



- (8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5-6 **Advertising Features:** The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

67. **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.

78. **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.

89. **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.

910. **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.

4011. **Ground Water:** The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

4112. **Floodplain Protection:** The proposed development will avoid problems associated with floodplain development and use.

4213. **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.

4314. **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.

4415. **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*.

4516. **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.

4617. **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.

4718. **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.

4819. **Noise:** The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.



- a. The maximum permissible sound pressure level of any continuous, regular or frequent or an intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

**Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60)  
(measured in dB(a) scale)**

|             | 7 a.m. – 10 p.m. | 10 p.m. – 7 a.m. |
|-------------|------------------|------------------|
| Residential | 55               | 45               |
| Commercial  | 65               | 55               |
| Industrial  | 70               | 70               |

- b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institutes (ANSA SI 4-1961) "American Standard Specification for General Purpose Sound Meters."
- c. The following uses and activities shall be exempt from the sound pressure level regulations.
  - (1) Noise created by construction and temporary maintenance activities between 6:30a.m. and 8:00 p.m.
  - (2) The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

4920. **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.

2021. **Odors:** The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

2422. **Financial and Technical Capacity:** The applicant has adequate financial and technical capacity to meet the above standards.

2223. **Conformance with the Comprehensive Plan:** The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

Section 8. Additional Standards for Medical Marijuana

All operators of a facility deemed "COMMERCIAL USE" as defined in Section 12 below must meet the following standards:

A. The applicant's use shall not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties, including, but not limited to identifying on the application the type, size and location of all machinery likely to generate appreciate noise at the lot lines.

B. The applicant's use shall not create unhealthful conditions because of smoke, dust or other airborne contaminants, including, but not limited to proposed ventilation/air circulating systems and methods of filtering air to reduce odor pollution if cultivation or production is involved.

C. The applicant's use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use, including method of removal of waste material and/or trash removal services to be used. All medical marijuana waste and/or residue shall be disposed of in conformance with



the Maine Medical Use of Marijuana Statutes and Regulations. Waste and/or residue shall not be placed in exterior refuse containers without first being made unrecognizable through grinding and incorporating it with non-consumable, solid wastes such as paper, plastic, cardboard, food, grease, Bokashi or other compost activators and/or soil, such that the resulting mixture is at least 50% non-marijuana waste. Composting, fermenting and/or incineration on-site is allowed if undertaken in compliance with state and local regulations.

- D. The applicant's use will not adversely affect the value of adjacent properties.
- E. The applicant's use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
- F. The applicant's use must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses to ensure the continued enjoyment of abutting uses.
- G. **Vibration.** Equipment and other activities shall not produce vibrations measured at the lot line which is perceptible without instruments. In no case shall vibration at the lot line exceed three thousandths (0.003) of one inch.
- H. **Medical Marijuana Registered Dispensary.** There shall be no more than one medical marijuana registered dispensary in the Town.
- I. **Medical Marijuana Cultivation and/or Production Facility Limit.** There shall be no more than four (4) medical marijuana caregivers allowed to operate within a single medical marijuana cultivation and/or production facility.
- J. **Proximity Limit.** Only one medical marijuana registered dispensary or medical marijuana cultivation and/or production facility shall be permitted per lot. Additionally, no medical marijuana cultivation and/or production facility shall be located on a lot that is within 250 feet of another lot on which a medical marijuana registered dispensary and/or cultivation and/or production facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the state prohibition against collectives.
- K. **Approved Locations.** A medical marijuana registered dispensary shall only be permitted in the Industrial or Business Park of the Town. Medical marijuana registered caregivers that are not located in a residence and considered to be an accessory use cannot be located in any registered historic district or within 750 feet of any registered national historic district or registered national historic building, resource protected areas in the Wellhead Protection Ordinance or Shoreland Zoning Ordinance.
- L. **Security.** Before granting an approval, the Planning Board shall ensure the applicant has reviewed the applicant's property and building security plans with the Town Police Department and ascertain that the Police Department finds the security measures are consistent with state requirements. The applicant should provide proof of this to the Planning Board.
- M. **Outside Appearance.** No signs containing the word "marijuana", "medical marijuana", "420", "710" or any other terms to indicate medical marijuana presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana registered dispensary or a medical marijuana registered primary caregiver that is not exempted above in Section 3 (A(4)(c) above.
- N. **Odorous Air Contaminants.** It shall be unlawful for any person to cause or permit the emission of odorous air contaminants that are noxious, offensive or harmful from any source so as to create a public nuisance or hazard beyond the lot line of the parcel, an adjoining unit, lot, building or property, documented by multiple complaints. All facilities shall have a properly designed and



maintained ventilation and air filtration system which takes into consideration the square footage and number of elements in the processing or cultivation process. Filters shall be checked every six months and shall be replaced as needed or based upon the manufacturer's recommended schedule, whichever is more recent.

