

**ORDINANCES  
AND  
REGULATIONS  
OF THE TOWN OF  
LEBANON, MAINE**

Compiled December 1978

Revised July 1986

Revised April 1993

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## PREFACE

This volume is a compilation of ordinances, Town Meeting articles and other materials provided to Maine Municipal Association by the Town of Lebanon and is intended only for purposes of general information. Because of incomplete and conflicting records caused in part by the loss of the Town Clerk's records of 1951 to 1969, this collection should *not* be viewed as a statement of all Town ordinances currently in effect. The compilers have attempted to provide the reader with dates of origin of each ordinance and some of the relevant state law in each subject area. Neither reference should be viewed as exhaustive. Bracketed titles for the various ordinances have been added by the compilers for organizational purposes and should not be considered a part of the ordinance as originally adopted.

1986

This volume of Ordinances was brought up to date by the Selectmen, the Planning Board and the Building Inspector. It includes all Ordinances and Amendments passed and added to by a Town Meeting vote since the Original in 1978.

## Lebanon Addressing Ordinance

Proposed 3/5/97

### Section 1. Purpose

The purpose of this ordinance is to enhance the rapid location of properties by law enforcement, fire, rescue and emergency medical services personnel and the delivery of mail in the Town of Lebanon.

### Section 2. Authority

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

### Section 3. Administration

This ordinance shall be administered by the **Addressing Coordinator**. The Addressing Coordinator shall be appointed by the Selectmen of the Town of Lebanon. The Addressing Coordinator is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Addressing Coordinator shall also be responsible for maintaining the following official records of this ordinance:

- A. A Lebanon Town Map for official use showing road names and numbers.
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned addresses.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

### Section 4. Street Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Addressing Coordinator for the Town of Lebanon shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (e.g. no Pine Road and Pine Lane).
- B. No two roads shall have similar sounding names (e.g. Beech Street and Peach Street).

Town of Lebanon, ME  
E-911 Addressing

## Policy for Changing Established Street Names

The policy for changing established street names shall be as follows:

1. A petition signed by a majority of residents of the street shall be submitted to the selectmen. This petition shall have the signatures, printed names and mailing addresses of all who signed it. The petition shall state as follows:

**"We the undersigned residents of ??? Street petition the town to change the street name to ??? Street."**

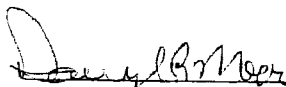
The petition can be only for the road name and no other matters. If submitted with any other request on the petition, then the petition will be deemed to be void and will not be considered.

2. Within thirty (30) days the selectmen shall mail out certified letters to all property owners and residents of the street inviting them to a public hearing on the street name change. Letters will also be sent to the Sheriffs Office, Lebanon Fire & Rescue inviting them to the public hearing also. These notices will be sent out at least ten (10) days before the date of the public hearing. Notices shall also be advertised in the Sanford Journal Tribune and the Foster's Daily Democrat.

The person requesting the road change will pay all costs for the notices and advertisements and the public hearing and all costs to the residents of the street resulting from the road name change.

3. The public hearing will be to consider the road name change in accordance with the E-911 Addressing Ordinance. The decision will be made by a majority vote of the Lebanon Residents attending the public hearing. The selectmen and other officials of the town will be notified of the results of the vote.
4. The person requesting the road change will pay all costs associated in replacing the signs.

Signed this 20<sup>th</sup> day of July, 2004,

  
Darryll Moore

  
Tom Potter

  
Robert Torno

- C. Each road shall have the same name throughout its entire length.

#### **Section 5. Numbering System**

Numbers shall be assigned every fifty (50) feet along both sides of the road with the even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road determined by the number origin.

The following criteria shall govern the numbering system:

- A. All designated numbers shall begin from the intersection of Rt. 202 and Depot Rd. and Little River Road or that end of the road closest to this intersection. (Except the numbering for Rt. 202 shall begin at the Sanford Town Line). For dead end roads, the numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that one falling closest to the driveway of said structure.
- C. Every structure with more than one principal use of occupancy shall have a separate number for each use or occupancy. (i.e. Duplexes shall have two separate numbers; apartments shall have one road number with an apartment number, such as 235 Mapple Street, Apartment 2).

#### **Section 6. Compliance**

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- A. **Number on the Structure or Residence.** Where the residence structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure near the front door or entry.
- B. **Number at the Street Line.** Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line next to the walk or access drive to the residence or structure.
- C. **Size and Color of Number.** Numbers shall be displayed. The numbers shall be at least three (3) inches tall. The color of the number shall be a black number with a white background. The numbers shall be located so as to be visible from the road.

- D. **Removal of Conflicting Numbers.** Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- E. **Interior Location.** All residents or other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

#### Section 7. New Construction and Subdivisions

All new construction and subdivisions shall have the roads named and structures numbered in accordance with the provisions of this ordinance and as follows:

- A. **New Construction.** Whenever any residence or other structure is constructed or developed it shall be the duty of the owner to obtain an assigned number from the Addressing Coordinator. This shall be done before the issuance of the building permit.
- B. **New Subdivisions.** Any prospective subdivider shall show a proposed road name and lot numbering system on the plan submitted to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Coordinator, shall constitute the assignment of road names and numbers to the lots to the subdivision. On the Final Plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every fifty (50) feet to aid in the assignment of numbers to structures subsequently constructed.

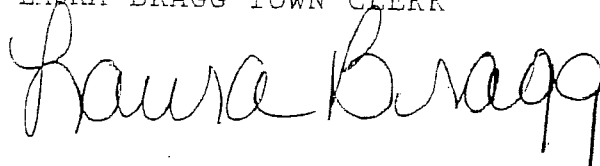
#### Section 8. Effective Date

This ordinance shall become effective thirty (30) days after passage. It shall be the duty of the Addressing Coordinator to notify by mail each property owner and the Post Office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within thirty (30) days following notification. On new structures, numbering shall be installed prior to final inspection and issuance of certificate of occupancy, or when it is first used or occupied, whichever comes first.

THIS ORDINANCE WAS PASSED BY THE TOWN OF LEBANON VOTERS  
JUNE 21, 1997.

THIS IS A TRUE COPY.

ATTEST: LAURA BRAGG TOWN CLERK





Shall an ordinance entitled Tent and Recreational Vehicle  
Parks be enacted?

Tent and recreational vehicle parks shall conform to the  
minimum requirements imposed under state licensing  
procedures and the following standards:

Parks shall be open only between April 15 and October 31,  
inclusive. From November 1 of one year to April 14 of the  
following year, no person shall occupy any site, the water  
services to all sites shall be turned off or disconnected, and the  
electrical service to all sites shall be turned off or disconnected.

Penalty:

Any violation of this ordinance shall be punishable by a fine of  
a \$100.00 per day plus legal and court fees for each offense.  
Each day that such unlawful act or violation continues shall be  
considered a separate offense.

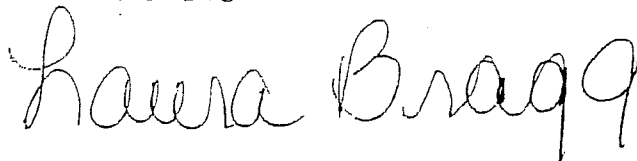
Effective Date:

This ordinance shall become effective upon enactment.

This ordinance passed at the June 10, 2003 Annual Town  
Referendum Election.

The results were 641 Yes 390 No

A True Copy Attest:



Laura Bragg Lebanon Town Clerk

**A Planned Growth Ordinance  
For the Town of Lebanon, Maine**

**1. Title**

This ordinance shall be known as the "Residential Growth Ordinance of the Town of Lebanon, Maine and shall be hereinafter referred to as this ordinance.

**2. Legal Authority**

This ordinance is accepted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 1917.

**3. Definitions**

Custom Dwelling. A dwelling unit built for a known customer who intends to reside there. A notarized photocopy of a signed sales contract, or other evidence acceptable to the Code Enforcement Officer, may be required to provide evidence that the dwelling is not being built speculatively.

Dwelling Unit. A group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes and condominium units, but shall not include those recreational vehicles or motel units, which are used for overnight or temporary lodging only.

Growth Permit. A permit issued by the Code Enforcement Officer in accordance with the provisions of this ordinance.

Seasonal Dwelling. A dwelling, which is not adapted to year-round habitation due to the absence of sufficient insulation, heating system, or year-round water supply.

Speculation Dwelling. A dwelling unit built for sale to the general public and not as part of a contractual arrangement with a known buyer who intends to reside there.

Subregion: Those municipalities in addition to Lebanon whose growth rates were used in determining the fair share growth rate for Lebanon. Those municipalities include: Acton, Shapleigh, North Berwick, and Berwick.

Winterization of Seasonal Dwelling: The act of making a dwelling habitable for year-round living.

#### 4. Purpose

- 4.1 To provide for the current and future housing needs of existing residents and their families, while accommodating Lebanon's fair share of population growth in the immediate subregion, which has experienced since 1990 which was 4263 and has amounted to a population increase to 5,083 people during that ten year period.
- 4.2 To assure fairness in the allocation of building permits.
- 4.3 To ensure that the ordinance does not unduly increase construction costs to speculative builders by preventing them from erecting or placing several dwelling units as part of one project.
- 4.4 To plan for continued residential population growth of Lebanon at a rate which would be compatible with the orderly and gradual expansion of community services (including education, fire protection, road maintenance, waste disposal, health services, etc.)
- 4.5 To give the Town the opportunity undertakes capital improvements planning and look at how it can finance the expansion of services its new residents will require.
- 4.6 To give the Town of Lebanon time to revise its land use ordinances and regulations to reflect the demands the Town now faces with such an accelerated growth rate.
- 4.7 To manage growth while the Town studies the cumulative impact of residential growth on its land based resources, such as groundwater upon which its residents depend for their water supply.
- 4.8 To manage growth while the Town residents consider what kind of future they wish the Town to have, what kind of economic development the Town needs, what kind of housing it needs, and how best to attain the future.

#### 5. Existing Structures

This ordinance shall not apply to the repair, replacement, reconstruction or alteration of any existing structures so long as no new dwelling units are created thereby and no seasonal units are winterized.

## **6. General Requirements**

6.1 All new dwelling units within the Town, permanent or seasonal, shall be created or placed only in accordance with the provisions of this ordinance. No new dwelling unit shall be created or placed which fails to meet the requirements of this ordinance, including manufactured homes. Winterization of seasonal dwellings shall also conform to this ordinance.

6.2 Lebanon's growth rate shall be controlled so that the annual increase in dwelling units does not exceed the average rate of expansion of the total year-round housing stock within the subregion. When one applies that rate of 4.6% to the current year-round housing stock of approximately 1,240 dwelling units, the maximum annual increase in dwelling units is 57.

6.3 Growth permits shall be displayed in a conspicuous place during construction.

## **7. Administration**

The Code Enforcement Officer (CEO) shall administer the Growth Permit selection process and shall be responsible for issuing growth permits to those applicants who have satisfied the requirements of this ordinance, other town ordinances, and the State Plumbing Code. The CEO shall ensure that the number of growth permits issued during any calendar year does not exceed the total number of permits available, no more than 42 of which shall be for custom dwellings, 12 for speculation dwellings, and 3 for winterization of seasonal dwellings.

## **8. Growth Permit Selection Process**

8.1 Applicants shall apply for growth permits on forms provided and attach a copy of their application for a subsurface waste water disposal permit (form HHE 200).

8.2 All growth permits shall be available on a first-come, first-served basis. They shall be available from the beginning of the calendar year, January 1<sup>st</sup> to December 31<sup>st</sup> with no more than 6 issued per month. Permits shall be issued the first working day of the month to those who applied in the preceding month (s). If fewer than 6 permits are applied for, the unclaimed permits shall be available for Issuance any month prior to December 31.

8.3 In the event that applications exceed the number of growth permits available that month, preference shall be given to those applications which have been Carried over from the previous month (s) so the applications, which have been on file the longest, will receive the available permits. Applicants do not need to reapply for a permit to remain on file.

8.4 No more than two (2) growth permits shall be issued during any single month To any one person, firm or corporation. Two corporations (or more) in which two or more directors are the same individuals (or their spouses) shall be treated as the same corporation, for the purposes of this ordinance. In addition, no more than two (2) permit applications can be submitted each month by any single person, firm, or corporation, in order to prevent one entity from applying at one time for all permits available for the year.

8.5 At the December meeting of the Planning Board if there are any permits left over in any category, the Board may transfer them to a different category if there is a demand for the permits in a different category. Unclaimed permits shall automatically expire at the end of the calendar year and will not be carried over to the next year.

8.6 Dwelling units which are specifically funded with the state and/or federal Government funds for the elderly, handicapped, or economically disadvantaged are excluded from the provisions of this ordinance.

8.7 A building permit will be issued upon approval of the growth permit, providing all other applicable ordinance requirements have been met by the applicant.

## 9. Expiry of Permits

9.1 Custom house and winterization growth permits shall expire at the end of Three months of the date of issuance, unless a foundation for the new unit has Been completed or winterization has begun. Permits issued during the months of October through March shall have until the end of June to complete foundations.

9.2 For speculation dwelling units, growth permits shall expire on the second anniversary of the date of issuance of the permits.

**10. Transferability**

A growth permit shall be valid only for construction or placement of a dwelling unit on the site specified on the permit application. Should the property be conveyed, the growth permit shall be transferred to the new owner, but the expiration date shall remain unchanged.

**11. Conflict with other Ordinances**

This ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any other Maine or Lebanon laws or ordinances. Where this ordinance imposed a greater restriction upon the use of land, buildings, or structures, the provisions of this ordinance shall prevail.

**12. Separability**

Should any section or provision of this ordinance be declared by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provisions of this ordinance either singly or collectively.

**13. Effective Date**

The effective date of this ordinance shall be January 1, 2005 the date that it is enacted by the Town Meeting.

**14. Amendments**

This ordinance shall be amended in accordance with procedures specified in state law at any Annual Town Meeting.

**15. Periodic Review**

The ordinance shall be reviewed by the Planning Board at least once every three (3) years to ensure that the growth rate remains consistent with Lebanon's responsibility to assume its fair share of housing growth within the subregion, and to meet the stated objectives of this ordinance.

**16. Sunset Provision**

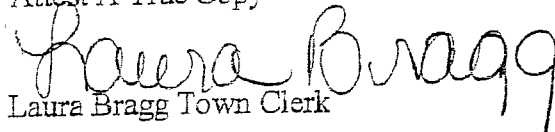
This ordinance shall automatically terminate on the tenth anniversary of its enactment unless specifically extended by vote at the Annual Town Meeting.

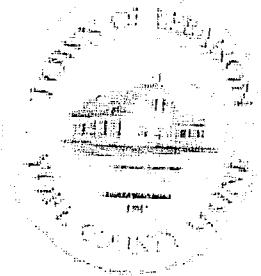
**17. Enforcement**

Any person, firm or corporation, including, but not limited to, a landowner, his agent or a contractor who violates any provision of this ordinance shall be liable for the penalties set forth in Title 30 M.R.S.A. Section 4966.

This Ordinance was passed at the June 8, 2004 Town Meeting Referendum  
Election: Yes: 650 No: 372

Attest A True Copy

  
Laura Bragg Town Clerk



# Town of Lebanon

BUILDING DEPARTMENT  
65 UPPER GUINEA ROAD  
P.O. BOX 430  
LEBANON, MAINE 04027  
457-1807

FOR OFFICE USE  
B.P.# \_\_\_\_\_  
D.I. \_\_\_\_\_  
MAP \_\_\_\_\_  
LOT \_\_\_\_\_  
SUB \_\_\_\_\_  
SQ. FT. \_\_\_\_\_  
FEE \_\_\_\_\_  
CK# \_\_\_\_\_

## APPLICATION FOR BUILDING PERMIT

Applicant's Name \_\_\_\_\_  
Address \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Phone # \_\_\_\_\_  
Address \_\_\_\_\_  
Location of Proposed Construction \_\_\_\_\_

BOCA USE GROUP \_\_\_\_\_  
BOCA CONSTRUCTION CLASS \_\_\_\_\_  
*PROPOSED CONSTRUCTION ACTIVITY*

- ADDITION OR ALTERATION     DEMOLITION  
 NEW STRUCTURE                 OTHER

Structure is to be \_\_\_\_\_ wide  
(MEASURED ALONG STREET FRONTAGE) BY  
\_\_\_\_\_ LONG (DEPTH) BY \_\_\_\_\_ FEET HIGH.

Proposed use of building: \_\_\_\_\_  
Contractor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Plumber's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Electrician's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Other: \_\_\_\_\_

**SETBACKS FOR PROPOSED CONSTRUCTION**  
Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_  
*NOTE MEASUREMENTS ARE TAKEN FROM  
PROPERTY LINES NOT STREET LINES.*

### OTHER APPROVALS REQUIRED

- DEP                                 ROAD COMMISSIONER  
 ZBA                                  STATE FIRE MARSHALL  
 PLANNING BOARD     SHORE-WETLANDS  
 TREE GROWTH         OTHER  
 YES/ NO SUBDIVISION \_\_\_\_\_  
DATE OF APPROVAL \_\_\_\_\_

## CONSTRUCTION DETAILS

### FOOTINGS

MAT. \_\_\_\_\_  
WIDTH: \_\_\_\_\_  
DEPTH: \_\_\_\_\_

### FOUNDATION WALLS

MAT.: \_\_\_\_\_  
WIDTH: \_\_\_\_\_  
HEIGHT: \_\_\_\_\_

### FLOOR

MAT.: \_\_\_\_\_  
THICKNESS: \_\_\_\_\_

REINFORCEMENT: \_\_\_\_\_

### CARRYING GIRDER

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_

### COLUMNS

MAT.: \_\_\_\_\_  
SPACING: \_\_\_\_\_

### CHIMNEY

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
# FLUES: \_\_\_\_\_

### FLOOR JOISTS

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
SPAN: \_\_\_\_\_  
BRIDGING: \_\_\_\_\_

### SUB FLOOR

MAT.: \_\_\_\_\_  
THICKNESS: \_\_\_\_\_

### FLOOR

MAT.: \_\_\_\_\_  
THICKNESS: \_\_\_\_\_

### EXTERIOR WALLS

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
SPACING: \_\_\_\_\_

SHEATHING: \_\_\_\_\_

SIDING: \_\_\_\_\_

### INTERIOR WALLS

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
SPACING: \_\_\_\_\_

SHEATHING: \_\_\_\_\_

### ROOF JOISTS

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
SPAN: \_\_\_\_\_

### ROOF RAFTERS

MAT.: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
SPAN: \_\_\_\_\_  
SHEATHING: \_\_\_\_\_  
PITCH: \_\_\_\_\_

ESTIMATED CONSTRUCTION COST: \$ \_\_\_\_\_

LIST ANY OTHER INFORMATION

Building permits do not include plumbing, electrical or septic permits. Any false information may invalidate a building permit and stop all work; signing authorizes inspections necessary to insure compliance with regulations. I certify that all information in this application is accurate.



# Building Permit Additional Information

*(please complete and submit with official application)*

To obtain a building permit please submit the following information about your lot and the proposed use of the lot on a scale drawing or by a site plan prepared by a surveyor, architect, or engineer (use graph paper or blue print):

- \_\_\_\_\_ A. Lot dimensions.
- \_\_\_\_\_ B. Exact location of existing and proposed buildings and distance of each from all lot lines (elevation, plot plan).
- \_\_\_\_\_ C. Location of sewage disposal system and water supply.
- \_\_\_\_\_ D. Copy of Property Owner's deed.

## Attachments:

- \_\_\_\_\_ A. Attach copy of approved driveway permit (by State or Road Commissioner).
- \_\_\_\_\_ B. Attach **three** copies of Sub Surface Waste Disposal (HHE-200).
- \_\_\_\_\_ C. Attach a copy of official decisions (or note pending applications) of other Federal, State, or local agencies regarding the use of this property (Site Location Permit, Subdivision Approval, Great Ponds Permit, etc.).
- \_\_\_\_\_ D. Attach copy of site and building plans with cross section/construction details.
- \_\_\_\_\_ E. On a separate sheet, attach any supplemental information, or explain any points you feel need clarification.

## ZONING CODE ORDINANCE

### Sec. 1. (Administration)

The Selectmen shall be the administrative officers of this Ordinance. They may appoint an agent to assist them in these labors. Dereliction of their duty does not allow any infringement upon this ordinance.

### Sec. 2. (Lot Size)

~~No single residence building, or trailer, seasonal or otherwise, may be erected or deposited upon any plot of land having less than the equivalent of 100 x 200 sq. ft. of area, and a minimum of 100 ft.~~

AMENDED. SEE PAGE 2, Sec. 1

*2 acres - 200' Frontage*

### Sec. 3. (Yardline Setback)

~~No building or trailer shall be erected, deposited, or renovated so as to make its outline within (6) feet of the existing border of any lot.~~

AMENDED. SEE PAGE 2, Sec. 2.\*\*\*

*50' ROAD - 25' SIDE LINE*

### Sec. 4. (Trailer Park Owners)

All trailer park owners shall be held responsible for any infractions of this ordinance by their tenants.

### Sec. 5. (Fees)

~~A fee of \$16.00 will be charged for any permit issued allowing the erection, depositing, renovation, or change of use of any building or mobile home covered by this ordinance.~~

AMENDED. SEE PAGE 3, Sec. 3.

### Sec. 6. (Exemptions)

(a) All trailers in trailer parks if they conform to existing State of Maine laws, the Lebanon, Maine Building Code, and are not within (20) feet of each other or within (6) feet of the lot border. This exemption does not exclude the necessity of a permit.

(b) All licensed camping areas where occupancy is temporary and restrictions conform to the State of Maine Laws and the Lebanon, Maine Building Code.

AMENDED. SEE PAGE 7 & 8, Sec. 1 & 2.

### Sec. 7. (Amendment)

This ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the Warrant calling for the meeting.

### Sec. 8. (Enforcement)

Upon any well-founded information from citizens or the Code Enforcement Officer, that this ordinance is being violated, the Selectmen shall on their own initiative take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Court or by any other legal action. Whoever violates any of the provisions of this ordinance shall be punished upon conviction by a fine not to exceed Ten Dollars (\$10.00) for each day the violation has continued, plus all costs.

REFER TO PAGE 5, Sec. 8

### Sec. 9. (Effective Date)

This ordinance shall take effect upon its passage.

*Historical Note: This ordinance was originally adopted by Town Meeting vote on March 14, 1970. Amendments adopted March 12, 1977 and March 11, 1978 have been incorporated into the text.*

*State Law Reference: As to zoning ordinances see 30 M.R.S.A., §4962.*

## LOT SIZE ORDINANCE

### Sec. 1. Lot Size *Amendment*

Any Lot or parcel of land located in the Town of Lebanon, Maine that will be used as a building lot shall be two (2) full acres or ~~87,120~~ <sup>87,120</sup> sq. ft. or more in size and have a road frontage of not less than two hundred (200) feet.

\*Multi-family dwellings

For each additional dwelling unit, the lot size dimensional requirements shall be increased by one-half acre:

e.g. Duplex house must meet or exceed a two and one-half acre lot size.

A four-family unit must meet or exceed a three and one-half acre lot size.

This additional acreage requirement would apply to multi-family conversions as well as new construction. The same setback requirements shall be adhered to as a single family dwelling.

\*\*For each additional dwelling unit in excess of two, the lot frontage dimensional requirements shall be increased by 50 feet, e.g. A three-family house must meet or exceed 250 feet of road frontage.

### Sec. 2. Distance of Structures from Boundaries - Setback Requirements .

Any buildings, mobile homes or trailers to be placed on a building lot shall be placed at least forty (40) feet away from the sideline of any highway or body water that is considered as the frontage of said lot and at least twenty (20) feet away from any other boundary line.

\*\*\*Increase in Setback Requirements

Any buildings, including manufactured housing, to be placed on a building lot shall be placed at least fifty (50) feet away from any road right of way and at least twenty-five (25) feet from any other boundary line.

### Sec. 3. Structures

Any structures, mobile homes or trailers to be placed on a building lot must be approved by the Building Inspector and a Permit obtained from said Building Inspector.

### Sec. 4. Water Supply, Plumbing, Sewerage.

Any building lot must have a water supply, sewerage disposal system and plumbing that will comply with State & Local requirements if buildings are to be used as residences whether permanent or seasonal. Permits for said plumbing and sewerage must be obtained from the Plumbing Inspector and water supply to be tested and approved by the State Dept. of Health & Welfare.

*State Law Reference: As to State minimum lot size, see 12 M.R.S.A. §4807. As to power of municipality to regulate mobile homes, see 30 M.R.S.A. §2151(4). As to municipal power to enact plumbing standards see 30 M.R.S.A. §3221. See also Maine State Plumbing Code.*

*Historical Note: This ordinance was originally adopted by Town Meeting vote on August 27, 1973. Amendments adopted April 5, 1976 and March 12, 1977 have been incorporated into the text.*

\* *Amendment adopted by Town Meeting vote on March 9, 1985.*

\*\* *Amendment adopted by Town Meeting vote on March 8, 1986.*

\*\*\* *Amendment adopted by Town Meeting vote on March 9, 1985.*

**\*\*\*\* Amendment To Lot Size Ordinance  
Section 1: Lot Size**

**ADD MINIMUM ANGLE FROM FRONTLINE TO  
SIDELINE**

All lots shall have a minimum straight-line distance of  
120 feet between the sides

Lot lines at the house location or at a lot center point  
located 50 feet from the  
Front lot line.

**\*\*\*\* Amendment was adopted by the Town Meeting vote on  
03/14/1987.**

**\*\*\*\* Amendment to Lot Size Ordinance**

**Section 4**

- 1. Title: An Ordinance to protect Property Owners by  
regulating the location of wells in the Town of  
Lebanon.**
- 2. Purpose: The purpose of the ordinance is to protect  
any property owners from being unable to locate a  
septic tank on his property because of the location of  
the abutter's well.**
- 3. Enabling Legislation: This ordinance is enacted  
pursuant to Title 30, sections 1917 and 2151.**
- 4. General Provisions: All new wells shall be located at  
least 50 linear feet from all property lines.**
- 5. Administration: This ordinance shall be administered  
by the Code Enforcement Officer in accordance with  
Title 30, Section 4966. No building permit for a new  
dwelling unit shall be issued until the applicant submits  
a plot plan showing the location of the well.**

# BUILDING CODE ORDINANCE

## Sec. 1. (Administration)

The Selectmen, assisted by the Code Enforcement Officer shall be the administrative officers of this ordinance. The CEO shall receive applications for permits allowing the erection, alterations, or change of use of buildings, as provided in this ordinance; shall keep complete records of all applications and the action taken on the applications, promptly survey and inspect all buildings, alterations or use proposed, and may issue permits for erection, alterations or change of use of all buildings, if in their opinion the proposal complies with the law of the State, this ordinance and bylaws.

## Sec. 2. (Permit Required)

No building construction shall be started, no alterations of existing buildings that will increase floor or height measurements, and no building shall be put to any different use than on the day of enactment of this ordinance, until a permit thereof has been issued under the terms of this ordinance. Any building that is moved from one location to another shall comply or be altered to comply with this ordinance within one (1) year after relocation.

## Sec. 3. (Permit Application Procedure; (Fees)

No application for a permit required by this ordinance shall receive action by the Code Enforcement Officer unless made in writing. All applications for a permit to build, construct, or alter any building, shall be accompanied by a sketch or plan of the proposed building or alteration.

A building permit shall become void upon completion of work for which the permit was issued or two (2) years from date of issue.

Work incomplete upon the expiration of the permit shall be considered a violation of the Building Code, and shall be subject to the provisions of Section 8, Enforcement (unless covered by a renewal permit). Extension of each permit or each renewal permit shall not be valid for a period of more than one (1) year.

A building permit shall become void unless operations are commenced within six (6) months from the date of approval. An extension permit may be granted.

No permit shall be transferable from any applicant to any other person or corporation.

Effective March 20, 1989 — The new rates for construction permits are as follows:

20¢ per square foot of Dwelling or commercial floor space. 10¢ per Square foot of Utility floor space.

All other construction requiring permits, including chimneys, at a rate of \$2.00 per Thousand of Estimated cost with a minimum fee of \$20.00.

## Sec. 4. (Consideration of Application)

Upon receiving such application the Code Enforcement Officer (CEO) shall promptly take such action as may be indicated in the way of investigation or public hearings, to acquaint himself with the merits of the application. If the CEO finds the proposed building, alteration, or use of building, to conform with the law and this ordinance, the CEO may at once issue the permit in writing.

If the CEO finds the proposal in any conflict with the law or this ordinance he shall fix whatever restrictions or conditions on the proposed construction or use, as may be in the best judgment, right and proper, or for reasonable cause refuse the permit.

If no action is taken by the CEO within thirty (30) days from the date of the applications the permit shall be considered refused.

Any oversight or neglect of duty on the part of the CEO, Code Enforcement Officer, shall not legalize the construction, alteration, or change of use of any building which is regulated by this ordinance.

## Sec. 5. [Building Standards]

No building or structure shall be erected, altered, rebuilt, or relocated unless in compliance with the following:

a. Garages. No public garage having any service or repair enterprise, shall be erected or enlarged unless the new construction be of noncombustible material.

6. Appeals: Any person aggrieved by a decision of the Code Enforcement Officer may appeal that decision to the Board of Appeals. The Board of Appeals shall process the Appeal as a dimensional variance. A variance may be granted only where strict application of this ordinance would cause undue hardship as defined in Title 30, Section 4963 sub-section 3.
7. Violations: Any person who violates this ordinance shall be subject to the penalties set forth in Title 30, Section 1966.
8. Effective Date: The date of enactment shall be the effective date.

\*\*\*\* Amendment was adopted by Town Meeting vote on  
03/14/1987

b. Trailer Additions. All additions must comply with this building ordinance. Any mobile home or trailer cannot be used as an addition to a dwelling house or mobile home that is used as a dwelling.

c. Roofs. No roof of any building shall be covered or recovered in whole or in part save with noncombustible or fire resistant roofing materials.

d. Chimney Construction. No chimney shall be built, erected, or altered below the roof unless containing a tile lining and with an iron clean-out door at or near its base, and shall extend at least two (2) feet above the roof. No chimney shall be built, erected, or altered below the roof having wood or other combustible materials within two (2) inches of the chimney. All chimneys must be constructed of masonry from the ground up on a solid masonry base.

e. Foundation. All structures shall be set on solid foundations of cement, brick, stone, or other acceptable masonry, except that in special cases where the buildings are to be used for accessory or seasonal use, the CEO may waive the requirements of this section and permit the use of wood, metal or masonry piers, provided that the crawl spaces on seasonal dwellings are enclosed by latticework.

f. Minimum Building Area. Every dwelling unit to be used by a single family shall have a minimum ground floor area equivalent to twenty by twenty-five feet (20' x 25') in dimensions.

g. Outside Walls. Outside walls shall be constructed of material commonly used for outside construction, and materials customarily painted shall be painted. Tarred or roofing paper shall be permitted only as a temporary covering. Permanent siding shall be applied before expiration of the permit.

h. Sewerage. All newly constructed dwellings, commercial, public or industrial buildings, and all mobile homes and trailers used as dwellings, shall be connected to or provided with a septic tank type sewerage disposal system.

i. Change of Use. The use of any building may be changed provided it complies with all the regulations of this ordinance, and does not detract from local property, or cause a nuisance or menace.

j. Exceptions. The construction of small accessory buildings not used for dwelling purposes, together with minor alterations, repairs and general upkeep of existing buildings, shall be exempt from the provisions of this ordinance, provided in the opinion of the Selectmen, this construction, minor alterations, repairs, and upkeep, does not cause an unsightly appearance or nuisance.

k. Bearing or Exterior walls shall be at least two (2) by four (4) inch studs sixteen (16) inches on center. Outside corner post shall be the equivalent of not less than three (3) pieces of two (2) by four (4) inch studs, braced by not less than one (1) piece of one (1) by four (4) inch continuous diagonal brace from shoe to plate let into studs. Bracing may be omitted when plywood sheets four (4) by eight (8) feet panels are used.

Non Bearing partitions. Studs in nonbearing partitions shall not be spaced more than twenty-four (24) inches on center. This applies to interior walls only.

Framing Over Openings - All openings in exterior and interior walls, windows, doors and fireplaces shall have headers made up of:

30 inch opening or less.	At least two (2), two (2) by four (4) inches nailed together.
30 to 48 inch.	At least two (2), two (2) by six (6) inch nailed together.
48 inches to eight feet.	At least two (2), two (2) by eight (8) inch nailed together.
8 feet to 12 feet.	At least two (2), two (2) by ten (10) inch nailed together.
12 feet to 16 feet.	At least two (2), two (2) by twelve (12) inch nailed together.

Floor Joist shall be spaced not more than sixteen (16) inches on center and shall be at least two (2) by eight (8) inch stock.

Roof Rafters shall be spaced not more than sixteen (16) inches on center and shall be at least two (2) by six (6) inch stock.

Exception: Roof trusses prefabricated may be two (2) by four (4) inch properly nailed with gussets sixteen (16) on Center.

Mobile homes and trailers shall be exempt from the foundations provisions of this ordinance. Mobile homes and

\*\*AMENDMENT TO BUILDING CODE ORDINANCE  
ARTICLE 5, SECTION F  
MINIMUM BUILDING AREA

Every Dwelling unit to be used by a single family shall have a minimum living area of 720 square feet. (The temporary accommodation of an additional family member- e.g. mother-in-law in a studio apartment, so-called), shall not be considered a separate dwelling unit.

\*\* Amendment adopted by Town Meeting vote on March 14, 1987.



~~\*\*\*AMENDMENT TO BUILDING CODE ORDINANCE~~

ARTICLE 5, SECTION F

MINIMUM BUILDING AREA

Every Dwelling unit to be used by a single family shall have a minimum living area of 720 square feet. (The temporary accommodation of an additional family member - e.g. mother-in-law in a studio apartment, so-called), shall not be considered a separate dwelling unit.

\*\* Amendment adopted by Town Meeting vote on March 14, 1987.

trailers may be exempted from the minimum ground floor area regulation, if in the opinion of the CEO, the area is adequate for the number of residents involved.

The area of enclosed porches on lake-shore seasonal dwellings shall be considered as part of the ground floor area.

#### \*Building Height

No building shall exceed two and one-half stories or thirty-five (35) feet in height. Features of building and structures, such as, chimneys, towers, ventilators, and spires may exceed 35' in height, but shall set back from the nearest lot line a distance not less than the height of such feature or structure.

#### Sec. 6. Appeals

In accordance with the Revised Statutes of the State of Maine 1957, Chap. 90A, Section 3, Subsection C5(a) appeal shall lie from the Decision of the Board of Appeals to the Court.

#### Sec. 7. Amendment

This ordinance may be amended by a majority vote of any legal town meeting when such amendment is published in the warrant calling for the meeting.

#### Sec. 8. Enforcement

Upon any well-founded information that this ordinance is being violated, the Selectmen shall on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Court or by any other legal action. Whoever violates any of the provisions of the above regulations shall be punished upon conviction by a fine not exceeding one hundred (\$100.00) dollars for each day the violation has continued plus all costs.

#### Sec. 9. Take Effect

This Ordinance shall take effect upon its passage.

#### Sec. 10. Confliction Provisions

When the regulations made under the authority hereof differ from those described by any statute, ordinance or other regulations that provision which imposes the greater restriction or the higher standard shall govern.

#### Sec. 11. Validity

If any section, clause, provision, or phrase of this ordinance shall be held to be invalidated or unconstitutional by any court, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of this ordinance.

*Historical Note: This ordinance was originally adopted by Town Meeting vote on March 11, 1967. Amendments adopted March 14, 1970 and August 27, 1973 have been incorporated into the text.*

*\* Amendment adopted March 9, 1985 by Town Meeting vote.*

*State Law Reference: As to power of municipality to regulate buildings by ordinance see 30 M.R.S.A. §2151(4).*

# MOBILE HOME & TRAILER ORDINANCE

## Sec. 1. Definition

The term mobile home "Structure constructed and equipped as a permanent or temporary dwelling place, living abode or sleeping place which is equipped for use as a conveyance on highways notwithstanding that the wheels and other equipment for travel and transfer may be permanently or temporarily removed and the structure placed on a foundation."

\*All manufactured housing (outside Mobile Home Parks) must be placed on a permanent foundation, either:

- 1) Full foundation
- 2) Frost walls
- 3) Slab with Full Skirting
- 4) Gravel Pad with Full Skirting.

*NEW STATE REG. "  
6" Concrete, 12" gravel*

## Sec. 2. Permit

(a) No person, firm or corporation shall move, bring or cause to be brought into the Town of Lebanon a mobile home without first securing a permit to do so from the Code Enforcement Officer of the Town of Lebanon.

(b) Said person, firm or corporation shall make application to the Code Enforcement Officer for either temporary or permanent permit.

(c) Said application shall state the name of the owner of the mobile home, its make, serial number, length, width, color and any other pertinent identification information.

(d) Said application shall further state the location in the Town where the mobile home will be placed and if the owner of the land is other than the owner of the mobile home, the owner of the land shall in writing give his permission.

(e) Lift State Law for paying taxes before moving a Mobile Home. REFER to Sec. 5 Removal.