- O. The structure where medical marijuana is grown, cultivated and/or processed shall be constructed of building materials approved by the Code Enforcement Officer and Fire Chief or their designees. If the structure is six thousand (6,000) square feet or larger, it shall be required to include an internal sprinkler system approved by the Fire Chief.
- P. **Licenses.** As a condition of use, the operator of a medical marijuana registered dispensary, medical marijuana registered primary caregiver not exempted above or a medical marijuana cultivation and/or production facility shall obtain and retain all business or other licenses required by the Town and/or State and/or Federal governments. The operator of a commercial use medical marijuana business shall obtain an annual license from the Select Board to operate in conformance with this Ordinance.
- Q. The conditional land use approval shall be considered abandoned if no license holder occupies the property for a period of two years or longer.

### **Section 89. 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-e3 (A)(4)(c) and 3 (B)(4)(a) – (e)~~ shall obtain a permit from the Planning Board and comply with the following conditions:
1. The business must be incidental and secondary to the primary residential use of the premises;
  2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;
  3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds
  4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
  5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.
  6. There is adequate off-street parking on the premises for customer or client use.
  7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.
9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. **Applications Located on Sand and Gravel Aquifers:** The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Maps prepared by the Maine Geological Survey labeled Map 15 dated 1983 and map 33 and dated 1981. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.
2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.
3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.
4. **Petroleum and other hazardous material storage and transfer.** A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.
5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

|   |                                    |
|---|------------------------------------|
| dry cleaners                                | photo processors                   |
| printers                                    | auto washes                        |
| laundromats                                 | meat packers/slaughter houses      |
| salt piles/sand-salt piles                  | wood preservers                    |
| leather tanning                             | electrical equipment manufacturers |
| plastic/fiberglass fabricating              | chemical reclamation facilities    |
| industrial waste disposal/impoundment areas | graveyards                         |
| chemical manufacturing                      | pesticide/herbicide stores         |
| metal platters                              | concrete/asphalt/coal companies    |

#### Section 109. 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 9-10 A, above, are not promptly complied with after receipt of said notices, the Selectpersons shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than \$100.00 nor more than \$2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense. In addition, in the event of legal action being instituted, the violator shall also be responsible for the legal fees and costs of the Town for the prosecution of the violation(s).

C-D. Consent Agreements. The Select Board, or its authorized Agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines and attorney's fees of the Town without Court action. Such agreements, however, shall not allow violations to continue.

#### **Section 4011. 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 4112. Definitions.**

**Abutting Landowners:** Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

**Agricultural Land Management Practices:** Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

**Accessory Use or Structure:** A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

**Building:** Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.



**Change in Use:** The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

**Commercial:** Connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

**Dwelling Unit:** A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.

**Forest Management Activities:** Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

**Home Occupation:** An occupation or profession which results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

**Impervious Surface:** The area of land covered by buildings, structures and paved and gravel surfaces.

**Industrial:** Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

**Institutional:** A building devoted to some public, governmental, education, charitable, medical or similar purpose.

**Marijuana:** As defined in State Administrative Rules (10-144 CMR Chapter 122), § 1.17 "Marijuana".

**Medical Marijuana:** Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

**Medical Marijuana Caregiver or Medical Marijuana Primary Caregiver:** A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a registered medical marijuana caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

**Medical Marijuana Dispensary:** A dispensary shall have the same meaning as it is defined by state law.

**Medical Marijuana Land Use:** Any of the three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing of medical marijuana.

- (1) **Medical Marijuana Home Production (Land Use):** Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own primary year-round residence or a registered medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical marijuana caregivers who cultivate, process or store medical marijuana in a qualifying patient's primary year-round residence for that qualifying patient's sole use. This shall be considered an "ACCESSORY USE".



(2) **Medical Marijuana Cultivation and/or Production Facility (Land Use):** A facility used for cultivating, processing, and/or storing medical marijuana by one or more registered medical marijuana caregiver(s) at a location which is **not** the registered medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a "**COMMERCIAL USE**".

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

**Mineral Extraction:** Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

**Persons:** Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

**Recreational Vehicle:** A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

**Retail:** Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

**Sign:** Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Structure:** Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

**Substantial Construction:** Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

**Substantial Enlargement:** An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period

**Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Wetlands:** Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

**Section 13. Confidentiality.** All applications and supporting information submitted by primary caregivers under this Ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S. § 2425(8), and the Maine Freedom of Access Act, 1 M.R.S. § 402(3)(F).