## Sec. 3. Temporary Permit

Subject to the provisions of Section 2 hereof, the Code Enforcement Officer may grant a temporary permit for a period of not more than 90 days provided that the application for said permit clearly indicates that the use of said mobile home is for temporary purposes; not to exceed ninety days. Said permit shall automatically expire on the date set forth on the temporary permit but nothing contained herein shall prevent the owner from receiving a permanent permit upon meeting the requirements for a permanent permit.

## Sec. 4. Permanent Permit

Subject to the provisions of Section 2 hereof, the Code Enforcement Officer may grant a permanent permit, provided, however, that the applicant shall first have a fireproof metal skirting around the entire perimeter of said mobile home and shall extend from bottom of mobile home to the ground, and subject to the following:

(a) Each lot or parcel of land upon which a mobile home is to be permanently placed must contain two (2) acres.

(b) Said mobile home shall enclose an area not less than four hundred (400) square feet on the ground floor.

(c) Said mobile home shall be placed at least fifty (50) feet distance from front boundary line of lot and shall be placed at least twenty-five (25) feet from each of the property lines.

(d) All electrical, plumbing and sewer installations must comply with the applicable state and local laws and codes.

Installation of skirting shall be done within ninety (90) days of placement on Mobile Home on lot and shall be effective on all Mobile Homes that have been placed in the Town of Lebanon since August 27, 1973, as well as those in the future. An extension of time may be granted by the Building Inspector if weather conditions are unfavorable.

## Sec. 5. Removal

No mobile home shall be moved or removed from the location designated in the temporary or permanent permit, to another location within the Town without first securing a new permit from the Building Inspector. All of the pertinent provisions of this ordinance relating to the application for and granting of a new permit. No mobile home shall be moved unless

mover has a written certificate from the tax collector from which the mobile home is being moved, identifying the mobile home and stating that all taxes are paid.

#### Sec. 6. Replacement

Any owner of a mobile home who has a lawful permit by the Building Inspector and who desires to replace said mobile home with another mobile home shall file an application for this purpose with the Building Inspector. All of the pertinent provisions of this ordinance relating to the application for and granting of a permit shall apply to the application for and granting of the replacement permit.

#### Sec. 7. Enforcement

(a) It shall be the duty of the Building Inspector to enforce all laws relating to the Mobile Home-Trailer Ordinance.

(b) The oversight or neglect of duty on the part of the Building Inspector shall not legalize any violation of this ordinance.

#### Sec. 8. Board of Appeals

(a) There is hereby created the Board of Appeals. Said Board shall consist of three members and one alternate member to be appointed by the Selectmen, terms of regular members to be one, two and three years, and the alternate member to be appointed for a three year term.

(b) The Board of Appeals after public hearing may -

1. By majority vote of the Board confirm, reverse, or modify the decision of the Building Inspector.

2. Permit exceptions and variations in specific cases so as to grant reasonable use of property where necessary to avoid unnecessary hardship, and without substantially departing from the intent of this ordinance. Granting of such exemptions and variation require a majority vote of the Board.

(c) Appeal. Any person, firm or corporation aggrieved by the decision of the Inspector, may appeal such decision to the Board of Appeals. The Board shall within ten days after receipt of appeal set a date and post notice of time and place for a public hearing, and shall in writing give notice of said public hearing and its date, time and place at least seven (7) days prior thereto, to the appellant and the owners of all property within five hundred (500) feet of the proposed location set forth in the application. Notice shall be deemed sufficient if sent to the owners at the addresses appearing in the tax assessment records of the Town.

#### Sec. 9. Exclusions

The provisions of this ordinance shall not apply to mobile homes or trailers which -

(a) were located in the Town of Lebanon prior to effective date of the ordinance. However, upon replacement or transfer to another location all of the provisions of this ordinance shall become applicable.

(b) are used as travel or sport trailers, and are not occupied as dwellings, and are located in the Town of Lebanon, for storage purposes only.

(c) are to be located in a Mobile Home Park.

#### Sec. 10. (State of Maine Seal; HUD Requirements) **1976 HUD SEAL**

To only accept Mobile Homes with the State of Maine Seal or that they have the Housing and Urban Development Requirements, for placement on any lot in Lebanon.

#### Sec. 11. Roofs over Mobile Home

Any roof to be built over an existing Mobile Home must be supported by "to ground" external supports. (Not subject to exclusions under Sec. 9)

*Historical Note: This ordinance was originally adopted by Town Meeting vote on August 27, 1973. Amendments adopted on March 12, 1977 and March 11, 1978 have been incorporated into the text.*

*\* Amendment adopted on March 9, 1986 by Town Meeting vote.*

*State Law Reference: As to power of municipality to regulate buildings and trailers see 30 M.R.S.A. §2151(4). As to State Seal of Approval of Industrialized Housing see 30 M.R.S.A. §4771 et seq.*

*State Bureau of Taxation Bulletin: Taxation of Mobile Homes #6.  
State Bureau of Taxation Bulletin: Movement of Mobile Homes #9.*

## MOBILE HOME PARK ORDINANCE

The following Ordinances were approved and adopted to become effective April 5, 1976.

### Sec. 1. [Requirements]

"Mobile Home Parks shall meet all requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances, except for the following:

The minimum area of land within a park shall be ten (10) acres.

Lots in a Mobile Home Park shall have a Minimum Lot Size of 20,000 square feet and have a Minimum Frontage of 100 feet.

No Mobile Home shall be placed within 35 feet of any other Mobile Home."

This does not apply to existing Parks on record prior to April 5, 1976.

### Sec. 2 [Open Spaces]

Amendment to Mobile Home Park Ordinance, that another 20,000 square feet per Mobile Home be set aside somewhere within the Park for open space.

This does not apply to existing Trailer Parks prior to April 5, 1976.

*Historical Note: This ordinance was originally adopted by Town Meeting vote on April 5, 1976.*

*State Law Reference: As to power of municipality to regulate by ordinance see 30 M.R.S.A. §2151. As to mobile home parks see 30 M.R.S.A. §4061-A et seq. See also State of Maine Rules of the Department of Human Services Relating to Mobile Home Parks issued pursuant to 22 M.R.S.A. §2491 et seq.*

[PLANNING BOARD AND BOARD OF APPEALS ORDINANCE]

To see it the Town will vote to accept the provisions of the Revised Statutes of 1954, as amended Chapter 90A, Section 61, and authorize and direct the Board of Selectmen to appoint the members of the Planning Board and the Board of Appeals in accordance with the provisions of said section.

Application Fee: \$100.00 fee to cover expenses incurred with posting hearing & postage, etc.

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 14, 1959.*

*State Law Reference: As to savings provision for boards created under prior law see 30 M.R.S.A. §§2411, 4962, 4964.*

[SUB-DIVISION ORDINANCE]

"To limit any Subdivision Development to a maximum of ten (10) units, with no subdivider receiving more than one approval in any five (5) year period."

Sub-division Fees:

*Historical Note: This ordinance was originally adopted by Town Meeting vote April 5, 1976.*

*State Law Reference: As to state guidelines for municipal review of subdivisions see 30 M.R.S.A. §4956.*

## [ADVERTISING ORDINANCE]

### Sec. 1 [On-Premise Signs]

Limit all free-standing on-premise advertising signs to one sign panel, not to exceed 40 square feet; both faces of panel may be utilized. Existing signs now in use will not be affected by above requirements.

### Sec. 2 [Off-Premise Signs]

Limit all off-premise advertising signs to a maximum of 20 square feet with no more than two such signs for businesses situated in Lebanon, except directional signs; see 2A. All advertising signs for out of town businesses to be banned, with existing signs to be removed at termination of present State License.

Existing signs now in use will not be affected.

### Sec. 3 [Real Estate Signs]

Limit signs advertising the sale of Real Estate to one sign per site per agency, not to exceed 4 square feet.

### Sec. 4 [Lighting]

Only direct lighting to be permitted on any sign with no neon, flashing or moving lights to be allowed.

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 10, 1973.*

*State Law Reference: As to state regulation of signs see 23 M.R.S.A. §1901 et seq. As to authority for local regulation see 23 M.R.S.A. §1922.*



## [ STREETS AND ROADS ORDINANCE ]

Effective this date, all new roads, streets, lanes, and drives, etc., constructed in the Town of Lebanon, will have to meet State TRI standards, plus Tar and/or asphalt paving. These standards will apply to the master plan submitted to the Planning Board and final approval shall be made on a site inspection by the Selectmen prior to insertion in the Town Warrant for acceptance by the Townspeople.

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 12, 1977.*

*State Law Reference: As to power of municipality to regulate streets and roads see 30 M.R.S.A. §2151(2).*

## [ UTILITY LINE ORDINANCE ]

Limit all utility lines to one side of the road.

*Historical note: This ordinance was aoriginally adopted by Town Meeting vote March 8, 1975.*

*State Law Reference: As to power of municipality to regulate see 30 M.R.S.A. §2151(2)B.*

AMENDMENT TO THE TRI REQUIREMENTS & PROCEDURE FOR ACCEPTANCE OF ROADS.

WIDTH

Overall width to be changed from 60' to overall width of 50'.

This Amendment was adopted by Town Meeting Referendum Vote on  
March 10, 1990. 546 Yes 292 No

## TRI REQUIREMENTS & PROCEDURE FOR ACCEPTANCE OF ROADS

### SUPERVISION

Road Commissioner and Selectmen

### PRELIMINARY RECOMMENDATIONS

All recommendations by Municipal Officers shall show types of work including width and thickness of gravel, and etc.

### CUTTING BUSHES

Bushes shall be cut to the right of way lanes or the limits of the construction - whichever is greater.

### DRAINAGE

Adequate ditches and culverts shall be provided according to slope. Depth of gravel must be 12-18" for road base.

### WIDTH

Minimum width of travel surface ~~24'~~ 20'

Overall width ~~60'~~ 50' 3/10/1990

### SURFACE

In order to be accepted by the Town all roads will have to meet TRI standards PLUS Tar and/or asphalt paving. On site Inspection by the Selectmen shall be made prior to insertion in the Town Warrant for acceptance by the Town.

\* Two entrances on all approved sub-divisions on U.S. Route 202 between East Rochester and Sanford, Maine.

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 12, 1977.*

*\* This ordinance was adopted by Town Meeting vote on March 12, 1983.*

*State Law Reference: As to power of municipality to regulate streets and roads see 30 M.R.S.A. §2151(2).*

## GARBAGE AND RUBBISH ORDINANCE

### Sec. 1. (Depositing Prohibited)

No person, firm, corporation or other legal entity shall deposit, or cause or permit to be deposited, any waste matter in any structure or on any land within the Town of Lebanon, which waste matter originates, or is collected, or is in any way gathered or assembled from sources outside the Town of Lebanon.

### Sec. 2. (Uses as Raw Material)

Nothing in this section shall be construed to prohibit (a) the transportation of waste matter into the Town of Lebanon for use as a raw material for the production of new commodities which do not constitute waste matter as defined in this Ordinance.

### Sec. 3. (Waste Matter Defined)

As used in this Ordinance, waste matter shall mean all garbage, refuse, solid or liquid wastes, ashes, rubbish, industrial, or commercial wastes and all other refuse of every type, nature and description, whether loose, in containers, compacted, baled, bundled or otherwise.

### Sec. 4. \*(Temporary Storage of Rubbish)

No waste material which might cause litter, constitute a fire hazard, or be attractive to rodents or insects shall be allowed to be stored outdoors unless enclosed in containers adequate to eliminate such hazards.

### Sec. 5. (Penalty)

Whoever shall violate any provision of this Ordinance shall be punished by a fine of not more than \$100.00 for each violation. Each day that such violation continues or exists shall constitute a separate offense. In addition, the Municipal Officers or the Health Officer of the Town of Lebanon may file a complaint with any Justice of the Superior Court seeking to restrain and enjoin the violations of the provisions of the Ordinance.

This section shall not apply to waste matter, originating on property adjacent to the Maine border, and deposited in Maine on property owned on January 1, 1970 by the same person, firm or corporation owning such adjacent property; to expire Dec. 31, 1971.

*Historical Note: This Ordinance was originally adopted March 14, 1970.*

*\* This Amendment was adopted by a Town Meeting vote March 9, 1985.*

*State Law Reference: As to the dumping of out-of-state waste matter see 17 M.R.S.A. §2253. As to littering and dumping see 17 M.R.S.A. §2261 et seq. As to municipal power to adopt ordinances in this area see 17 M.R.S.A. §2271. As to public dumps see 30 M.R.S.A. §4101 et seq.*


(INCINERATOR ORDINANCE)

To see if the Town will vote to accept an Ordinance Prohibiting the use of outdoor incinerators, unless incinerator is type approved by Underwriters.

Shall the Town of Lebanon vote to Approve Low Temperature outside incinerators for burning Wood products only, that meet NFPA and/or State codes and would have to be inspected for use by the Fire Department. All outside fires, incinerators, and camp fire to require permits. Incinerators and camp fire can be permitted to be used for extended periods of time not to exceed one year being re-inspected by the Fire Department. Regular fire permits for open burning would be issued on a day to day basis.

This passed at the June 13, 2006  
Yes- 591 No- 181

A True Copy Attest

  
Laura Bragg  
Town Clerk

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 10, 1973.*

*State Law Reference: As to open burning see 38 M.R.S.A. §599. As to laws relating to fire prevention and protection see 25 M.R.S.A. §§2351 to 2543.*

(TOXIC WASTE ORDINANCE)

To prohibit aerial spraying of toxic materials (pesticides) within the Town of Lebanon.

*Historical Note: This ordinance was originally adopted by Town Meeting vote March 10, 1980.*

To prevent any commercial spraying for non-agricultural reasons of herbicides in our Town unless approved by Town Meeting vote.

*Historical Note: This ordinance was originally adopted by Ballot Vote on March 12, 1983.*

## (HAZARDOUS WASTE ORDINANCE)

To see if the Town will vote to prohibit the disposal of hazardous waste, other than household waste, within the geographic limits of the Town. "Hazardous waste" is defined as: any product which is radioactive, ignitable, corrosive, reactive and/or toxic. It shall include: (1) all wastes determined to be hazardous by the Resource Conservation and Recovery Act, Section 3001 and regulations promulgated pursuant to said section including 40 CFR 26a; (2) wastes determined to be hazardous by the State Board of Environmental Protection pursuant to 38 M.R.S.A. Sec. 1303 and 1303-A; (3) wastes defined as radioactive waste materials by 38 M.R.S.A. Sec. 361-D (1) (B). "Household waste" means waste such as garbage and trash derived from dwelling units, motels, and hotels.

*Historical Note: This ordinance was adopted by a Town Meeting vote March 9, 1986.*

RESOLUTION FOR APPLYING FOR FLOOD INSURANCE

WHEREAS, certain areas of (TOWN/CITY LEBANON) are subject to periodic flooding (and/or mudslides) from (STREAMS, RIVERS, LAKES, OCEANS, ETC.), causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the (TOWN/CITY of LEBANON) to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and


WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future losses pursuant to M.R.S.A. Title 30A, Sections 3001-3007, 4352 and 4401-4407;

NOW THEREFORE, BE IT RESOLVED, that this (TOWN/CITY of LEBANON) Hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and
2. Vests (OFFICIAL, OFFICE OR AGENCY) with the responsibility and authority to:
  - (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.
  - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide) area.
  - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.
  - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide) area management measures.
3. Appoints (OFFICIAL, OFFICE OR AGENCY) to maintain for public inspection and to furnish upon a request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date passed: JUNE 12, 2001

ATTEST TRUE  
COPY

  
Town Clerk  
(Town Seal)



FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF LEBANON, MAINE

---

ENACTED:

6/11/2001  
Date

CERTIFIED BY:

Laura Brody  
Name

Town Clerk  
Title

Affix Seal

# FLOODPLAIN MANAGEMENT ORDINANCE

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## ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Lebanon, Maine, York County," dated 7/3/62 with accompanying "Flood Insurance Rate Map" dated 7/3/62 and "Flood Boundary and Floodway Map" dated 7/3/62 which are hereby adopted by reference and declared to be a part of this Ordinance.

## ARTICLE II - PERMIT REQUIRED

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

## ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
  - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
    - a. in Zone AE, from data contained in the "Flood Insurance Study - Town of Lebanon, Maine," as described in Article I; or,
    - b. in Zone A:
      - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
  - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
  - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
  - J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
  - K. The following certifications as required in Article VI by a registered professional engineer or architect:
    1. a Floodproofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
    2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
    3. a certified statement that bridges will meet the standards of Article VI.M.;
    4. a certified statement that containment walls will meet the standards of Article VI.N.;
  - L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
  - M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$ 25.00 <sup>LB</sup> shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application. ~~12-28-04~~ <sup>LB</sup>

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

## ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  1. the base flood data contained in the "Flood Insurance Study - Town of Lebanon, Maine," as described in Article I;
  2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
  3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
  1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of

the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

## ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
  1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. use construction materials that are resistant to flood damage;
  3. use construction methods and practices that will minimize flood damage; and,
  4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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



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

1. Zone AE shall:

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

2. Zone A shall:

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

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

1. Zone AE shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to

the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

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

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

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

K. **Floodways** -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
  - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

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

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. be engineered and certified by a registered professional engineer or architect; or,

b. meet or exceed the following minimum criteria:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

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

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

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

1. Zones AE and A shall:
  - a. have the containment wall elevated to at least one foot above the base flood elevation;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE, and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

## ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is

issued by the Code Enforcement Officer subject to the following provisions:

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

#### **ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

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

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

## ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
  - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
    - c. that the granting of a variance will not alter the essential character of the locality; and,
    - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
  - 1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
2. such construction below the base flood level increases risks to life and property; and,
3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.

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

#### **ARTICLE X - ENFORCEMENT AND PENALTIES**

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

#### **ARTICLE XI - VALIDITY AND SEVERABILITY**

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

#### **ARTICLE XII - CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance



imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

### ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

**Building** - see Structure.

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

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

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

**Elevated Building** - means a non-basement building

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

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

**Elevation Certificate** - An official form (FEMA Form 81-31, 08/99, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

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

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

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

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

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

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

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

**Floodway** - see **Regulatory Floodway**.

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

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

**Historic Structure** - means any structure that is:

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

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

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

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

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

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

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

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

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

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

**Recreational Vehicle** - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and

- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway -**

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

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

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

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

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

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

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

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

#### **ARTICLE XIV - ABROGATION**

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

60.3 (d)



**FEMA**

FEDERAL EMERGENCY MANAGEMENT AGENCY

NATIONAL FLOOD INSURANCE PROGRAM

ELEVATION CERTIFICATE

AND

INSTRUCTIONS

# NATIONAL FLOOD INSURANCE PROGRAM ELEVATION CERTIFICATE

## PAPERWORK BURDEN DISCLOSURE NOTICE

FEMA Form 81-31

The public reporting burden for this form is estimated to be 3.0 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0077). NOTE: Please do not send your completed form to the above address.

## PURPOSE OF THE ELEVATION CERTIFICATE

The Elevation Certificate is an important administrative tool of the National Flood Insurance Program (NFIP). It is to be used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR-F).

The Elevation Certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the Flood Insurance Rate Map (FIRM), for flood insurance Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. The Elevation Certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules.

As part of the agreement for making flood insurance available in a community, the NFIP requires the community to adopt a floodplain management ordinance that specifies minimum requirements for reducing flood losses. One such requirement is for the community to obtain the elevation of the lowest floor (including basement) of all new and substantially improved buildings and maintain a record of such information. The Elevation Certificate provides a way for a community to comply with this requirement.

Use of this certificate does not provide a waiver of the flood insurance purchase requirement. Only a LOMA or LOMR-F from the Federal Emergency Management Agency (FEMA) can amend the FIRM and remove the Federal mandate for a lending institution to require the purchase of flood insurance. However, the lending institution has the option of requiring flood insurance even if a LOMA/LOMR-F has been issued by FEMA. The Elevation Certificate may be used to support a LOMA or LOMR-F request. Lowest floor and lowest adjacent grade elevations certified by a surveyor or engineer will be required if the certificate is used to support a LOMA or LOMR-F request.

This certificate is used only to certify building elevations. A separate certificate is required for floodproofing. Under the NFIP, non-residential buildings can be floodproofed up to or above the Base Flood Elevation (BFE). A floodproofed building is a building that has been designed and constructed to be watertight (substantially impermeable to floodwaters) below the BFE. Floodproofing of residential buildings is not permitted under the NFIP unless FEMA has granted the community an exception for residential floodproofed basements. The community must adopt standards for design and construction of floodproofed basements before FEMA will grant a basement exception. For both floodproofed non-residential buildings and residential floodproofed basements in communities that have been granted an exception by FEMA, a floodproofing certificate is required.



Maine Floodplain Management

# Decision Tree for Flood Hazard Development Permits

Please check appropriate boxes.

Is the development in the floodplain  
as shown on the Community's flood  
map?       yes       no

If yes, go to page 2.

If no, no flood hazard permit  
required.

(A completed copy of this form should accompany each  
Flood Hazard Development Permit Application file)

# Shoreland Zoning Ordinance for the Town of Lebanon

## Section 1. Purposes

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

## Section 2. Authority

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

## Section 3. Applicability

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

## Section 4. Effective Date

This Ordinance, which was adopted by the municipal legislative body on November 5, 1991, shall not be effective unless approved by the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on this Ordinance within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved.

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

## Section 5. Availability

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

## Section 6. Severability

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

## Section 7. Conflicts with Other Ordinances

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

## Section 8. Amendments

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

## Section 9. Districts and Zoning Map

### A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map, dated November 5, 1996 which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Stream Protection

### B. Certification of Official Shoreland Zoning Map

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

C. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location. Due to the scale of the Official Shoreland Zoning Map the boundaries of the shoreland area can not be precisely shown. Regardless of the location of the district boundary as shown on the Official Shoreland Zoning Map the boundary shall be the stated distance from the normal high water line of the waterbody or the upland edge of the wetland. The areas intended to be included by each of the districts is described in Section 13 below. In the case of conflict between the map and the written description in Section 13, the written description shall have precedence.

Section 11. Land Use Requirements

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

Section 12. Non-conformance

A. Purpose

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

B. General

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
  - b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
  - c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board; and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the *State of Maine Subsurface Wastewater Disposal Rules* (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

3. **Reconstruction or Replacement:** Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

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

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

4. **Change of Use of a Non-conforming Structure**

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

#### D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

#### E. Non-conforming Lots

1. **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and *Subsurface Wastewater Disposal Rules* are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such

lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- 3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 13. Establishment of Districts

A. Resource Protection District.

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district includes the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except areas which are currently developed.

- 1. Areas within 250 feet, horizontal distance, of the upland edge of wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.
- 2. Flood plains along rivers, defined by the 100 year flood plain as designated on the Federal Insurance Administration (FIA) Special Flood Hazard Area Maps dated February 5, 1975.
- 3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- 4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a wetland as defined, and which are not surficially connected to a water body during normal spring high water.
- 5. Land areas along the rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District.

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

C. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or rivers, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Requires permit issued by the Planning Board
- CEO - Requires permit issued by the Code Enforcement Officer
- LPI - Requires permit issued by the Local Plumbing Inspector

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS		
	SP	RP	LR
Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
Motorized vehicular traffic on existing roads and trails	yes	yes	yes
Forest management activities except for timber harvesting	yes	yes	yes
Timber harvesting	yes	CEO <sup>1</sup>	yes
Clearing of vegetation for approved construction and other allowed uses	CEO	CEO <sup>1</sup>	yes
Fire prevention activities	yes	yes	yes
Wildlife management practices	yes	yes	yes
Soil and water conservation practices	yes	yes	yes
Mineral exploration	no	yes <sup>2</sup>	yes <sup>2</sup>
Mineral extraction including sand and gravel extraction	no	PB <sup>3</sup>	PB
Surveying and resource analysis	yes	yes	yes
Emergency operations	yes	yes	yes
Agriculture	yes	PB	yes
Aquaculture	PB	PB	PB
Principal structures and uses			
One and two family residential	PB <sup>4</sup>	no	CEO
Multi-unit residential	no	no	PB
Commercial	no	no	no
Industrial	no	no	no
Governmental and Institutional	no	no	no
Small non-residential facilities for educational, scientific or nature interpretation purposes	PB <sup>4</sup>	PB	CEO
Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland			
Temporary	CEO	CEO	CEO
Permanent	PB	PB	PB
Conversions of seasonal residences to year-round residences	LPI	no	LPI
Home occupations	PB	no	PB
Private sewage disposal systems for allowed uses	LPI	no	LPI
Essential services	PB <sup>5</sup>	PB <sup>5</sup>	PB
Service drops to allowed uses	yes	yes	yes
Public and private recreational areas involving minimal structural development	PB	PB	PB
Individual, private campsites	CEO	CEO	CEO
Campgrounds	no	no <sup>6</sup>	PB
Road and driveway construction	PB	no <sup>7</sup>	PB
Parking facilities	no	no <sup>6</sup>	PB
Marinas	PB	no	PB
Filling and earthmoving of <10 cubic yards	CEO	CEO	yes
Filling and earthmoving of >10 cubic yards	PB	PB	CEO
Signs	yes	yes	yes
Uses similar to allowed uses	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB
Uses similar to prohibited uses	no	no	no

<sup>1</sup> In RP not permitted within 75 feet of the normal high-water line of great ponds except to remove safety hazards.  
<sup>2</sup> Requires permit from the CEO if more than 100 square feet surface area, in total, is disturbed.  
<sup>3</sup> In RP not permitted in areas so designated because of wildlife.  
<sup>4</sup> Provided a variance from the setback requirement is obtained from the Board of Appeals.  
<sup>5</sup> See further restriction in Section 15(1)(2).  
<sup>6</sup> Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.  
<sup>7</sup> Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq.ft.)	Minimum Shore Frontage (ft.)
1. Residential, per dwelling unit	40,000	200
Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
5. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds and the Salmon Falls River, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.  
  
In addition the water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
2. Principal or accessory structures and expansions of existing structures which are permitted shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

- 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- 6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- 7. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- 1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- 2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or the Salmon Falls River and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

- 1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- 2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or the Salmon Falls River, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- 3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
- 4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- 5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- 6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the *State of Maine Subsurface Wastewater Disposal Rules* unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing

120 days



1. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet from the normal high-water line of a great pond or the Salmon Falls River, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
  - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
  - c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
  - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

#### L. Signs

The following provisions shall govern the use of signs in the Shoreland Zone:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

#### I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

#### K. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the *State of Maine Subsurface Wastewater Disposal Rules* (Rules).

#### L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

#### M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 3 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond or the Salmon Falls River, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - b. The final graded slope shall be two to one (2:1) slope or flatter.
  - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

#### N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Maine Guidelines for Manure and Manure Sludge Disposal on Land* published by the University of Maine and the Maine Soil and Water Conservation Commission in July, 1972.
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or the Salmon Falls River, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor, within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

#### O. Timber Harvesting

1. Within the strip of land extending 75 feet inland from the normal high-water line in a Resource Protection District abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
  - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

- i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond or the Salmon Falls River, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
  - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond or the Salmon Falls River, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- b. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
  - c. Timber harvesting equipment shall not use stream channels as travel routes except when:
    - i. Surface waters are frozen; and
    - ii. The activity will not result in any ground disturbance.
  - d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
  - e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
  - f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

#### P. Clearing of Vegetation for Development

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

Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - 4 in.	1
4 - 12 in.	2
12 in.	4

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, adjacent to great ponds, and streams and rivers which flow to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

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

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or the Salmon Falls River, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed.

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

Q. Erosion and Sedimentation Control

- 1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - a. Mulching and revegetation of disturbed soil.
  - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - c. Permanent stabilization structures such as retaining walls or riprap.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- 4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken, where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

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

#### R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

#### S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

#### T. Archaeological Sites

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

### Section 16. Administration

#### A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691.

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State law.

#### B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

#### C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 13.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 13, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within 6 months of the date of the permit, the permit shall lapse and become void.

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

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

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:

- (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
- (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
  - (i) That the land in question cannot yield a reasonable return unless a variance is granted;
  - (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - (iii) That the granting of a variance will not alter the essential character of the locality; and
  - (iv) That the hardship is not the result of action taken by the applicant or a prior owner.
- c. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

### 3. Appeal Procedure

#### a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (i) A concise written statement indicating what relief is requested and why it should be granted.
  - (ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### b. Decision by Board of Appeals

- (1) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

### 4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.



5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

H. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

Section 17. Definitions

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Aquaculture** - the growing or propagation of harvestable plant or animal species.

- Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.
- Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.
- Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.
- Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, short frontage and height.
- Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two lots or less.
- Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.
- Essential services** - the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.
- Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.
- Expansion of use** - the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.
- Family** - one or more persons occupying a premises and living as a single housekeeping unit.
- Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.
- Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.
- Foundation** - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.
- Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to waters.
- Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. This term shall include only Northeast Pond, Spaulding Pond, Townhouse and Milton Ponds, and Wallingford Pond.
- Height of a structure** - the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.
- Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.
- Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

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

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

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

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

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

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

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

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

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

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland-

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

- Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.
- Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.
- Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.
- Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.
- Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.
- River - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. For the purposes of this ordinance the term river shall include the Little River from the confluence of Bog Brook to the North Berwick town line and the Salmon Falls River from the Acton town line to the Berwick town line.
- Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.
- Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:
1. in the case of electric service
    - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
    - b. the total length of the extension is less than one thousand (1,000) feet.
  2. in the case of telephone service
    - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
    - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.
- Setback - the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.
- Shore frontage - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.
- Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a wetland; or within seventy-five (75) feet of the normal high-water line of a stream.
- Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, to the point where the body of water becomes a river.
- Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
- Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.
- Subsurface sewage disposal system - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

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

Upland edge - the boundary between upland and wetland.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

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

Water body - any great pond, river, or stream.

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

Wetland - swamps, marshes, bogs and similar areas which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Wetlands associated with great ponds and rivers - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

General Information (page 1) - This section requests basic information about the location and type of project proposed. Included here is a brief written description of the project. Note that site plans and other sketches are required in subsequent sections of the application form.

If a project is approved, a small box at the top right hand corner of page 1 provides space for the code enforcement officer or other appropriate municipal official to fill in the permit number, the date of issue, and the fee amount.

Shoreland and Property Information (page 2) - This section requests more specific information about the proposed project. In particular, the applicant is asked to provide information tha

will assist the code enforcement officer and planning board in determining whether the project meets Shoreland Zoning requirements. For example, the applicant must provide information on the size of the lot, the amount of the lot to be covered by nonvegetated surfaces (e.g. buildings, driveways, etc.), and the frontage along the waterbody.

Questions 24 and 25 are intended to help the code enforcement officer and the applicant calculate whether a proposed expansion of a portion of a structure which is less than the required setback meets the requirement in the Mandatory Shoreland Zoning Act that limits such expansions to 30% (in floor area or volume). The 30% limitation is applicable to any proposed construction since January 1, 1989 and applies over the lifetime of a structure.

Determining whether an expansion meets the 30% limitation is a four-step process:

A. First, the floor area (sq. ft.) and volume (cu. ft.) of that portion of the structure which is less than the required setback as of January 1, 1989 must be determined (this is "baseline" information);

B. Second, the floor area and volume of any expansions of that portion of the structure which is less than the required setback constructed between January 1, 1989 and the time the pending application is submitted must be determined;

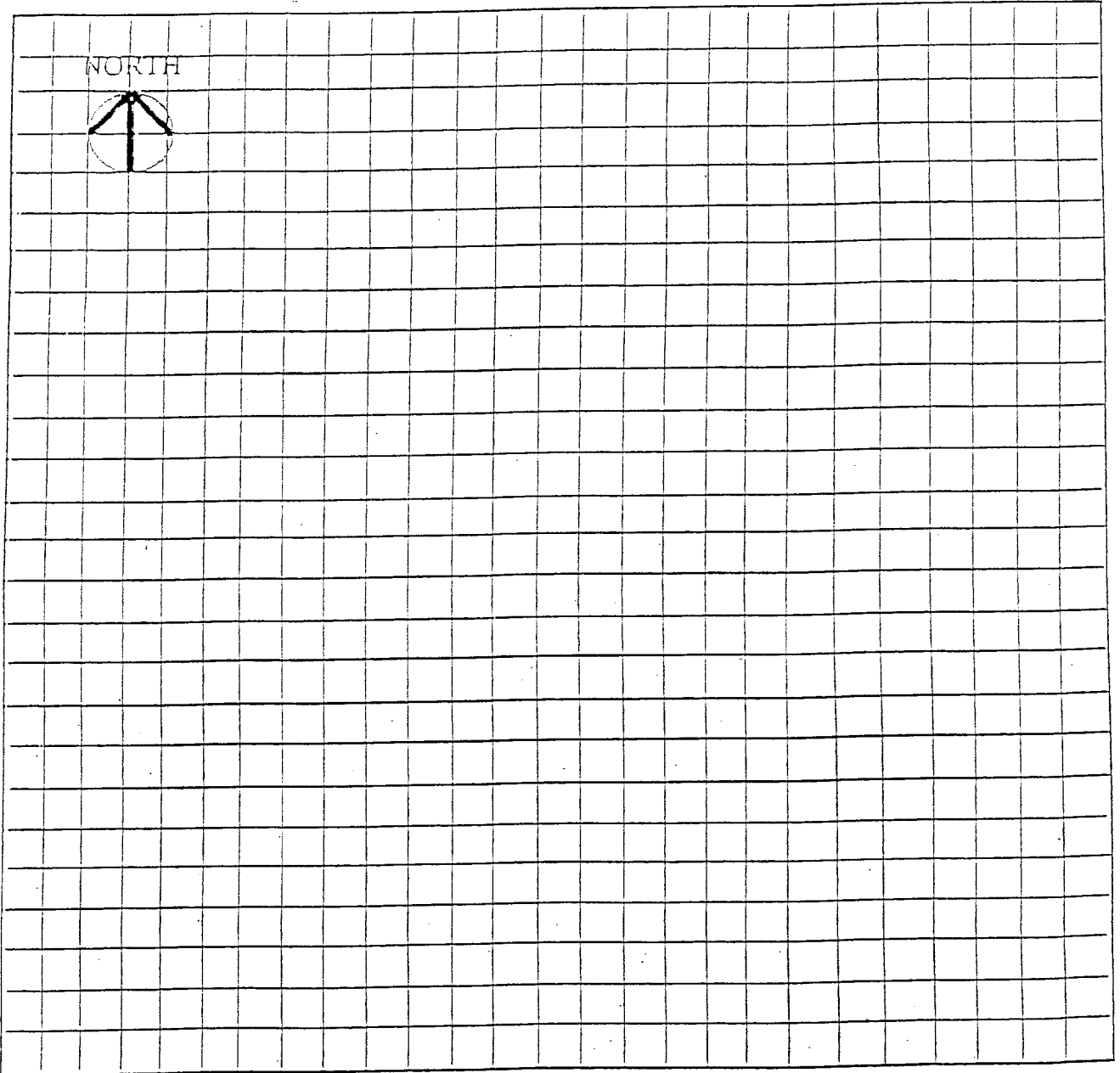
C. Third, the floor area and volume of the expansion of that portion of the structure which is less than the required setback proposed in the pending application must be determined; and

D. Fourth, the percent increase in floor area and volume of all expansions of that portion of the structure which is less than the required setback since January 1, 1989 must be calculated. This is done by —

1. Adding the numbers calculated for B. and C. above;
  2. Dividing that number by the number calculated for A. above;
- and
3. Multiplying the final figure by 100.

# SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.



SCALE: \_\_\_\_\_ = \_\_\_\_\_ FT.



16. LOT AREA	17. FRONTAGE ON ROAD (FT.)
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES.	19. ELEVATION ABOVE 100 YR. FLOOD
20. FRONTAGE ON WATERBODY (FT.)	21. HEIGHT OF PROPOSED STRUCTURE
22. EXISTING USE OF PROPERTY	23. PROPOSED USE OF PROPERTY

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback

24. A) SQ. FT. OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:

\_\_\_\_\_

B) SQ.FT. OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:

\_\_\_\_\_

C) SQ. FT. OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:

\_\_\_\_\_

D) % INCREASE OF SQ. FT. OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:

$$(\% \text{ INCREASE} = \frac{B + C}{A} \times 100)$$

\_\_\_\_\_

25. A) CU. FT. OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89:

\_\_\_\_\_

B) CU.FT. OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT:

\_\_\_\_\_

C) CU. FT. OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK:

\_\_\_\_\_

D) % INCREASE OF CU. FT. OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89:

$$(\% \text{ INCREASE} = \frac{B + C}{A} \times 100)$$

\_\_\_\_\_

FRONT OR REAR ELEVATION

SIDE ELEVATION

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING AND PROPOSED STRUCTURES

APPROVAL OR DENIAL OF APPLICATION  
(For Office Use Only)

MAP \_\_\_\_\_ LOT # \_\_\_\_\_

THIS APPLICATION IS: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED

IF DENIED, REASON FOR DENIAL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF APPROVED, THE FOLLOWING CONDITIONS ARE PRESCRIBED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: IN APPROVING A SHORELAND ZONING PERMIT, THE PROPOSED USE SHALL COMPLY WITH THE PURPOSES AND REQUIREMENTS OF THE SHORELAND ZONING ORDINANCE FOR THE TOWN OF Lebanon

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER

\_\_\_\_\_  
DATE

INSPECTION CHECK LIST

- Prior to Clearing and Excavation
- Prior to Foundation Pour
- Prior to Final Landscaping
- Prior to Occupancy

PERMIT #	_____
FEE AMOUNT	_____

FOR OFFICE USE ONLY  
PERMIT NO.: \_\_\_\_\_  
ISSUE DATE: \_\_\_\_\_  
FEE AMOUNT: \$ 50.00

TOWN OF Lebanon  
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. APPLICANT	2. APPLICANT'S ADDRESS	3. APPLICANT'S TEL #
4. PROPERTY OWNER	5. OWNER'S ADDRESS	6. OWNER'S TEL #
7. CONTRACTOR	8. CONTRACTOR'S ADDRESS	9. CONTRACTOR'S TEL #
10. LOCATION/ADDRESS OF PROPERTY	11. TAX MAP/PAGE & LOT #	12. ZONING DISTRICT N/A
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3).		
14. PROPOSED USE OF PROJECT	15. ESTIMATED COST OF CONSTRUCTION	

Site Plan (page 3) - To assist the code enforcement officer and planning board in reviewing a proposed project, the applicant is asked to sketch a site plan, including the position of any structures with setback distances from the shoreland, all property lines, areas to be cleared of trees and other vegetation, areas and amounts to be filled or graded, and the location of proposed wells, septic systems, and driveways. Applicants are also requested to provide a scale for the site plan and distinguish the proposed expansion from the existing structure.