Filing No. 2017-08

**CERTIFICATION OF OFFICIAL TEXT TO RECODIFY ORDINANCES  
CHAPTER 25-C, CHAPTER 25-D, CHAPTER 29, CHAPTER 33, CHAPTER  
33-A, CHAPTER 33-B, CHAPTER 33-C AND CHAPTER 33-E**

**BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for recodification of the ordinances entitled "Chapter 25-C Building Code, Chapter 25-D Fire and Life Safety Code, Chapter 29 Subdivision, Chapter 33 Shoreland Zoning, Chapter 33-A Floodplain Management, Chapter 33-B Site Plan Review, Chapter 33-C Wellhead Protection and Chapter 33-E Wind Energy Facility" into a Land Use Ordinance Section Chapter 54 and changing the Chapter Numbers of said ordinances accordingly approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chair

  
\_\_\_\_\_  
**MARK N. BELANGER**, Vice-Chair

  
\_\_\_\_\_  
**M. PETER CHASE**, Selectperson

  
\_\_\_\_\_  
**JAMES WINDOVER**, Selectperson

  
\_\_\_\_\_  
**CHRISTOPHER BRENNICK**, Selectperson

**CHAPTER 54**  
**Land Use**

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

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

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

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

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



Filing No. 2017-09

**CERTIFICATION OF OFFICIAL TEXT ENACT AN ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Enact Chapter 54-I Prohibition of Retail Marijuana Establishments and  
Retail Marijuana Social Clubs in the Town of Rumford**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed ordinance entitled "Chapter 54-I Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Rumford " approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

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

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chair

  
\_\_\_\_\_  
**MARK N. BELANGER**, Vice-Chair

  
\_\_\_\_\_  
**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson



## CHAPTER 54-I

### Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Rumford

**Section 1. Authority.** This ordinance is enacted pursuant to the *Marijuana Legalization Act*, 7 M.R.S. c. 417; and the *Municipal Home Rule Authority*, Maine Constitution, Article VIII, Part Second; and 30-A M.R.S. § 3001.

**Section 2. Definitions.** For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S. § 2442.

#### **Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

- (A) Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.
- (B) No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S. § 2442.
- (C) Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S. chapter 558-C.

**Section 4. Effective Date; Duration.** This Ordinance shall take effect retroactively to November 4, 2016 unless otherwise provided and shall remain in effect until it is amended or repealed.

**Section 5. Penalties.** This ordinance shall be enforced by the Select Board or its designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.

Filing No. 2017-10

**CERTIFICATION OF OFFICIAL TEXT ENACT AN ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]**

**Enact Chapter 15-C Medical Marijuana License**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed ordinance entitled "Chapter 15-C Medical Marijuana License" approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.


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

Dated: March 2, 2017


**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
JEFFREY STERLING, Chair

  
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MARK N. BELANGER, Vice-Chair

  
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M. PETER CHASE, Selectperson

  
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JAMES WINDOVER, Selectperson

  
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CHRISTOPHER BRENNICK, Selectperson



**CHAPTER 15-C**  
**Medical Marijuana License**

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

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

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

- A. **CARDHOLDER** means a registered patient, a registered primary caregiver or a principal officer, board member, or employee of a registered dispensary who has been issued and possesses a valid registry identification card from the State of Maine.
  
- B. **COMMERCIAL USE** means either of the following:
  - 1. **Medical Marijuana Cultivation and/or Production Facility:** A facility used for cultivating, processing, and/or storing medical marijuana by one or more registered medical marijuana caregiver(s) at a location which is not the registered medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. This shall be considered a “COMMERCIAL USE”.
  
  - 2. **Medical Marijuana Registered Dispensary:** A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a “COMMERCIAL USE”.
  
- C. **DEPARTMENT** means the State Department of Health and Human Services or any successor agency.
  
- D. **TOWN DEPARTMENT** means any or all of the following Town officials: chief of police, the fire chief, the code enforcement officer and their designees who administer the provisions of this ordinance.
  
- E. **DISQUALIFYING DRUG OFFENSE** means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years earlier or an offense that consisted of conduct that would have been permitted under this ordinance.



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



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

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

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

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

- (1) Name, address, date of birth and contact information, including a phone number of the applicant and all other persons having a legal interest in the registered dispensary and the individual(s) hired by the applicant to manage these operations, if any.
- (2) A photograph and a copy of a valid registry identification card issued by the State of Maine are required for each principal officer, board member, agent and employee of a registered dispensary.
- (3) The location of the premises for which a license is sought identified by Town tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered dispensary.
- (4) The dimensions and acreage of the property.
- (5) A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:
  - a. The boundary lines of the property for which a license is sought.
  - b. The location of all existing and proposed buildings and structures.
  - c. The location of all existing and proposed parking areas and walkways and any other site improvements.
  - d. The location and characteristics of all existing and proposed vegetation to be maintained for required screening.
  - e. The location and characteristics of all existing and proposed fencing to be maintained for required screening.
  - f. The location and characteristics of all vehicular entrances and exits serving the property.
- (6) A site location map at a scale of not greater than 1" to 100' showing any public or private school, church, child-care provider, youth center, park or playground located within 750 feet of the proposed registered dispensary.
- (7) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, registered patient services, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak hour traffic, identification of other required licenses, floor plans, etc.