Front and Side Elevations (page 4) - Like the site plan, these simple sketches of the front (or rear) and side elevations of existing and proposed structures are intended to give the code enforcement officer and planning board a clear picture of the proposed project.

Additional Permits, Approvals, and/or Reviews Required (page 5) - This section advises applicants to consult with the code enforcement officer and other appropriate state and federal agencies to determine whether additional permits (local, state, and/or federal) are needed. All required permits, approvals, and/or reviews should be checked in the boxes provided.

Applicant's Signature (page 5) - The applicant must sign and date the completed application form before it is submitted to the code enforcement officer. Note that the applicant's statement includes an agreement to allow future inspections by the code enforcement officer.

Approval or Denial of Application (page 6) - This page is completed by the code enforcement officer indicating whether the the Shoreland Zoning Permit is approved (with or without conditions) or denied. A copy of this page should be provided to the applicant along with the actual Shoreland Zoning Permit (See Appendix 3). In approving a permit, the code enforcement officer (and planning board as appropriate) must find that the proposed use complies with the purposes and requirements of the local Shoreland Zoning Ordinance. If a permit is either denied or approved with conditions, the reasons or conditions must be stated in writing. The box at the bottom of the page contains a checklist for the Code Enforcement Officer and space to note the permit number and fee amount

## ANIMAL ORDINANCE

### PROHIBITED NOISE ACTIVITIES DOGS

Owning, possessing or harboring any dog which frequently or for continued duration, makes sound which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for the purposes of this ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which caused or provoked the dog.

This Ordinance as amended above was adopted by a Town Meeting Vote on March 9, 1985.

This Ordinance was repealed by Referendum Vote, June 19, 1992.

~~V~~OTE: Yes 607 No 510

DOG ORDINANCE

DOGS RUNNING OR ROAMING AT LARGE/UNLICENSED DOGS.

Section A. Owners of Dogs that have been caught running or roaming at large will be subject to a Twenty-Five Dollar (\$25.00) fine. This fine must be paid at the Lebanon Police Department before the dog can be reclaimed.

Section B. Owners of the unlicensed dog(s) that have been caught running or roaming at large must license the dog(s) at the Town Clerk's Office and will still be subject to the Twenty-Five Dollar (\$25.00) fine for dogs running and roaming at large. The dog must be licensed and the fine must be paid before the dog can be reclaimed.

Ordinance adopted by Town Meeting Vote on March 14, 1987.

AMENDMENT:

To Amend the Town's Animal Ordinance to provide a minimum fine of \$50.00 for all first offenses, and a minimum fine of \$100.00 for any second offense and to allow the Town to recover from the violater the costs of prosecuting the offenses, including Attorney's Fees.

The Amendment to This Ordinance adopted by Referendum Vote on June 19, 1992. Yes 580 No 550.

TOWN OF LEBANON  
PUBLIC PARKING ORDINANCE

Section 1. - Purpose

This Ordinance is enacted to regulate the use of public parking facilities within the Town of Lebanon, and to promote the general health, safety and welfare of its inhabitants.

Section 2. - Authority

The power of the Town of Lebanon to enact this Ordinance is in accordance with the authority granted in 30-A M.R.S.A. §3009, and in its powers of Home Rule set forth in Article VIII, Section 1 of the Maine Constitution.

Section 3. - Definitions

(a) **"Public Parking Facility"** - Any area owned by the Town of Lebanon within its municipal borders, which provides for or allows public parking, including but not limited to the Park and Ride facility on Route 202.

(b) **"Motor Vehicles"** - Any self-propelled device for conveyance of persons or property on a way.

(c) **"Board"** - The Board of Selectmen for the Town of Lebanon.

Section 4. - Prohibited Acts

(a) No motor vehicle or any item of personal property shall be left, stored, displayed, or otherwise temporarily abandoned at a public parking facility for any more than a forty-eight (48) hour period, unless a permit is obtained from the Board.

(b) No person shall leave a motor vehicle or any item of personal property at a public parking facility for any purpose other than temporary parking while at a public building or for commuting and car pooling purposes.

Section 5 - Application

Any person seeking to park a motor vehicle at a public parking facility for more than a forty-eight (48) hour period, shall make written application to the Board, setting forth their name, address; year, make and registration number of their motor



vehicle; the dates when the vehicle shall be parked; and the reasons for it having to remain for longer than forty-eight hours.

#### Section 6 - Approval

The Board shall grant a permit for the use of its public parking facilities for more than a forty-eight (48) hour period, if the applicant demonstrates a legitimate need for commuting or car-pooling purposes. The Board shall have the authority to grant the permit for any period of time and in such frequency as they deem advisable.

#### Section 7 - Permit Displayed

Any permit granted under this Ordinance shall be displayed on the vehicle at all times so it can be seen through the front windshield in an open and conspicuous manner.

#### Section 8 - Penalties

(a) The violation of any provision of this Ordinance shall be a civil violation punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each set of violations and every day upon which any such violation occurs, shall constitute a separate offense.

(b) Any person charged with any violation of this Ordinance, may waive all Court actions by the payment of the following fines, which shall be made to the Town Treasurer within twenty (20) days of receipt of any notice of a violation:

- (1) First offense - \$100 per violation;
- (2) Second offense - \$250 per violation;
- (3) Third or more offense - \$500 per violation.

(c) In addition to any monetary penalty, the Town may cause to be removed any motor vehicle or items of personal property which are located on a public parking facility in violation of this Ordinance. The owner of the vehicle or items removed shall be responsible for the payment of all towing or removal costs and storage fees.

(d) The Town shall be entitled to recover its costs including attorney's fees incurred as a result of any legal action taken to enforce any provision of this Ordinance.

Section 9 - Enforcement

The provisions of this Ordinance shall be enforced by the Code Enforcement Officer of the Town of Lebanon, or any other person authorized by the Board to act on its behalf. Any such person so authorized shall be empowered to issue notices or civil summons for any violations.

Section 10 - Validity of Ordinance

If any portion of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then this shall not effect the validity of the remaining provisions of this Ordinance.

Section 11 - Effective Date

This Public Parking Ordinance shall be effective immediately upon the vote of the Board of Selectmen.

By affirmative vote, the Board of Selectmen do approve the enactment of this Ordinance.

Dated this 24<sup>th</sup> day of October, 1995.

Gilbert D. Zinck  
Gilbert D. Zinck, Selectmen

Ronal N. Patch  
Ronald N. Patch, Selectmen

Harold L. Randall  
Harold L. Randall, Selectmen

**ROUTE 202 PARKING ORDINANCE  
TOWN OF LEBANON**

This Ordinance is enacted pursuant to the authority vested in the Selectmen as municipal officers, pursuant to 30-A M.R.S.A. §3009.

Be it hereby enacted, that:


(1) Parking of any motor vehicles shall be prohibited along the sidelines of Route 202 along a 1000 feet corridor on each side of the road, which shall be located a distance of 500 feet on each side of every town maintained road, at the point where it intersects with Route 202.


(2) Any vehicle which is parked in violation of this Ordinance, shall be towed and stored at the owner's expense.

(3) This Ordinance shall be effective immediately.

Dated this 13<sup>th</sup> day of Nov., 1997.

  
\_\_\_\_\_  
Ronal Patch, Selectmen

  
\_\_\_\_\_  
Harold Randall, Selectmen

  
\_\_\_\_\_  
Gilbert Zinck, Selectmen

Town of Lebanon, Maine  
Proposed  
EMERGENCY MANAGEMENT ORDINANCE

EMERGENCY MANAGEMENT ORDINANCE

The Town of Lebanon, Maine, ordains:

ARTICLE I - EMERGENCY MANAGEMENT AGENCY

Section 1. Short Title.

This ordinance shall be known and be cited and referred to as "EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF LEBANON". Authorized under Title 37-B, Chapter 13, Sub Chapter III of MRSA as amended in 1986.

Section 2. Intent and Purpose

- A. It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the Town's facilities and resources to combat disaster resulting from enemy actions or other man-made or natural disasters and as defined herein.
- B. The Lebanon Emergency Management Agency will be the coordinating agency for activity in connection with Emergency Management.
- C. This Ordinance will not relieve any Town Department of the moral responsibilities or authority given to it in the Town Charter or by local Ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions

The following definitions shall apply in the interpretation of this article:

- A. "Emergency Management" in it's broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during an emergency. This shall include the plans and preparations for protection from, and relief, recovery and rehabilitation from the effects of an attack on the Town by an enemy nation or the agents thereof, and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
- B. "Attack" shall mean a direct or indirect assault against the Town of Lebanon, it's government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including

Town of Lebanon, Maine  
Proposed  
EMERGENCY MANAGEMENT ORDINANCE

assault by bombing, radiological, chemical or biological warfare, or sabotage.

- C. "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- D. "Emergency Management Forces" shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- E. "Emergency Volunteer" shall mean any person duly registered, identified and appointed by the Director of the Emergency Management Agency and assigned to participate in the Emergency activity.
- F. "Director" shall mean the Coordinator of the Lebanon Emergency Management Agency, appointed as prescribed in the Ordinance.
- G. "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

Section 4. Organization and Appointments.

- A. The Selectmen are hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies within this town.
- B. The organization shall consist of the following:
  - 1. The Emergency Management Agency within the executive department of the Town government and under the direction of the Selectmen. There shall be an executive head of the Emergency Management Agency, who shall be known as the Director of the Emergency Management Agency, and such other assistants and other employees as are deemed necessary for the proper functioning of the organization.
  - 2. The employees equipment and facilities of all town departments, boards, institutions and commissions, shall participate in the Emergency Management Activity. Duties assigned to a Town

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EMERGENCY MANAGEMENT ORDINANCE

Department shall be the same or similar to the normal duties of the department.

3. Volunteer persons and agencies offering service to, and accepted by, the Town.
- C. The Selectmen shall appoint a Director of the Lebanon Emergency Management Agency who shall be a person well versed and trained in planning operations involving activities of many different agencies which will operate to protect the public health, safety, and welfare in the event of danger from enemy action, or any natural or man-made disaster as defined in this ordinance.

Section 5. Emergency Powers and Duties

- A. During any period when disaster threatens or when the Town has been struck by disaster, within the definition of this ordinance, the Selectmen may promulgate such regulations as they deem necessary to protect life and property and preserve critical resources. Such regulations may include, but not be limited to, the following:
  1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management forces, or to facilitate the mass movement of persons from critical areas from within or without the Town.
  2. Regulations pertaining to the movement of persons from areas deemed hazardous or vulnerable to disaster.
  3. Such other regulations necessary to preserve public peace, health and safety.
  4. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of Ordinance when duly filed with the Town Clerk and violations will be subject to the penalties provided in the Town Charter, and/or this ordinance.
- E. The Emergency Management Director may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life, and property of the people, and bind the Town for fair value thereof.
- C. The Selectmen may require emergency services of any

Town of Lebanon, Maine  
Proposed  
EMERGENCY MANAGEMENT ORDINANCE

Town Officer or employee. If regular Town forces are determined inadequate, the Director may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the Town Charter and Ordinances for regular town employees and other registered and identified Emergency Management Agency and disaster workers and, upon demand, may receive appropriate compensation for their emergency employment.

- D. The Director will cause to be prepared the Emergency Operations Plan herein referred to and exercise his ordinary powers as the Director, all of the special powers conferred upon him by the Town Charter, and the Ordinances of the Town of Lebanon, all powers conferred upon him by any statute, or any other lawful authority.

Section 6. Director of the Emergency Management Agency.

- A. The director of the Emergency Management Agency shall be responsible to the Selectman in regards to all phases of the Emergency Management Activity. Under the supervision of the Selectmen, he shall be responsible for the planning, coordination and operation of the Emergency Management activity in the Town. Under the supervision of the Selectmen he shall maintain liaison with the County, State and Federal authorities and the authorities of other nearby political sub-divisions as to insure the most effective operation of the Emergency Management Plan. His duties shall be included, but not be limited to the following:

1. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Emergency Management Purposes.
2. Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purposes of minimizing or preventing damage to persons and property; and protecting and storing to usefulness governmental services and public utilities necessary for public health, safety, and welfare.
3. Negotiating and concluding agreements with owners or persons in control of buildings or other property for Emergency Management purposes and designating suitable buildings as public shelters.
4. Through public informational programs, educating the civilian population as to actions necessary

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EMERGENCY MANAGEMENT ORDINANCE

and required for the protection of their person's and property in case of enemy attack, or disaster, as defined herein, either impending or present.

5. Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.
6. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activity.
7. Assuming such authority and conducting such activity as the Selectmen may direct to promote and execute the Emergency Operations Plan.

Section 7. Emergency Management and Basic Disaster Plan

- A. A comprehensive Emergency Operations Plan shall be adopted and maintained. In the preparation of this plan, as it pertains to Town organization, it is the services, equipment, facilities and personnel of all existing departments and agencies that shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The plan shall be considered supplementary to this ordinance and shall have the effect of law whenever a disaster, as defined by this ordinance, has been proclaimed.
- B. The Director shall prescribe in the Emergency Operations Plan those positions within the disaster organization, in addition to his own, for which line of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of three (3) persons as successors to his position. The list will be in order of succession and will as nearly as possible, designate persons best capable of caring out all assigned duties and functions.
- C. Each service chief and department head assigned responsibility in the plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Town employees and volunteers. Each Chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.
- D. Amendment to the plan shall be submitted to the



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Selectmen. Such amendments shall take effect thirty (30) days from the date of approval unless action is taken by the Selectmen disapproving the submission. In the event an amendment is pending at the time a disaster is proclaimed under provisions of this Ordinance, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the selectmen.

Section 8. Violation of Regulations.

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willingly obstruct, hinder or delay any member of the Emergency Management Agency as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued thereunder.

Section 9. Penalty.

Any person, firm or corporation violating any provision of this Ordinance or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) and costs of prosecution, or imprisonment in the York County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

Section 10. Severability.

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 11. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Town of Lebanon, Maine  
Proposed  
EMERGENCY MANAGEMENT ORDINANCE

Section 12. Effective Date

This ordinance shall take effect thirty (30) days after passage by the Town.

This Ordinance adopted by Town Meeting vote on June 20, 1992.

# DRUG PARAPHERNALIA ORDINANCE

## OF LEBANON

### 1. Definitions

- a. The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Maine Statutes Annotated, Title 17-A, Section 1101 et seq. It includes but is not limited to:
- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
  - (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
  - (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
  - (4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
  - (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
  - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, marmite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
  - (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marihuana;
  - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
  - (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
  - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
  - (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body.

- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body such as:
  - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - (b) Water pipes;
  - (c) Carburation tubes and devices;
  - (d) Smoking and carburation masks;
  - (e) Roach clips: meaning objects used to hold burning materials such as a marihuana cigarette, that has become too small or too short to be held in the hand;
  - (f) Miniature cocaine spoons and cocaine vials;
  - (g) Chamber pipes;
  - (h) Carburetor pipes;
  - (i) Electric pipes;
  - (j) Air-driven pipes;
  - (k) Chillums;
  - (l) Bongs;
  - (m) Ice pipes or chillers;

b. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner or of anyone in control of the object under any State or Federal law relating to any controlled substances;
- (3) The proximity of the object, in time and space, to a direct violation of 17-A M.R.S.A. 1101 et seq.
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;

- (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of 17-A M.R.S.A. 1101 et seq. the innocence of an owner, or of anyone in control of the objects as to a direct violation of 17-A M.R.S.A. 1101 et seq. should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

## II. Offenses and Penalties

- a. Possession of Drug Paraphernalia. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 17-A M.R.S.A. 1101 et seq. Any person violating this section shall be guilty of a violation and shall be subject to a fine of 6100 dollars, no portion of which may be suspended (shall be guilty of a crime and upon conviction may be imprisoned for not more than \_\_\_\_\_ and fined not more than \_\_\_\_\_).
- b. Manufacture or Delivery of Drug Paraphernalia. It is unlawful for any person to deliver, possess, with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 17-A M.R.S.A. Any person violating this section shall be guilty of violation and shall be subject to a fine of 1000 dollars, no portion of which may be suspended (shall be guilty of a crime and upon conviction may be imprisoned for not more than \_\_\_\_\_ and fined not more than \_\_\_\_\_).
- c. Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates Section b. by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior shall be guilty of a special violation and shall be subject to a fine of 100 dollars, no portion of which may be suspended (shall be guilty of a crime and upon conviction may be imprisoned for not more than \_\_\_\_\_ and fined not more than \_\_\_\_\_).

d. Advertisement of Drug Paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this section shall be guilty of a violation and shall be subject to a fine of 100<sup>00</sup> dollars, no portion of which may be suspended (shall be guilty of a crime and upon conviction may be imprisoned for not more than and fined not more than ).

III. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable."

IV. Takes Effect: This ordinance shall take effect upon enactment.

Adopted March 14, 1981

A true copy attest:

*Jessie A. Patch*  
Town Clerk, Lebanon, Maine

ORDINANCE PROHIBITING OBSCENITY FOR COMMERCIAL GAIN

LEBANON, MAINE

ARTICLE I - Purpose

Purpose of this ordinance is to prohibit any commercial enterprise from presenting or engaging in any obscene exhibitions for profit. It is not intended to suppress or inhibit the free exchange of ideas or artistic expression. The Town of Lebanon has enacted this ordinance for the purpose of promoting and protecting the general welfare, public safety, public order, and morals.

ARTICLE II - Definitions

Section 1. "Commercial Enterprise" means any business corporation, association or natural person established for pecuniary gain other than a theater.

Section 2. "Theater" means:

- (a) Any building or hall designed primarily for showing motion pictures, having a permanent movie screen and permanently fixed seats arranged in such fashion as to allow spectators an unobstructed view of the screen.
- (b) An open-air theater designed primarily for showing motion pictures, having a permanent movie screen and permanent devices for broadcasting movie sound tracks in motor vehicles.
- (c) Any playhouse, hall, or similar structure designed primarily for legitimate artistic expression.