- (8) Identification of any other approvals required by the Town of Rumford, any state agency or department, or any federal agencies.
- (9) A nonrefundable application fee in accordance with the Town's policy manual as prescribed by the Town Select Board and an original and 15 copies of the license application and all supporting documentation.
- (10) Evidence of registered dispensary incorporation under Title 13B and evidence that the corporation is in good standing with the Secretary of State.

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

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

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

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

- (1) Name, address, date of birth and contact information, including a phone number of the registered primary caregiver.
- (2) A photograph and a copy of a valid registry primary caregiver identification card issued by the State of Maine are required.
- (3) The location of the premises for which a permit is sought identified by Town tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered primary caregiver operation.
- (4) The dimensions and acreage of the property.
- (5) A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:
  - a. The boundary lines of the property for which a permit is sought.
  - b. The location of all existing and proposed buildings and structures.
  - c. The location of all existing and proposed parking areas and walkways and any other site improvements.
  - d. The location and characteristics of all vehicular entrances and exits serving the property.



- (6) A site location map at a scale of not greater than 1" to 100' showing any public or private school, church, child-care provider, youth center, park or playground located within 750 feet of the proposed registered caregiver operation.
- (7) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, security provisions, hours of operation, identification of other required licenses, floor plans, etc.
- (8) Identification of any other approvals required by the Town of Rumford, any state agency or department, or any federal agencies.
- (9) A nonrefundable application fee in accordance with the Town's Schedule of License, Permit and Application Fees established by the Select Board and an original and 3 copies of the license application and all supporting documentation.

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

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

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

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

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

**Section 12. Background Checks.** The Town Clerk shall order background checks of each principal officer, board member and employee of a commercial use registered dispensary and a commercial use registered primary caregiver engaged in the cultivation of marijuana for two or more registered patients. Updated



background checks shall be conducted annually at the time of license renewal. Background checks shall be conducted in each state where such individuals have resided since the age of 18.

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

- (1) A registered dispensary shall allow the Town Department entry without notice to carry out an inspection in accordance with this ordinance.
- (2) Submission of a license application for a registered dispensary shall constitute permission for entry and inspection.
- (3) During an inspection, the Town Department may identify violations of this Ordinance, provisions of other Ordinances of the Town and of the State Law. The registered dispensary may receive written notice of the nature of the violations. The registered dispensary shall notify in writing the representative of the Town Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.
- (4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the Town Clerk or the Town Department to temporarily suspend the license of the registered dispensary subject to revocation by the Town Select Board.

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

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

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

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

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

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



primary caregiver operation include the following:

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

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

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

**Section 19. Screening Requirements.** A registered dispensary shall be required to erect and maintain



opaque fencing to provide an effective visual screen at least six feet in height to be located along side and rear property lines that abut properties in residential use. Notwithstanding this requirement, plantings or other means may be used to satisfy the requirement for a visual screen of six feet in height.

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

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

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

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

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

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

Filing No. 2017-11

**CERTIFICATION OF OFFICIAL TEXT TO ADOPT AN ORDINANCE  
BY THE SELECT BOARD OF THE TOWN OF RUMFORD  
[30-A M.R.S. ' 3002(2)]**

**Adopt Chapter 55  
Ordinance Governing the Large Scale Extraction of Ground Water by Aquifer-  
Dependent Industries from Aquifers within the Town of Rumford, Maine**

To: **BETH BELLEGARDE**, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for a proposed amendment of the ordinance entitled **Chapter 55, Ordinance Governing the Large Scale Extraction of Ground Water by Aquifer-Dependent Industries from Aquifers within the Town of Rumford, Maine** approved by the Select Board and which is to be presented to the voters for their consideration on June 13, 2017.

Pursuant to 30-A M.R.S. ' 3002(2), you will retain this copy of the complete text of the proposed ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Meeting/Polling Places on the day of the vote.

Dated: March 2, 2017

**SELECT BOARD OF THE TOWN OF RUMFORD**

  
\_\_\_\_\_  
**JEFFREY STERLING**, Chair

  
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**MARK N. BELANGER**, Vice-Chair

  
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**M. PETER CHASE**, Selectperson

  
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**JAMES WINDOVER**, Selectperson

  
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**CHRISTOPHER BRENNICK**, Selectperson



**CHAPTER 55**  
**Ordinance Governing the Large Scale Extraction**  
**of Ground Water by Aquifer-Dependent Industries from**  
**Aquifers within the Town of Rumford, Maine**

**Section I – Purpose**

The purpose of the Ordinance Governing the Large Scale Extraction of Ground Water, by Aquifer-Dependant Industries from Aquifers within the Town of Rumford, Maine (“the Ordinance”) is to protect the quality and quantity of ground water located wholly or partially within the Town of Rumford (“the Town”), to insure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town, and generally to protect the health, safety and welfare of persons dependent upon such water supplies.

**Section II – Authority**

This Ordinance is adopted and enacted pursuant to the Maine Constitution, Article VIII, Part Second, Section 1, 30-A M.R.S. §§ 3001 *et seq.* (“Municipal Home Rule”), and all other applicable State laws and Town ordinances.

**Section III – Definitions**

Words and phrases, unless their context requires otherwise, shall be defined as follows: first, as set forth below; second, in accordance with their generally accepted technical meaning within the involved scientific disciplines; third, as defined by Maine Statutes; and fourth, their common dictionary definition.

- (A) **Aquifer** means an underground body of earth, sand, gravel, or rock that contains sufficient saturated permeable material to conduct and yield economically significant quantities of ground water to wells and springs. The term “aquifer” as used in this Ordinance includes all areas specifically mapped or identified on Maine Geological Survey Significant Sand and Gravel Aquifer Maps, as ground water aquifers.
- (B) **Aquifer-dependent industry** means a commercial or industrial water extraction facility and water bottling facility that involves the extraction of ground water in an amount greater than 5,000 gallons in any day and is subject to the provisions of 35-A M.R.S. § 6109-B. The term “aquifer-dependent industry” as used in this Ordinance includes, but is not limited to, accessory uses such as wells, springs, water storage tanks, water treatment, packaging and shipping, piping, and pumping stations, and all structures and utilities needed to house or accommodate such accessory uses for the purpose of the resale of water outside the municipal boundaries of Rumford.
- (C) **Extraction** (or “water extraction” or “extraction of water”) means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources,

aquifers, springs, wells, pumps or similar.

- (D) **Extraction point or extraction facility** means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.
- (E) **Ground water** means underground water located in an aquifer or unconsolidated sediment or rock below the water table.
- (F) **Large scale water extraction** means extraction of water from ground water sources, aquifers, springs, wells or similar resources in a total daily amount on any given day of 5000 gallons or more, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized, for the purpose of the resale of water outside the municipal boundaries of Rumford.
- (G) **Reviewing authority** (or “reviewing agency,” “Selectboard” or “Board”) are used interchangeably in this Ordinance and have the same meaning, all referring to the Municipal Officers (Selectboard) of the Town of Rumford, Maine.
- (H) **Water bodies or surface water(s)** means lakes, ponds, river, streams, wetlands and similar.
- (I) **Water table** means the underground water surface at which the pressure is equal to that of the atmosphere. The water table changes throughout the year in response to precipitation recharge and the level of nearby surface waters. The water table fluctuates naturally in response to recharge by precipitation and discharge to surface water.
- (J) **Zone of contribution** means that area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation). It is bounded by the ground water divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a ground water flow divide, a contact with till or bedrock, or a recharge boundary).

#### **Section IV – Large Scale Water Extraction by Aquifer-Dependent Industries**

##### **(A) Permit Required**

The daily (meaning on any given day) extraction of more than 5000 gallons of ground water by an aquifer-dependent industry, regardless of the number of extraction facilities utilized, shall require a written permit issued by the Selectboard under this Ordinance, whose jurisdiction and authority shall be exclusive with respect to the issuance or denial of any such permit, including permit conditions pertaining to such extraction and/or transport of water so extracted within the geographic limits of the Town of Rumford, after public hearing and opportunity for public comment. This permit can be issued for any area



or areas within the Town of Rumford, subject to other Town ordinances.

**(B) Inapplicability**

The requirement of review and approval under this Ordinance shall not apply to extraction of water which is to be used within the Town of Rumford for: (1) standard agricultural purposes; (2) drinking water and domestic water supply to private residences; (3) public facilities; (4) fire suppression; or (5) any other domestic, sanitary, commercial, and industrial purpose within the Town of Rumford to the limit of historical use which exist as of the date of the adoption of this Ordinance.

**(C) Application Requirements**

The application shall be in writing and be accompanied by site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional. Any application shall be accompanied by an application fee payable to "Town of Rumford" for each proposed extraction point, in accordance with the following schedule:

- i. Initial application = \$500.00
- ii. Amended application = \$250.00

The application shall include:

- (1) Evidence of the Applicant's right, title, and interest in and to the property(ies) from which the water is to be extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the Oxford County Registry of Deeds, the entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract, or otherwise establishing right, title, and interest shall be submitted with the application.
- (2) A statement of the total maximum daily quantity of water to be extracted, from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities.
- (3) The location(s) of the points of extraction.
- (4) The method(s) of extraction.
- (5) The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, sales, or other similar activities are located outside the Town of Rumford.
- (6) A copy of all required state and federal permit applications, when filed, including, but not limited to, permit applications as required by 22 M.R.S. §§ 2660 *et seq.* (transport of water for commercial purposes) and under applicable Department of Human Services and Department of Environmental Protection rules and regulations. A copy of these applications will be submitted at least thirty (30) days prior to a public hearing being held by the Selectboard on the application. Any approval by the Board shall include a condition requiring compliance with all requirements of all required state and federal permits.