Section 3. "Present" means to show, reveal, display or expose to any person.

Section 4. "Engage in" means to solicit, produce, direct, finance, physically participate in, compensate others for, further the interest of, or be otherwise involved with the prescribed conduct.

Section 5. "Obscene" means any conduct of a sexual nature which:

- (a) To the average individual applying contemporary community standards, considered as a whole appeals to the prurient interest;
- (b) Presents in a patently offensive manner actual or simulated ultimate sexual acts, sodomy, bestiality, excretory functions, masturbation, direct physical stimulation of the unclothed genitals, flagellation or torture in context of ultimate sexual acts, lewd exhibition of the human male or female genitals, pubic area, buttocks or the female breast below the top of the nipple; and
- (c) Considered as a whole lacks serious literary, artistic, political and scientific value.

Section 6. "Exhibition" means any aural, visual, or tactile performance, dramatization, show or display which includes any amount of human, animal, or animated conduct whether presented live or by way of mechanical reproduction, sound recording, audio visual cassette or tape, silhouette depiction or by any other means.

ARTICLE 3 - Prohibition

Section 1. It shall be unlawful for any commercial enterprise to present for profit any obscene exhibition within the Town of Lebanon.

Section 2. It shall be unlawful for any commercial enterprise to engage in any obscene exhibition for profit within the Town of Lebanon.

Section 3. It shall be unlawful for any commercial enterprise to solicit, permit, promote, or assist any commercial enterprise or person to present or engage in any obscene exhibition within the Town of Lebanon.

ARTICLE 4. - Exceptions

This ordinance is not intended to regulate any conduct expressly regulated by existing State statute.

ARTICLE 5 - Penalty

Section 1. Any conduct made unlawful by this ordinance and any violation of this ordinance shall be punishable by a fine of Five Hundred Dollars (\$500.00) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

Section 2. In addition to any other penalty provided by law, the commission of acts prohibited by this ordinance shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violations.

ARTICLE 6 - Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Effective Date: This ordinance shall take effect upon enactment.

Adopted March 14, 1981



## MASS GATHERING ORDINANCE

for Lebanon, Maine

### 1. DEFINITIONS

- A. MASS GATHERING AREA means any place maintained, operated or used for a mass gathering, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent places of assembly.
- B. MASS OUTDOOR GATHERING: for the purpose of these rules, a mass outdoor gathering shall be deemed to mean any gathering held outdoors with the intent to attract the continued attendance of 500 or more persons for 5 or more hours.
- C. OPERATOR means the person responsible for managing the mass gathering area. In the event that no manager exists, the owner, or in the event of his unavailability, the lessee of the ground encompassing the mass gathering area, shall be deemed to be the "operator" under these regulations.
- D. PERSON means an individual, group of individuals, association, partnership or corporation, firm, or company.
- E. REFUSE means all combustible and noncombustible, putrescible or nonputrescible solid or liquid waste.

### 2. PERMIT APPLICATION

- A. A written application for permit shall be received by the SELECTIVE at least 14 days in advance of the proposed mass gathering.
- B. PROVISIONS. The following shall be included with the application for permit:
  - 1. An outline map of the area to be used showing the location of all proposed toilets to be used, lavatory and bathing facilities, water supply sources, areas of assemblage, camping areas, food service areas, ingress and egress of pedestrian and vehicular traffic, egress roads, refuse disposal and collection facilities.
  - 2. Detailed drawings of toilet facilities, sewage disposal system, lavatory and bathing facilities, and water supply system.
  - 3. Size of area to be used.
  - 4. An anticipated attendance figure and dates and hours which mass gathering will be held.
  - 5. Provisions for preventing people in excess of maximum permissible number from gaining access to mass gathering area.

6. Detailed description of the water supply to be used including, but not necessarily limited to:
  - a. The source and its treatment and protection from pollution.
  - b. For water distributed under pressure, the operating pressures to all fixtures and the rate of delivery in gallons per person per day.
  - c. Where water not available under pressure, and non-water carriage toilets are used, the gallons of water per person per day to be provided for drinking and washing purposes.
  - d. Source of transported water.
  - e. Manner of storage and dispensing of transported water.
7. Detailed description of excreta and liquid waste disposal facilities, including but not necessarily limited to:
  - a. Facilities to be provided.
  - b. Maintenance.
  - c. If public sewer system available, whether all plumbing fixtures and building sewers shall be connected thereto.
8. Detailed description of refuse disposal including, but not necessarily limited to:
  - a. Measures to prevent odor, insect, rodent, and other nuisance conditions.
  - b. The number and size of refuse containers to be provided.
  - c. Accessibility of refuse containers.
  - d. Frequency of collection of refuse.
  - e. Location of disposal of refuse.
  - f. Plans for cleaning area of refuse following mass gathering.
  - g. For area where cars and recreational vehicles to be parked, number of rubbish disposal facilities per car or recreational vehicle.
9. Detailed description of vermin and vector control.
10. Detailed description of grounds including, but not necessarily limited to:

- a. Illumination - location and light level intensities.
  - b. Size of areas for assemblage, camping, and parking.
  - c. Width of service roads.
  - d. Number of parking spaces per person and density per vehicle.
11. Detailed description of sanitary facilities including, but not necessarily limited to:
- a. Number of toilets or urinals per person.
  - b. Construction materials of buildings housing plumbing fixtures.
  - c. Provisions for maintenance and cleaning of fixtures, buildings.
  - d. Measures to provide privacy of toilets.
  - e. Identification of water points or drinking fountains.
  - f. Drinking facilities.
  - g. Drainage of waste water.
12. Detailed description of medical facilities and services, including, but not necessarily limited to:
- a. Names, positions, and qualifications of medical personnel to be available and a statement whether such personnel will be on site or on call.
  - b. On site facilities and supplies.
  - c. On site first aid vehicles.
  - d. Communications systems available.
  - e. Statement whether area hospitals have been advised of gathering.
13. Detailed description of food service activities including, but not necessarily limited to:
- a. Facilities to be provided.
  - b. Statement whether eating places servicing mass gathering are licensed.
14. Detailed description of safety precautions including, but not necessarily limited to:

- a. Electrical system and equipment.
  - b. On site fire prevention equipment.
  - c. Internal and external security control.
  - d. A statement that the respective police and sheriff's department have been notified.
15. Detailed description of noise control including, but not necessarily limited to:
- a. Proximity of closest inhabitant
  - b. Expected noise level in decibels at perimeters of mass gathering area.
16. Municipal approval:
- a. A statement that the mass gathering has municipal approval.

3 INSPECTION

A. The following shall be available for inspection and testing by the Department:

1. All private water supplies for mass gathering.
2. A copy of the water analysis.

4 PERFORMANCE STANDARDS: The following standards are considered optimal. They may be waived or eased by

A. Water Supply

1. Where water is distributed under pressure for drinking, washing, flushing toilets, and showers, the water supply system should deliver water at normal operating pressures (20 lb. per sq./in. minimum) to all fixtures at a rate of at least 30 gallons per person per day.
2. Where water is not available under pressure, and non-water carriage toilets are used, at least 3 gallons of water per person per day should be provided for drinking and washing purposes.

B. Refuse Disposal

1. One fifty (50) gallon refuse container or its equivalent should be provided for each one hundred (100) persons anticipated.
2. All refuse should be collected from the mass gathering area at least once each day of the assembly and disposed of in an approved area.
3. The mass gathering area and immediate surrounding properties should be cleaned of refuse within twenty-four (24) hours following the mass gathering.
4. Area where cars and recreational vehicles are parked should have rubbish disposal facilities one for every 25 cars or recreational vehicles.

C. Grounds

1. Assembly area should be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
2. Light level intensities should be at least five foot candles.
3. There should be at least 20 square feet per person at the site for daytime assemblage and at least 40 square feet per person for overnight assemblage.

D. Roads and Parking Space

1. Width of services roads should be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 7 feet for parallel parking lane.
2. There should be at least one parking space for every four persons and the density should not exceed 100 passenger cars or 30 buses per usable acre.

#### D. Sanitary Facilities

1. Toilets should be provided at a rate of one (1) for each 150 persons.
2. Urinals and commodes may be substituted for up to one-third (1/3) of the required number of toilets. Twenty-four inches (24") of trough urinals in a men's room shall be considered the equivalent of one urinal or toilet.
3. Sanitary facilities should be conveniently accessible and well identified.
4. Each toilet should have a continuous supply of toilet paper.
5. Service buildings or rooms housing necessary plumbing fixtures, should be constructed of easily cleanable, non-absorbent materials.
6. Separate service buildings or rooms containing sanitary facilities, clearly marked, should be provided for each sex and each toilet room should be provided with a self-closing door to insure privacy or the entrance should be screened so that the interior is not visible from the outside.
7. Water points or drinking fountains, should be conveniently accessible and well identified.
8. Common drinking cups should not be used.

#### E. Medical Facilities

1. Emergency medical services should be provided under the supervision of a licensed physician.
2. A first aid building or tent, with adequate medical supplies, should be available.
3. Emergency first aid vehicles should be available on site during the complete time of mass gathering.
4. A telephone or other two way electronic communication facilities.
5. Operator of mass gathering should contact area hospitals and advise them that a mass gathering will be held and approximate number of people attending.

G. Safety

1. The mass gathering electrical system or electrical equipment should comply with applicable state standards and regulations. (Title 52, Chap. 17 M.R.S.A.)
2. Noise Control
  1. The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering areas.
  2. The noise level at the perimeters of the area should not exceed 70 decibels on the A scale of a sound level meter meeting specifications on the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

5 PENALTY

1. Any violation of this ordinance shall be punishable by a fine of <sup>(100<sup>00</sup>)</sup> for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

6 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

7 EFFECTIVE DATE

The ordinance shall become effective upon enactment.

Adopted March 14, 1981

TOWN OF LEBANON  
MESSAGE AND SEXUAL CONTACT  
ORDINANCE

Section 1. **Purpose.**

This Ordinance is enacted to regulate the operation and licensing of the business of massage therapy within the Town of Lebanon, and to prohibit certain acts performed for compensation, in order to promote the public health and safety and the general welfare.

Section 2. **Power.**

The authority of the Town of Lebanon to enact this Ordinance is in accordance with its powers of Home Rule contained in Article VIII, Section 1 of the Maine Constitution.

Section 3. **Definitions.**

For purposes of this Ordinance, the following definitions shall apply unless the context clearly implies otherwise:

- (a) Board: The Board of Selectmen for the Town of Lebanon.
- (b) Massage or Massage Therapy: A scientific or skilful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well being. The term includes, but is not limited to any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of the external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device.
- (c) Massage establishment: Any business entity engaged in the business of providing or making available massages in the Town of Lebanon for consideration, or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the Town limits.
- (d) Massage therapist: Any person who performs massage therapy for consideration or gratuity or with the expectation of receiving consideration or any gratuity.



- (e) Minor: Any person under the age of eighteen (18) years of age.
- (f) Patron: Any person who receives a therapeutic massage.
- (g) Person: Any individual, partnership, corporation or other entity.
- (h) Recognized school: Any school or institution of learning approved or accredited by the American Massage Therapy Association/Commission on Massage Training Accreditation/Approved (AMTA/COMTAA), or a school or institution requiring training equivalent to or surpassing an AMTA/COMTAA-approved school, which offers a course of training in the theory, method, profession and work of massage therapy consisting of five hundred (500) hours or more, the completion of which renders a student eligible for membership in the AMTA. Schools which cannot be verified shall not be deemed a recognized school.

#### Section 4. Exemptions.

The following persons shall be exempt from this Ordinance while practicing in accordance with the laws of this State: Physicians, physician's assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, members of the AMTA, barbers, cosmetologists, beauticians and other health and hygiene professionals. Students enrolled in a recognized school who are required to give massages as part of their training shall be exempt from this Article.

#### Section 5. Prohibited Acts.

- (a) Massage Establishment License. No person shall operate a massage establishment without a valid therapeutic massage establishment license issued by the Board of Selectmen for the Town of Lebanon. A separate license shall be required for each such establishment.
- (b) Massage Therapist License. No person shall work as a massage therapist without a valid massage therapist license issued by the Board of Selectmen for the Town of Lebanon.
- (c) Other Prohibited Acts.
  - (1) No person within the Town of Lebanon, acting as a massage therapist, or in any other capacity shall

- perform sexual intercourse, commit a sexual act, or make sexual contact as defined in 17 M.R.S.A. Section 251, for pecuniary benefit to himself or herself or a third party.
- (2) No massage therapist shall administer a massage to a client whose genitals are exposed.
  - (3) No massage therapist shall administer or agree to administer a massage to the genitals or anus of a client.
  - (4) No massage therapist shall administer a massage unless he or she is fully clothed with nontransparent clothing of the type customarily worn by massage therapists while administering a massage.

**Section 6. Compliance.**

- (a) Any person presently operating as a massage therapist and/or operating a massage establishment in the Town of Lebanon on the effective date of this Ordinance, shall comply with the terms of this Ordinance starting on its effective date and shall apply for a license hereunder within thirty (30) days of the effective date of this Ordinance or shall be held in violation.
- (b) Any license issued pursuant to this Ordinance between the effective date hereof and December 31, 1993, shall be valid until December 31, 1994.

**Section 7. Application.**

Each applicant for a license shall do the following:

- (a) Complete and file an application on a form prescribed by the Board, or if such an application form is not available, on the applicant's own form which contains the required information;
- (b) Along with the application, remit the following license fees in advance with the Board;

Massage Establishment	\$75.00
Massage Therapist	\$50.00

- (c) Submit the completed application to the Board of Selectmen, together with attested copies of the articles of incorporation and bylaws, if

the applicant is a corporation; evidence of partnership, of a partnership; or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;

- (d) File an affidavit which will identify all owners, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding three (3) years;
- (e) Submit two (2) front face photographs of the applicant taken within thirty (30) days of the application, not smaller than 2" x 3" nor larger than 3 1/2" x 3 1/2";
- (f) File the release authorized by 16 M.R.S.A. Section 620(6) (Criminal History Record Information Act) with the application of each applicant.

#### Section 8. Duration of License.

- (a) The license issued pursuant to this Ordinance is on an annual basis and will expire as of December 31st of the calendar year.
- (b) Any application for a renewal of license, which shall contain the same information as the prior application, shall incur a renewal fee of \$25.00 in lieu of the application fee.
- (c) If an application is denied or withdrawn half of the license fee or renewal fee shall be refunded to the applicant.

#### Section 9. Investigation of Applicant.

Upon receipt of a completed application, the Board shall cause to be conducted the following investigation:

- (a) The Code Enforcement Officer shall verify that the premises at which the establishment will be located complies with all applicable ordinances of the Town including, but not limited to, the building code, electrical code, plumbing code and zoning ordinance and shall report the findings in writing to the Board of Selectmen;
- (b) If requested by the Codes Enforcement Officer or the Board, the Health Officer shall inspect the location or proposed location to determine

whether the applicable ordinances relating to health and safety have been satisfied and shall report the findings in writing to the Board of Selectmen;

- (c) If requested by the Codes Enforcement Officer or the Board, the Fire Chief or his designee shall verify the premises at which the establishment will be located complies with all applicable fire and safety codes.
- (d) If requested by the Board, a law enforcement officer shall investigate the application including the criminal history record information of the applicant or others, as required under this Ordinance.

#### Section 10. Basic Proficiency.

Each applicant for a massage therapist license shall be licensed by the State of Maine and shall show proof of basic proficiency in the field of massage therapy which may be satisfied by:

- (a) Evidence of the satisfactory completion of all formal course work and training in massage therapy required for graduation from a recognized school, which shall be in the form of a diploma or certificate of graduation or equivalent documentation; or
- (b) A written statement from a physician, nurse, osteopath, chiropractor, physical therapist, or member of the AMTA stating that that person refers clients to the applicant for therapeutic massage.

#### Section 11. Standards for Denial.

A license under this Ordinance shall be denied by the Board to the following persons:

- (a) To an applicant who has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Board.
- (b) To an applicant if that person or any owner, officer, manager or partner of the applicant has been convicted of a crime, classified under Title M.R.S.A. Section 17 otherwise known as the Maine Criminal Code, as a class

A, B, or C crime, or any crime involving dishonesty or sexual misconduct, which crime directly relates to the practice of massage therapy, within the two (2) years immediately preceding the date of the application.

#### Section 12. Grounds for Suspension or Revocation.

(a) All licenses. Any license may be suspended or revoked by the Board of Selectmen upon a determination that the licensee:

- (1) failed to notify the Board of Selectmen of any change in material fact set forth in the application for such license; or
- (2) violated any provision of this Ordinance.

(b) Therapeutic massage establishment license. In addition to the provisions of subsection (a), a massage establishment license may be suspended or revoked by the Board of Selectmen upon a determination that the licensee:

- (1) Permitted any person to perform therapeutic massage without a valid license to do so;
- (2) Permitted or allowed an employee or massage therapist to violate any provision to this Ordinance on the premises of the establishment or in the course of conduct of the business of the establishment; or
- (3) Knowingly permitted any violation of Title 17-A M.R.S.A. Section 851 and 855 on the premises. Such knowledge shall be presumed if there have been two (2) or more convictions for any such offense within any one-year period.

#### Section 13. Licenses displayed.

A valid therapeutic massage establishment license shall be displayed at all times in an open and conspicuous place in the massage establishment for which it was issued. A valid massage therapist license must be readily available to be produced immediately if demanded of the licensee.

#### Section 14. Age Restrictions.

No massage or therapeutic massage shall be practiced on a minor without the presence of a parent or legal guardian.

Section 15. **Maintenance and cleaning.**

Every Person who conducts or operates a therapeutic massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

Section 16. **Hours of Operation.**

No massage establishment shall be kept open for massage purposes between the hours of 10:00 p.m. and 7:00 a.m.

Section 17. **Supervision.**

At all times when open for business, a therapeutic massage establishment shall have upon the premises a licensed massage therapist who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occurs.

Section 18. **List of Employees.**

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Board upon request.

Section 19. **Violation Penalties.**

The violation of any provision of this article shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this article by appropriate action, including but not limited to revocation of the license. The Town shall be entitled to recover its costs of any enforcement action, including its attorneys fees.

Section 20. **Validity of Ordinance.**

If any portion of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then this shall not effect the validity of the remaining provisions of this Ordinance.

Historical Note: This Ordinance was passed at a Special Town Meeting on March 27, 1993.

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Historical Note: These Ordinances were originally adopted by  
Town Meeting vote March 12, 1988.