(7) A written hydrogeologic investigation report stamped by a Maine-Certified Geologist or Maine Registered Professional Engineer. The report shall be based on a hydrogeologic investigation of sufficient detail to provide the following information:

- a. A map of the entire topographic drainage basin upgradient of the water extraction site(s) showing the basin boundaries, sub-basin boundaries that may be of significance to the recharge of the water extraction site(s), and the location of the extraction site(s).
- b. Two maps of the aquifer as specified below showing the spring(s), well(s), or excavation(s) from which water is to be extracted; and wetlands, and surface water bodies within 2,000 feet of the extraction site(s). These maps shall be at an appropriate scale to depict topographic contours at an interval of twenty (20) feet or less. The two maps shall show the following information, respectively: 1) water table contours under ambient conditions, and 2) water table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on water table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include estimated surface water elevations for more distant locations. Nothing in this paragraph shall require an applicant to include other than public information for land not owned by the Applicant.
- c. A map showing the long-term zone of contribution to the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water.
- d. Two scaled geologic cross-sections showing geologic characteristics of the aquifer and ground water and surface water elevations at and adjacent to the water extraction site(s).
- e. Predictions of the effects of long-term water extraction on: local and regional ground water levels; wetlands; pond or lake levels; base flow in streams; and any water quality changes in ground water and in surface water due to the proposed use.
- f. The aquifer characteristics including a detailed description of geologic materials, hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates.

(8) Traffic.

- a. A statement of the estimated number (for the AM and PM peak hours) and loaded weight of all truck trips, including but not limited to empty and loaded vehicles transporting bulk or bottled water and packaging materials.



- b. A statement of the estimated number (for the AM and PM peak hours) of all non-truck trips.
  - c. A statement of the hours during which vehicular traffic is expected and how traffic volume is anticipated to vary by time of day and season.
  - d. A reasonable projection of all anticipated routes (Town and State) of all vehicles transporting bulk or bottled water.
  - e. A copy of the Traffic Movement Permit application filed under Chapter 305 of the Maine Department of Transportation Regulations (“Rules and Regulations Pertaining to Traffic Movement Permits”); such application shall include those studies and reports required under Chapter 305 and prepared, certified, and sealed by a Maine traffic engineer, including those applicable requirements set forth in Section 7 of Chapter 305, as may be amended. Where Chapter 305 provides discretion to the MDOT to waive submittal requirements, the Selectboard shall, after conferring with its traffic consultant, determine whether it will require the submittal.
- (9) A written statement of sound from routine operations, maintenance operations, and construction (both daytime and nighttime), expected to be generated by the proposed use, and an assessment of the anticipated noise levels at property lines.
- (10) A statement of the artificial lighting anticipated for the proposed use, and an assessment of the impact of lighting at property lines.

The application shall also be accompanied by:

- (1) Written notification of the application and an explanation of the intent, scope, and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, to the following:
- a. The owners of record of all parcels of land lying on or within 500 feet of the long-term zone of contribution to the extraction site(s) cited in the application.
  - b. For purposes of these notification requirements an applicant is entitled to rely on the information on file at the Rumford Town Office as represented by its most recent assessors’ maps and the mailing addresses maintained by the Town as to the owners of the affected parcels shown thereon. Actual posting of the certified mail notices is not required until the application is declared or deemed to be complete.
- (2) A small scale site plan depicting at least the following:
- a. The limits (outside perimeter) of the aquifer or other water source cited in the application, and the bounds of the land used by the Applicant.
  - b. The location of the extraction site(s).

- c. The existing network of public or private roads leading to or by the extraction point(s).
- d. Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads.
- e. Any existing or proposed utility lines to be utilized in the extraction operation(s).
- f. The location and type of monitoring and test wells.
- g. Any existing or proposed pipes, roads, highways, easements or rights of way, pipelines, aqueducts or similar infrastructure that are intended to facilitate transport of extracted water from the extraction point(s) towards the intended end user, if any part of the extracted water is ultimately to be transported outside the geographic limits of the Town of Rumford. To the extent any proposed transport of extracted water will utilize, cross, or merge with state highway, town roads, or public easements, a detailed disclosure of the traffic routes to be employed, the types of vehicles to be utilized, the loaded weight of the vehicles to be used, and the number of daily vehicle trips (both arrivals and departures at any load out station(s)) shall be included on the plan, or appended to the plan in a narrative or tabular format as appropriate.
- h. Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners, or the public from developing a full understanding of the scope and impact of the proposal.

(3) A large scale site plan depicting at least the following:

- a. A detailed plan of the extraction point(s) including, without limitation, well heads, pumping facilities, monitoring or test wells, buildings, sheds, paving, vehicular drives, parking and turn around, utility lines, fencing, access roads or driveways, elevation and contour lines.
- b. Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.

**(D) Application Process**

- (1) Five (5) copies of the entire application, including studies, reports, site plans and all other items referred to in Article IV (C) above shall be submitted to the Selectboard.
- (2) The Selectboard shall have thirty (30) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this Ordinance. For good cause shown, and upon



receipt of confirmatory independent technical advice, the Selectboard may waive one or more of the application details upon a determination that such details are unnecessary, unobtainable as a practical matter, or duplicative and that such waiver would not tend to hinder the ability of the Board, affected landowners, or the public from developing a full understanding of the scope and impact of the proposal.

- (3) If within said thirty (30) day period the Selectboard deems the application incomplete in any material or relevant respect it shall so inform the Applicant by the best practical means, either by writing or verbally at a regularly scheduled meeting of the Board at which the Applicant or its duly authorized representative is present, after which the Applicant shall have a period of time not to exceed sixty (60) days to complete its application in accordance with this Ordinance, upon failure of which the application shall be deemed withdrawn.
- (4) If by the end of said thirty (30) day period for review for completeness the Selectboard has not informed the Applicant the application is incomplete it shall as a result be deemed complete, in which case the Board shall schedule a public hearing on the application at a date not later than sixty (60) days from the date the application was originally submitted, or not later than sixty (60) days from the date a supplemented application originally deemed incomplete, was reviewed for completeness and declared (or deemed by the passage of a thirty (30) day period) complete.
- (5) Any review of the application by the Selectboard or its agents for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested rights upon the Applicant or under the application. Substantive review shall not be deemed to occur until the convening of a public hearing on the application under this Ordinance.
- (6) The Applicant's obligations of written notification via certified mail of property owners as set forth above shall not accrue until the application is declared or deemed complete under this Ordinance.

**(E) Review Process; Hearing Process**

- (1) The completed application shall be reviewed by the Selectboard at a public hearing convened for that purpose, pursuant to fifteen (15) days' published notice in a newspaper of general circulation within the Town of Rumford and posting of notice at three (3) conspicuous public places within the Town, and upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners as previously set forth in this Ordinance.
- (2) The Selectboard shall be entitled to adopt whatever procedural rules for the hearing, including the imposition of reasonable time limits for the presentations of the Applicants, opponents, and the general public deemed appropriate, fair, and reasonably calculated to afford full consideration of the issues pertaining to the application.

**(F) Extension or Modification of Time Limits**

For good cause shown, the Selectboard may extend or modify any of the deadlines or timelines above so as to reasonably accommodate the demonstrated needs of the Applicant, intervenors, opponents, the public, or the Board, so long as such extension or modification does not materially prejudice the substantial rights or interests of any person or aquifer-dependent industry applicant.

**(G) Selectboard's Decision**

Upon the adjournment of the public hearing the Selectboard shall schedule a public session of the Board, to occur not later than thirty (30) days from the final adjournment of the public hearing, to deliberate and render a decision.

The Selectboard's decision may be:

- (1) To approve the application;
- (2) To deny the application; or
- (3) To approve the application conditionally, with conditions or stipulations upon the satisfactory completion of which the application will be finally approved, provided however, any approval (conditional or unconditional) shall require the Board's determination that the Applicant has satisfied all of the performance standards set forth below, and shall further be subject to any alert levels and action levels as determined in the section immediately following.
- (4) Any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity set forth in the application, nor exceeding the specified aggregate monthly and annual total calculated thereby, and any increase in such daily totals or aggregate monthly and annual totals shall require further application and review in accordance with this Ordinance.
- (5) The Board shall issue a written decision with findings of fact and rulings and conclusions not later than thirty (30) days from the date on which it votes at a public session to approve, deny, or approve with conditions, and a copy of such written decision shall thereupon promptly be provided to the Applicant, and otherwise be available publicly.

**(H) Action and Alert Levels**

Any approval issued hereunder must contain action level(s), to be based on the best hydrogeologic monitoring analysis and modeling available at the time of approval. Permit holders under this Ordinance must share all hydrogeologic monitoring data, analysis, and modeling of water extraction activities with the Town of Rumford, both before and after the issuance of a permit.

The action levels shall, where possible, define hydrogeologic standards at two levels: "alert" and "action."