## LEBANON WETLANDS CONSERVATION ORDINANCE

### Article 1. Findings of Fact and Purpose

1.1 The wetlands of Lebanon are sensitive natural resources which benefit residents by filtering and purifying surface water, controlling flood waters, reducing soil erosion, providing opportunities for recreation, education and scientific study, and providing valuable wildlife habitat. Many wetlands have been lost due to draining, filling and other actions which destroy wetlands and their beneficial functions. The purpose of this ordinance is to prevent the loss of those wetlands which remain.

1.2 It is therefore the policy of Lebanon:

A. To prevent the loss of wetlands which benefit present and future citizens of the town by:

1. Storing large amounts of stormwater and controlling flooding;
2. Controlling erosion by storing and slowly releasing water;
3. Filtering silt, organic matter, and other pollutants from surface waters;
4. Providing living, feeding, and breeding areas for waterfowl and wildlife and critical habitat for unique plant life;

B. To encourage appropriate uses in wetland areas that do not impair their beneficial functions;

C. To restrict inappropriate land uses which adversely affect wetland functions.

### Article 2. Definitions

Draining: The artificial lowering of the water table by ditching, channeling, or pumping water.

Dredging: The removal of more than one (1) cu.yd. of saturated soil.

Filling: The placement of more than one (1) cu.yd. of soil, rock, or other material on the ground.

Grading: The movement or removal of more than one (1) cu.yd. of soil material.

Hazardous waste: As defined in M.R.S.A., Section 1303(5), a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A., Sec. 1303-A. It does not include wastes resulting from normal household or agricultural activities.

Structure: Anything constructed or erected, the use of which requires a



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fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, carports, porches, and other building features.

Wetland (hydric) soil: A soil that in its undrained condition is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophilic (wetland) vegetation. (Definition from: Hydric Soils of the State of Maine, 1985, USDA, SCS.) Hydric soils found in Lebanon include but are not limited to: Biddeford, Chocorua, Rumney, Scantic, Sebago, Vasselboro, Waskish.

Waste: Any useless, unwanted or discarded substance or material, whether or not such substance or material has any future use and includes any substance or material that is spilled, leaked, pumped, poured, emitted, disposed of, emptied, or dumped onto the land or into the water.

Wetland: An area characterized by wetland soils and wetland vegetation.

Wetland vegetation: Those plants classified as Obligate, Facultative Wetland, or Facultative in the U.S. Fish and Wildlife publication, Wetland Plants of the State of Maine 1986.

### Article 3. Determination of Wetlands

3.1 ~~This ordinance regulates only those wetlands which are two (2) or more acres in size. A map showing wetland soils shall be available at the Town Clerk's office for use as a general guide in determining where wetlands are located, but wetland location shall be confirmed by field investigation.~~

3.2 The Conservation Commission shall make the final determination of wetland location, considering its field investigation, other reliable sources, and information provided by the individual.

3.3 If an individual is uncertain as to whether an area is a wetland regulated under this ordinance, he or she may request a determination from the Conservation Commission prior to submitting an application. The Conservation Commission shall undertake a field investigation of the area in question. If the size or the complexity of soil and vegetative conditions make determination of wetland boundaries difficult, the Conservation Commission may direct the individual to provide it with additional information from a licensed Soil Scientist or an experienced wetland scientist, such as a high intensity soil survey, vegetative survey, or wetland evaluation of the area proposed for use. The Conservation Commission shall make its field investigation and render its decision on whether the area is a wetland within 30 days of the request, or, if additional information is required, within 15 days of receiving the required information.

### Article 4. Land Uses

4.1 Any lawfully existing use or structure located in a wetland which is made non-conforming by the enactment of this ordinance is grandfathered

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and may be continued. New uses and expansions of existing uses are subject to the provisions of the Wetlands Conservation Ordinance.

4.2 The following uses are permitted in wetlands as of right (except that any structure, grading, filling, draining, or dredging required in connection with any such use requires a Special Permit under Section 5).

- Agriculture, including pasturing, farming, haying, truck gardening, and harvesting of crops. Agriculture shall not cause or contribute to surface or groundwater pollution by use of pesticides, toxic chemicals or other pollutants, and shall not cause soil erosion.
- Conservation of soil, water, vegetation, fish, and wildlife
- Education and scientific research
- Forestry, tree farming
- Non-intensive and non-commercial recreation, such as hunting, hiking, boating, trapping, fishing, horseback riding
- Open space (including land fulfilling lot size requirements)
- Repair and maintenance of existing ways, roads, railroad beds, or utilities, provided no watercourse is substantially altered.
- Repair and maintenance of existing permanent structures requiring the addition or removal of less than one (1) cubic yard of material
- Wilderness areas, wildlife refuges

In addition, the following structures are permitted by right providing they do not involve draining, grading, fill or dredging: catwalks, piers, fences, duck blinds, wildlife management shelters, footbridges and similar structures. (All such structures must be constructed so as to permit the unobstructed flow of waters and must preserve the natural contour of the wetland, unless otherwise authorized by Special Permit.)

4.3 The following uses are prohibited in wetlands:

- Disposal or storage of waste and/or hazardous materials
- Gasoline storage tanks
- Manure stockpiles
- Road salt stockpiles
- Topsoil removal
- Underground oil storage tanks

4.4 Uses other than those specifically mentioned in 4.2 and 4.3 are permitted in wetlands only upon issuance of a Special Permit by the Conservation Commission as outlined in Article 5.

#### 4.5 Performance standards:

Setbacks: Disposal or storage of waste and/or hazardous materials, gasoline storage tanks, road salt stockpiles, and underground oil storage tanks shall be set back a minimum of 300 feet from a wetland.

#### Article 5. Standards and Procedures for Special Permit Uses

5.1 Application for a Special Permit shall be made to the Conservation

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Commission accompanied by a fee of \$50<sup>00</sup>. Unless the Conservation Commission specifically waives one or more of the following information requirements, applications for a permit shall include:

- a. A topographic map at a scale of 1" = 2,000' (USGS 7.5 minute series) or larger showing the location of the proposed activity;
- b. A sketch plan for the proposed activity showing the location and size of existing and proposed structures, roads, sewage treatment facilities, and utilities;
- c. The site of all proposed draining, filling, grading, dredging, and vegetation removal, including specification of amounts of materials to be added or removed and procedures to be used;
- d. A general description of vegetation in the area with identification of dominant species;
- e. A map and general description of the entire parcel of land owned by the applicant and the location of wetland(s), watercourses, and drainageways on the parcel;
- f. A description of the purpose of the project, an explanation of why the proposed activity cannot be located on an upland site, and an explanation of whether the proposed activity is dependent upon wetlands or water-related resources.

Prior to accepting an application for processing, the Conservation Commission may require any additional information necessary to evaluate the proposed use in terms of the purposes and standards of this ordinance, such as a high intensity soil survey from a licensed Soil Scientist, or wetland evaluation from an experienced wetland scientist.

5.3 The Conservation Commission shall issue its decision within thirty (30) days of accepting a complete permit application, unless a hearing is necessary. A hearing is not required if the Conservation Commission finds that the activity is so minor that it will not affect the wetland, or that the hearing will not produce additional information useful to the review. If a hearing is held, the Conservation Commission shall issue its decision within 30 days of the hearing.

5.4 It shall be the responsibility of the applicant to show that the proposed use meets the purposes of this ordinance and the specific standards listed below. The Conservation Commission shall not issue a Special Permit unless the applicant provides clear and convincing evidence that the proposed use:

- 1) Will not impair or diminish the wetland's existing capacity to absorb, store, and slowly release stormwater and surface water runoff;
- 2) Will not increase the discharge of surface waters from the wetland;
- 3) Will not impair or diminish the wetland's capacity for retention and absorption of silt, organic matter, and pollutants;
- 4) Will not increase the flow of surface waters through the wetland;
- 5) Will not result in loss of important feeding, nesting, or breeding habitat for wildlife or aquatic life.

In making the final determination as to whether a permit should be issued, the Conservation Commission shall consider existing wetland destruction

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and the cumulative effect of reasonably anticipated future uses similar to the one proposed. Preference shall be given to activities that must have a wetland location in order to function and that will have as little impact as possible upon the wetland area. In general, a permit shall not be granted for dredging or ditching solely for the purpose of draining wetlands, and building structures that may be located elsewhere. The activity must to the greatest extent feasible, be confined to the portion of a lot outside of a wetland. In evaluating the proposed activity, the Conservation Commission may consult with expert persons or agencies.

The Conservation Commission shall grant a Special Permit, or grant a permit with conditions, if it finds that all of the above criteria will be met.

#### Article 6. Appeals

6.1 If the Conservation Commission disapproves an application or grants approval with conditions that are objectionable to the applicant or abutting landowner, the aggrieved party may appeal the decision to the Board of Appeals. The appeal must be filed with the Board of Appeals within 30 days of final action by the Conservation Commission.

6.2 If the Special Permit application is denied because the proposed use does not meet the performance standards in Article 5, the Appeals Board has the authority to override the denial provided the Board finds that the property cannot yield a reasonable return without a Special Permit. If the Board overturns the denial, the applicant may reapply to the Conservation Commission to obtain a Special Permit.

6.3 If the applicant appeals because a condition of the Special Permit is objectionable, the Appeals Board has the authority to change the condition only if the Board finds that the property cannot yield a reasonable return if the condition is enforced.

6.4 If an abutor initiates an appeal, the Board of Appeals has the authority to order the Conservation Commission to reconsider the case only if the Board of Appeals finds that the Conservation Commission made an error in procedure or failed to implement the criteria of this ordinance.

6.5 All appeals shall be heard in accordance with the procedure set forth in Title 30, Section 2411. If a public hearing is held, all abutors and the applicant shall be notified in writing of the time and place of the hearing at least 10 days in advance.

6.6 The application for an appeal shall include a copy of the Special Permit application and the written decision of the Conservation Commission.

6.7 The Appeals Board shall make a decision within 30 days of the public hearing.

Article 7. Enforcement

7.1 Failure to comply with the terms of this ordinance or any conditions attached to a permit by the Conservation Commission shall be construed to be a violation of this ordinance and shall be grounds for:

- a. suspension or revocation of a permit;
- b. initiating legal proceedings to enjoin filling, construction, or development, or any specific activity violating the conditions of this permit;
- c. levying a fine of not less than one hundred (\$100) dollars nor more than \$2500 dollars for each day that the violation continues to exist after official notification by the Code Enforcement Officer.

Article 8. Severability

8.1 The provisions of this ordinance shall be severable and if any portion of it shall be held invalid, the remainder of this ordinance and its application thereof shall not be affected.

Article 9. Conflicts

9.1 If any provision of this ordinance conflicts with any provisions in any other municipal ordinance or state statute, the stricter provision shall apply.

WASTE DISPOSAL FACILITY LICENSING ORDINANCE  
TOWN OF LEBANON

Article 1. Purpose & Authority

1.1 To provide the Town of Lebanon with a means of overseeing the activities of waste disposal facilities to ensure that they comply with regulations the Town deems essential to protect the health, safety and welfare of its residents, pursuant to Title 30, Section 1917 of the Maine Revised Statutes Annotated.

1.2 To protect air, surface and groundwater resources of Lebanon from contaminants which can reasonable be expected to accompany the activities of waste disposal facilities and thereby to preserve the quantity and quality of these resources for present and future use.

1.3 The Board of Environmental Welfare of the Town of Lebanon is hereby authorized and empowered to regulate the storage, collection, transportation, processing and disposal of garbage and rubbish as provided in Title 30 , Section 1917 of the Maine Revised Statutes Annotated.

T O W N   O F   L E B A N O N

LEBANON SOLID WASTE DISPOSAL CONTROL ORDINANCE

SECTION 1 ... This Ordinance shall be known, and be cited, as the "Solid Waste Disposal Control Ordinance of the Town of Lebanon, State of Maine.

SECTION 2 ... PURPOSE AND AUTHORITY

- 1) Declaration of Policy... This Ordinance is designed to control solid waste material in the Town of Lebanon by providing for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid waste disposal problems and providing fines for violation of the provisions of this Ordinance.
- 2) Authority for this Ordinance is Maine Revised Statutes Annotated Title 38, Section 1305.

SECTION 3 ... SOLID WASTE DISPOSAL CONTROLS STANDARDS AND REGULATIONS

- 1) The Board of Selectmen, Town of Lebanon, are hereby granted authority to establish detailed operating rules and regulations for all municipality waste collection and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy the needs at the Municipality, State and Federal laws and regulations. The rules and regulations shall include the operating hours of the facility. No person shall use the facility outside of the set hours of operation without specific written consent of the Board of Selectmen, Town of Lebanon, or its authorized agent. Current rules and regulations shall be prominently displayed at the Transfer Station, Town Clerk's Office, and on file with both the Town Clerk and Board of Selectmen Offices.
- 2) The use of the facility by any person shall be at the strict direction of the attendant designated by the Board of Selectmen. No person shall violate any directives, rules, or regulations set forth by the Board of Selectmen in the use of the facility. If any person refuses to obey any of the directives, rules, or regulations of the facility, the attendant shall have the authority to refuse access to the facility to that person.
- 3) No hazardous waste shall be delivered or dumped at the facility.
- 4) No industrial or commercial waste which creates a problem of disposal by virtue of Federal, State or Local statutes, rules, regulations or Ordinances, controlling or prohibiting its disposal, shall be delivered or dumped at the facility.
- 5) The Lebanon Solid Waste Disposal facility is operated for the benefit of Lebanon residents. Admission to the facility will be by permit, only. Lebanon residents will be issued permits, without charge, upon application to the Board of Environmental Welfare or at the transfer station.

Permits must be displayed on resident vehicles to gain access to the facility. Resident and nonresident commercial haulers must obtain a permit for each vehicle . Permits may be revoked by the Board of Environmental Welfare, , following notice and hearing, for violation of the Ordinance, or rules and regulations. Permits shall be renewed, annually, on or before January first.

6)It shall be unlawful for any person to deposit, place, process or dispose of garbage or rubbish in any place except a site assigned for that purpose by the Board of Environmental Welfare.



#### SECTION 4 ... DEFINITIONS

In this Ordinance, the following terms shall have the following meanings:

"Attendant" ... Any person employed by the Town of Lebanon, Maine, to supervise the solid waste facility and operate any necessary equipment.

"Facility" ... The Town of Lebanon, Maine, Solid Waste Disposal Facility. The facility may consist of more than one (1) site and more than one (1) system of disposal.

"Hazardous Waste" ... Any waste which the Federal and/or State Government(s) have determined to be hazardous in composition.

"Person" ... Shall include, but not limited to, individuals, partnerships, corporations and the agents of any of them.

#### SECTION 5 ... PENALTIES

Whosoever violates this Ordinance shall, upon conviction, be punished by a fine of not more than two hundred dollars (\$200). The State of Maine District Court for the District including Lebanon shall have jurisdiction of all offenses hereunder, subject to exception and appeal as is provided by Maine State Law.

#### SECTION 6 ... FEES

- 1) White goods and/or appliances, upholstered furniture, mattresses, and televisions ... \$5/each.
- 2) Construction and demolition materials, sheet rock, shingles, and metals ... \$100/ton.
- 3) Automobile tires removed from rims ... \$1/each.
- 4) Truck tires removed from rims ... \$2/each.
- 5) Tires on rims, add \$1/each.
- 6) Heavy metals over 35-pounds (engine blocks) ... \$5.
- 7) Light metals under 35-pounds (bicycles) ... \$1.
- 8) Miscellaneous: Truck caps, tanks, fuel tanks (emptied) ... \$5.

Penalty for noncompliance shall be punishable by a fine of not more than two hundred dollars (\$200).

#### SECTION 7 ... HOURS OF OPERATION

The Lebanon Solid Waste Transfer Station shall be open at the posted hours set by the Board of Selectmen.

SECTION 8 ... PROHIBITED WASTE

The following types of waste or refuse shall not be accepted at the Lebanon Transfer Station:

- 1) Hazardous waste of any kind, including, but not limited to, pathological waste; chemicals; explosives; radioactive materials.
- 2) Sewage treatment plant and septic tank residues.
- 3) Animal and agricultural waste, such as manure and crop residues.

SECTION 9 ... ENFORCEMENT

Except for provisions required to be enforced by State or Federal authority, the Police Department of the Town of Lebanon shall enforce this Ordinance.

SECTION 10 ... VALIDITY AND CONFLICT OF ORDINANCES

- 1) The invalidity of any Section, Subsection, Paragraph, Sentence, Clause, Phrase, or Word of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be servable.
- 2) All Ordinances and Bylaws inconsistent with or contrary to the provisions of this Article are hereby repealed.

SECTION 11 ... EFFECTIVE DATE

The Ordinance shall take effect and be in force from and after fifteen (15) days of its official adoption by the Town of Lebanon.

## Article 2. Definitions

2.1 Board: A board of citizens of the town, to be designated or appointed by the Lebanon Board of Selectmen.

2.2 Disposal: The discharge, deposit, injection, dumping, or incineration of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment, be emitted into the air, or discharged into any waters, including ground waters. Within 30 days of a waste being placed into or on any land or water, it shall be presumed that the waste has been disposed of, for purposes of this ordinance.

2.3 Hazardous waste: As defined in 38 M.R.S.A., Sec. 1303 (5), means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. Sec. 1303-A. It does not include wastes resulting from normal household or agricultural activities.

2.4 Liquid waste: Any free-flowing, semi-solid, or liquid waste, including but not limited to those generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

2.5 Liquid waste lagoon: A facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, which is designed to hold an accumulation of liquid wastes, special wastes, or wastes containing free liquids.

2.6 Solid waste: Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to: rubbish, garbage, scrap materials, junk refuse, inert fill material, and landscape refuse.

2.7 Special waste: Any waste emanating from sources other than typical domestic and commercial establishments that is not readily compatible within a waste facility at which it may be handled. A waste is considered special when it exists in such an unusual quantity or such a chemical or physical state, or any combination thereof, as to disrupt or impair effective waste management or threaten public health, human safety or surrounding natural resources when it is to be handled at a waste facility that is not appropriately located, designed, or operated to receive such

T O W N   O F   L E B A N O N

T R A F F I C   O R D I N A N C E

A R T I C L E   1   . . .   W O R D S   A N D   P H R A S E S

1.1 . . . . D E F I N I T I O N   O F   W O R D S   A N D   P H R A S E S

- A) The following words and phrases, when used in this Ordinance, shall, for the purpose of this Ordinance, have the meanings respectively ascribed to them in this Article, except when the context otherwise requires.
- B) Whenever any words and phrases used herein are not defined herein but are defined in the State Laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

1.2 . . . . A L L E Y

A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

1.3 . . . . C E N T R A L   B U S I N E S S   D I S T R I C T

All streets and portions of streets within the area designated.

1.4 . . . . C O M M E R C I A L   V E H I C L E

Every vehicle designed, maintained or used primarily for the transportation of property.

1.5 . . . . C O N T R O L L E D   A C C E S S   H I G H W A Y

Every highway, street or roadway in respect to which owners or occupants of abutting lands and persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

1.6 . . . . P A S S E N G E R ,   F R E I G H T   C U R B   L O A D I N G   Z O N E S

Spaces adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, commercial freight, or materials.