- (1) "Alert levels" shall be those hydrogeologic conditions as indicated by monitoring data and visual observation from monitoring wells, stream gauges, and lake and pond gages which indicate a developing or impending adverse effect on the aquifer from which the water is, or is to be, extracted, or affected surface water bodies in the vicinity. Upon reaching an alert level the Board, through its designated technical representative, shall require the Applicant to provide more frequent and intensive monitoring activities than may be originally contemplated by the application or any original approval thereof.
- (2) "Action levels" shall be those hydrogeologic conditions as indicated by monitoring data and visual observation from monitoring wells, stream gauges, and lake and pond gauges which indicate that an adverse effect on the aquifer from which the water is, or is to be, extracted, or affected surface water bodies in the vicinity, or which establishes an imminent threat to private water wells in the vicinity. Upon reaching an action level the Board, upon advice of its designated technical representative, shall order all pumping and extraction activities to be reduced or ceased until such time as the Board deems that hydrogeologic conditions creating the descent to action levels have been or will be rectified, and that any threat or risk of harm to the aquifer, surface water bodies, and/or private wells has abated.
- (3) The setting of "alert levels" and "action levels" with respect to a given water extraction activity will normally be developed and refined through the ongoing monitoring regime specified in this Ordinance or any permit issued hereunder. The Board reserves the right, as such monitoring data becomes available for evaluation and correlation, to impose, amend or revise alert and action levels, after notice to any applicant or permit holder, with an opportunity to be heard, as an addendum/addenda to any permit. Notwithstanding the foregoing, in the event existing monitoring data or monitoring data developed during any pre-extraction test phase, or other established hydrogeologic conditions developed or existing prior to the undertaking of sustained extraction activities under any permit issued hereunder, adequately support the establishment of pre-pumping alert levels or action levels the Board may impose them, either as part of any original permit, or as an amendment to any issued permit – with opportunity for notice and hearing for the permit holder – and in such case where an action level is reached prior to pumping or the commencement of sustained extraction activities, then in such case no pumping or extraction shall commence in the first place until such time as the Board deems that hydrogeologic conditions safe for extraction have been or will be restored.

#### **Section V – Performance Standards**

No approval shall be granted any application until and unless the reviewing authority shall have affirmatively found that each of the following performance standards has been or will be met, the burden of establishing and demonstrating compliance with which is solely the Applicant's. The Applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

- (A) The quantity of water to be taken from a ground water source will not substantially lower the water table beyond the property lines, cause unreasonable impacts to ground water flow patterns, or cause unreasonable ground subsidence beyond the property lines.

- (B) Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/ground water. This includes any impacts to the upwelling of a natural spring, ground water source, aquifer recharge area, or wetlands.
- (C) Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- (D) The proposed use shall require preparation of a stormwater management plan prepared and stamped by a professional engineer registered in the State of Maine detailing with both construction and long-term controls.
- (E) The proposed extraction site is not within the ground water recharge area of contribution of a community, non-transient public water supply, as defined under Maine Drinking Water Program rules, unless notice is given to the operator thereof and the Selectboard has considered any information supplied by the operator and finds that no unreasonable adverse effect on a public water supply will result under current and expected future demands on such community, non-transient public water supply.
- (F) The operator shall make operating records of the quantity of water extracted, stored, and removed from the site available to the Selectboard or a designee upon request.
- (G) Nothing in this procedure, and no decision by the Selectboard, shall be deemed to create ground water rights other than those rights which the Applicant may have under Maine law.
- (H) Any permit issued by the Selectboard shall state the maximum daily, monthly, and annual quantity of ground water that may be extracted, which amount shall not exceed the amount specified by the Applicant in its application. The maximum daily, monthly, and annual ground water extraction limit shall be an amount determined by the Selectboard to be consistent with this Ordinance, and based on the evidence presented at the Selectboard's public hearing.

#### **Section VII – Independent Expert Assistance**

If the reviewing authority reasonably determines it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application at a public hearing, or in developing appropriate conditions of approval, or with respect of any ongoing monitoring regime, or impact on Town infrastructure under this Ordinance, it may engage the services of such expert assistance, to serve as the reviewing authority's own expert. To the extent the projected or estimated cost of such assistance exceeds the existing town appropriation for such assistance, if any, the Applicant shall be required to pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the reviewing authority from scheduling any public hearing until such payment is made in full. With respect to such costs and expenses anticipated to continue beyond any initial approval of extraction, such as services related to any monitoring regime, or assessment of infrastructure impacts, requirements for



payment of such shall be inserted in any approval as an ongoing condition of that approval.

#### **Section VIII – Concurrent Jurisdiction**

As applicable, and subject to the provisions of this Ordinance, jurisdiction of the Selectboard under this Ordinance is concurrent with such jurisdiction as may be vested in the Rumford Planning Board, the Rumford Board of Appeals, and the Rumford Code Enforcement Office, and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein. Moreover, this Ordinance is not meant to replace or supplant the requirements and authority granted the Town in the Wellhead Protection for the Ellis River and Scotties Brook Aquifers Ordinance. However, should any conflict arise between this Ordinance and the Wellhead Protection Ordinance, the provisions of this Ordinance control.

#### **Section IX – Enforcement**

This Ordinance may be enforced by the municipal officers of the Town of Rumford, or at their direction, by the Rumford Code Enforcement Officer, pursuant to 30-A M.R.S. § 4452, the fines and penalties set forth therein to apply hereto.

The Selectboard may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that the Applicant has failed to comply with any conditions of approval.

Any appeal of any denial, suspension, or revocation of a permit shall be to the Maine Superior Court pursuant to Maine Rule of Civil Procedure 80B.

#### **Section X – Severability**

Should any section or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate or affect the enforcement of any other section or provision of this Ordinance.

#### **Section XI – Effective Date**

This Ordinance and any amendments thereto shall become effective immediately upon adoption and enactment by vote of the legislative body of the Town of Rumford at Town Meeting.