1.7 . . . . D R I V E R

Every person who drives or is in actual physical control of vehicle.

1.8 . . . . F I R E   D E P A R T M E N T   O F F I C I A L S

Any Fireman, Fireward, Engineerman, volunteer and those appointed under special laws or emergencies.

1.9 .... LANED ROADWAY

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

1.10 ... OFFICIAL TIME STANDARD

Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this municipality.

1.11 ... PARK

Means the leaving of a vehicle, whether occupied or unoccupied otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

1.12 ... PEDESTRIAN

Any person afoot.

1.13 ... PERSON

Any natural person, firm, copartnership, association or corporation.

1.14 ... POLICE OFFICER

Any Officer of the Police Department, any Constable, or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

1.15 ... PRIVATE ROAD OR DRIVEWAY

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

1.16 ... RIGHT-OF-WAY

The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

1.17 ... ROADWAY

That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

1.18 ... SAFETY ZONE

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

ARTICLE 3 ... ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3.1 .... AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- A) It shall be the duty of any Police Officer to enforce all traffic laws of this municipality and all of the State vehicle laws.
- B) Police Officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians. Police Officers may direct traffic as conditions may require, notwithstanding the provision of the traffic laws.
- C) Officers of the Fire Department, when at the scene of a fire, or traffic accident may direct or assist the Police in directing traffic there at or in the immediate vicinity.

3.2 .... REQUIRED OBEDIENCE TO TRAFFIC ORDINANCE

It is unlawful and an infraction for any person to do any act forbidden or fail to perform any act required in this Ordinance.

3.3 .... OBEDIENCE TO POLICE AND FIRE OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of any Police Officer or Fire Department official.

3.4 .... PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any County, Town, District, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Ordinance or in the State Vehicle Code.

3.5 .... AUTHORIZED EMERGENCY VEHICLES

- A) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may park or stand, irrespective of the provisions of this Ordinance.
- B) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his reckless disregard for the safety of others.

3.6 .... CERTAIN NONMOTORIZED TRAFFIC TO OBEY TRAFFIC REGULATIONS

- A) Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Ordinance and by the rules of the road portion of the State Vehicle Code, except those provisions which by their nature have no application.

B) Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Ordinance, except those provisions of this Ordinance which by their very nature can have no application.

3.7 .... USE OF COASTERS, ROLLER SKATES, SKATEBOARDS, MOTORIZED TOYS AND SIMILAR DEVICES RESTRICTED

No person upon roller skates, skateboards, or riding in or by means of any coaster, toy vehicle, motorized toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized herein.

1.19 ... SIDEWALK

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

1.20 ... STAND

Means the halting of a vehicle, whether occupied or unoccupied, temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

1.21 ... PATROL/TRAFFIC UNIT

The Patrol/Traffic Unit of the Police Department of this municipality, or in the event a Patrol/Traffic Unit is not established, then said term whenever used herein shall be deemed to refer to the Police Department of this Town.



ARTICLE 2 ... TRAFFIC ADMINISTRATION

2.1 .... TRAFFIC ACCIDENT STUDIES

Whenever the accidents at any particular location become numerous, the Patrol/Traffic Unit shall conduct studies of such accidents and determine remedial measures. (The Maine State Highway Commission provides technical assistance on request.)

2.2 .... TRAFFIC ENGINEER

The office of Traffic Engineer is hereby established. The Chief of Police shall serve as Traffic Engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this Ordinance.

2.3 .... EMERGENCY AND EXPERIMENTAL REGULATIONS

- A) The Chief of Police by and with the approval of the Board of Selectmen and the State Highway Commission, is hereby empowered to make regulations necessary to make effective the provisions of the Traffic Ordinances of this Town and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- B) The traffic Engineer may test traffic control devices under actual conditions of traffic.

2.4 .... POWERS AND DUTIES

The Traffic Engineer will receive complaints having to do with traffic matters.

Complaints or actions before them will receive a response within a thirty (30) day period.

## ARTICLE 4 ... TRAFFIC CONTROL DEVICES

### 4.1 .... AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The Road Commissioner shall place and maintain official traffic control devices when and as required under the Traffic Ordinances of this municipality to make effective the provisions of said Ordinances. The Police Chief, with the Board of Selectmen, may direct the Road Commissioner to place and maintain such additional official traffic control devices as they may deem necessary to regulate, warn, or guide traffic under the Traffic Ordinances of this municipality of the State Vehicle Code. The installation of traffic control devices on State aid and State highways shall be subject to State Highway Commission approval.

### 4.2 .... SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to specifications approved by the State Highway Commission. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with the provisions of State law or this Ordinance shall be official traffic control devices.

### 4.3 .... OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Ordinance, unless otherwise directed by a Police Officer subject to the exceptions granted the driver of an authorized emergency vehicle.

### 4.4 .... WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

A) No provision of this Ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

B) When a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

### 4.5 .... OFFICIAL TRAFFIC CONTROL DEVICES - PRESUMPTION OF LEGALITY

Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Ordinance, such devices shall hereby be determined to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

### 4.6 .... AUTHORITY TO ESTABLISH PLAY STREETS

The Board of Selectmen shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

4.7 .... PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

4.8 .... CHIEF OF POLICE AND BOARD OF SELECTMEN TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The Chief of Police and Board of Selectmen are hereby authorized:

- 1) To designate and have maintained, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in their opinions, there is a particular danger to pedestrians crossing the roadway, and at such other places as they may deem necessary.
- 2) To establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians.
- 3) On State aid and State highways their authority is subject to approval by the State Highway Commission.

4.9 .... TRAFFIC LANES

The Board of Selectmen are hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. On State aid and State highways, their authority is subject to State Highway Commission approval.

ARTICLE 5 ... SPEED REGULATION

5.1 .... STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this municipality.

5.2 .... REGULATION OF SPEED BY TRAFFIC SIGNALS

The Chief of Police and Board of Selectmen are authorized, subject to State Highway Commission and State Police approval, to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable with the district or at intersections and shall erect appropriate signs giving notice thereof.

ARTICLE 6 ... TURNING MOVEMENTS

6.1 .... AUTHORITY TO PLACE DEVICES ALTERING NORMAL COURSE FOR TURNS

The Chief of Police and Board of Selectmen are authorized to place official traffic control devices within or adjacent to intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. On State aid and State highways, their authority is subject to State Highway Commission approval.

6.2 .... AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Chief of Police and Board of Selectmen are hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when such turns are permitted. On State aid and State highways, their authority is subject to State Highway Commission approval.

ARTICLE 7 ... ONE-WAY STREETS AND ALLEYS

7.1 .... AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

Whenever any Ordinance of this municipality designates any one-way street or alley, the Road Commissioner shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

7.2 .... ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys so designated, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.  
(Schedule 1)

7.3 .... STATE APPROVAL

On State aid and State highways, installation of one-way street signs is subject to State Highway Commission approval.

ARTICLE 8 ... STOP AND YIELD INTERSECTIONS

8.1 .... THROUGH STREETS DESIGNATED

Those streets and parts of streets described in Schedule 2 and made a part hereof, are hereby declared to be through streets for the purpose of this Section.

8.2 .... SIGNS REQUIRED AT THROUGH STREETS

Whenever this Ordinance designates and describes a through street, it shall be the duty of the Road Commissioner to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Chief of Police and Board of Selectmen upon the basis of an engineering and traffic study.

8.3 .... OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The Chief of Police and Board of Selectmen are hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets and to determine:

- A) Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or;
- B) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience is required.

8.4 .... STATE APPROVAL

On State aid and State highways, the designation of through streets and the installation of stop and yield signs are subject to State Highway Commission approval.

ARTICLE 9 ... MISCELLANEOUS DRIVING RULES

9.1 .... STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or sidewalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed.

9.2 .... DRIVING THROUGH FUNERAL OR OTHER PROCESSION

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

9.3 .... DRIVERS IN A PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and safe.

9.4 .... FUNERAL PROCESSIONS TO BE IDENTIFIED

A funeral composed of a procession of vehicles shall be identified as such by a pennant or other identifying technique, i.e., headlights on, or by such other method as may be recommended by the patrol/traffic unit.

9.5 .... WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No organized procession or parade containing three (3) or more persons or or three (3) or more vehicles, except the Armed Forces of the United States, the military forces of this State, the Police Department and Fire Department, shall occupy, march or proceed along any way except in accordance with a permit issued by the (Chief of Police) and such other regulations as are set forth herein which may apply.



ARTICLE 10 ... PEDESTRIAN'S RIGHTS AND DUTIES

10.1 ... CROSSING AT RIGHT ANGLES

Except where otherwise indicated by a crosswalk or other official traffic control device, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.

10.2 ... PROHIBITED CROSSING

In accordance with applicable State law.

10.3 ... DRIVERS TO EXERCISE DUE CARE TO PEDESTRIANS

In accordance with applicable State law.

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## ARTICLE 11 ... REGULATION FOR BICYCLES

### 11.1 ... GENERAL

No person shall ride or propel a bicycle upon any Public street, highway or across any sidewalk except in a careful and prudent manner and at a reasonable rate of speed. Persons riding bicycles shall observe all traffic rules and regulations applicable thereto; signal for all turns, ride at the right-hand side of any street or highway, pass only to the left when passing slow moving vehicles with the exception that a pass may be made to the right when slow moving vehicles are about to make left-hand turns. No person shall operate or propel any bicycle without having at least one hand on the handlebars thereof. No person shall ride or propel a bicycle with any passenger where said bicycle is designed to carry only one person. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person riding or operating a bicycle shall hold on to any vehicle while said vehicle is in a moving motion. No person shall ride or propel a bicycle on any street or highway of the Town after dark unless the same shall be equipped with sufficient light, attached to the front of said bicycle, visible from the front thereof not less than 200' and properly lighted, nor without a rear taillight, or in lieu of, a reflector attached to and visible from the rear of said bicycle for a distance of 50'. No person shall ride or propel a bicycle upon any street or highway or across any sidewalk in the Town, abreast or to the left of any person so riding or propelling another bicycle.

### 11.2 ... PARKING

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

### 11.3 ... RIDING ON SIDEWALKS

- A) No person shall ride a bicycle upon a sidewalk within a business district.
- B) The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place, no person shall disobey the same.
- C) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such a pedestrian.

### 11.4 ... REGISTRATION REQUIRED

No resident shall operate or use a bicycle propelled wholly or in part by muscular power upon any street or public highway of the Town of Lebanon without first obtaining from the Lebanon Police Department a registration card and bicycle registration sticker.

#### 11.5 ... REGISTRATION ISSUED

The Lebanon Police Department is hereby authorized and directed to issue, upon written application, bicycle registrations which shall be effective for an indefinite period, upon issue. Said registration shall entitle the owner to operate such bicycle for which the registration has been issued, upon any street, alley, and public way, exclusive of the sidewalks within the business districts thereof, in the Town of Lebanon.

#### 11.6 ... REFLECTIVE STICKERS

The Town of Lebanon, under the direction of the Lebanon Police Department, shall provide reflective stickers, together with registration cards. The Lebanon Police Department will be responsible for the registration records and enforcing the Bicycle Ordinance law. The reflective stickers and registration cards shall have numbers indicated thereon in numerical order, beginning with the number 1, and shall have letters "LBR" indicated thereon (Lebanon Bicycle Registration). Such reflective stickers shall be suitable for attachment to the frames of bicycles. It shall be the duty of the Lebanon Police Department to attach one such reflective sticker to each bicycle and to issue a corresponding registration card to the owner. Such sticker shall remain attached to and during the ownership period of such registration. The Police Department shall keep a record of the date of issuance of each registration, the person to whom issued and the number thereon.

#### 11.7 ... DUTIES OF OWNERS' BICYCLES

It shall be the duty of every person who owns a bicycle in the Town of Lebanon, prior to operating or propelling said bicycle upon any street or highway in the Town of Lebanon, to register said bicycle with the Lebanon Police Department. It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the Police Department the registration card issued to such person as having the registration issued thereof together with the name and address of the person to whom said bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of such bicycle to apply for a new registration within five (5) days of said transfer or sale.

#### 11.8 ... DUTIES OF DEALERS OF BICYCLES

It shall not be required of dealers of bicycles to register said bicycles that are for sale in business establishments thereof. It shall be the duty of dealers of bicycles to register said bicycles that are being used on a rental basis prior to allowing said bicycles to be ridden or propelled on any street or highway in the Town of Lebanon.

#### 11.9 ... REFUSAL TO ISSUE REGISTRATION

The Lebanon Police Department is authorized to refuse any application for bicycle registration if said bicycle does not meet minimum standards in safety and equipment required thereon. The following standards will be required on all bicycles operated or propelled on any street or highway of the Town of Lebanon prior to the issuance of registration cards and registration stickers:

- A) Handlebars and Tight Grips
- B) Good Tires
- C) Good Seat
- D) Good Brakes
- E) Tight Wheels
- F) Headlight and Reflectors (Night operation only)
- G) Tight Spokes and all Spokes must be present

#### 11.10 .. REMOVAL OF NUMBERS

No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame registered pursuant to this section.

#### 11.11 .. DESTRUCTION OF STICKERS

No person shall remove, destroy, mutilate or alter any registration sticker, seal or registration card during the time in which such sticker, seal or registration card is operative. Nothing in this section shall prohibit the Police Department from stamping numbers on the frames of bicycles on which no serial numbers can be found or on which the number is illegible or insufficient for identification purposes.

#### 11.12 .. TIMES OF REGISTRATION

Bicycles shall be registered at the Lebanon Police Department on Wednesdays and Saturdays between the hours of 9:00/a and 5:00/p.

#### 11.13 .. FEES

There shall be no fee for bicycle registration

#### 11.14 .. IMPOUNDMENT OF BICYCLES

The Lebanon Police Department, or any member thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this Ordinance, and for impoundment for unregistered, retain possession of the same until registered by the owner.

#### 11.15 .. UNCLAIMED BICYCLES

Any bicycle that has been in possession of the Lebanon Police Department for a period of ninety (90) days and is not claimed by the owner, will be disposed of by the direction of the Chief of Police of Lebanon. One item will be printed in the local newspaper(s) for one week prior to the disposal of said bicycle or bicycles giving a complete description of bicycle or bicycles, and that the said bicycles will be disposed of if not claimed by a given date. The Chief of Police will cause to have printed in the local newspaper a list of disposed bicycles, indicating description of bicycle and place of disposition; i.e. charity organization, etc.

#### 11.16 .. PENALTIES

Any person or persons maliciously removing, destroying, mutilating or altering any registration card, fender stickers or seals during which time such registration cards, fender stickers or seals are operative, shall be summoned to the 10th District Court, Western York Division in Sanford, on such; and if found guilty, will be subject to a fine of not more than ten dollars (\$10). Any portion of this fine shall be used to reimburse the

owner of said bicycle who may have suffered such loss of said bicycle.

Any person the age of 17 or over who violates any of the provisions of this Town Ordinance shall, upon conviction, be punished by a fine of not more than ten dollars (\$10). The Chief of Police, when satisfied that a juvenile under the age of 17-years has ridden a bicycle in violation of any of the provisions of this Ordinance, may impound the bicycle for a period not to exceed five (5) days for the first offense and for a period not to exceed thirty (30) days for any subsequent offense.

ARTICLE 12 ... ANGLE PARKING

12.1 ... SIGNS FOR MARKING INDICATING ANGLE PARKING

- A) The Chief of Police shall determine upon what streets angle parking shall be permitted and shall have marked or sign such streets, but such angle parking shall not be indicated upon any State aid or State highway within the municipality unless the State Highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

12.2 ... OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS

On those streets which have been signed or marked by the Road Commissioner for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

12.3 ... PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB IN A BUSINESS DISTRICT

- A) The Police Department is authorized to issue special permits to allow the backing of a vehicle to the curb in a business district for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as stated and authorized herein.
- B) It shall be unlawful for any person receiving a permit or other person to violate any of the special terms or conditions of any such permit.

ARTICLE 13 ... STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

13.1 ... PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10' of the width of the roadway for free movement of vehicular traffic.

13.2 ... PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10' of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

13.3 ... ALL NIGHT PARKING PROHIBITED BETWEEN THE DATES OF NOVEMBER 1ST TO APRIL 15TH

No person shall park a vehicle on any street for a period of time longer than 30-minutes between the hours of 2:00/a and 5:00/a.

13.4 ... PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

- 1) Displaying such vehicle for sale.
- 2) Washing, greasing or repairing such vehicle except repair necessitated by an emergency within a reasonable time.

13.5 ... PARKING ADJACENT TO SCHOOLS

- A) The Chief of Police and Board of Selectmen are hereby authorized to cause to be erected, signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in their opinions, interfere with traffic or create a hazardous situation.
- B) When official signs are erected indicating no parking upon either side of a street, adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

13.6 ... PARKING PROHIBITED ON NARROW STREETS

- A) The Chief of Police and Board of Selectmen are hereby authorized to cause to be erected, signs indicating no parking upon any street when the width of the roadway does not exceed 20', or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30'.
- B) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

13.7 ... STANDING OR PARKING ON ONE-WAY STREETS

The Chief of Police and Board of Selectmen are authorized to cause to be erected, signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

13.8 ... STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two or more separate roadways and traffic restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand of such one-way roadway unless signs are erected to permit such standing or parking. The Chief of Police and Board of Selectmen are authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to cause to be erected, signs giving notice thereof.

13.9 ... NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

- A) The Chief of Police and Board of Selectmen are hereby authorized to determine and designate by proper signs placed not exceeding 100' in length in which the stopping, standing or parking of vehicles would create unusual delay to traffic.
- B) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.



ARTICLE 14 ... STOPPING FOR LOADING OR UNLOADING ONLY

14.1 ... THE CHIEF OF POLICE AND BOARD OF SELECTMEN TO DESIGNATE CURB LOADING ZONES

The Chief of Police and Board of Selectmen are hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

14.2 ... PERMITS FOR CURB LOADING ZONES

A person(s) must make application for a permit for such zone and for two signs to indicate the ends of each such zone. The Chief of Police, upon granting a permit and issuing such signs, shall collect from the applicant and deposit in the municipal treasury a service fee of fifty dollars (\$50) per year or fraction thereof and may, by general regulations, impose conditions upon the use of such signs and for reimbursement of the municipality for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of a permit. Every permit shall expire at the end of one year.

14.3 ... STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose of period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed that which is reasonable.

14.4 ... STANDING IN FREIGHT CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose of length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed twenty (20) minutes or when reasonable time permission is given by a Police Officer.

14.5 ... THE CHIEF OF POLICE TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The Chief of Police is hereby authorized and required to establish bus stops, bus stands, taxi stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such numbers as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. These shall be listed in Schedule 3.

14.6 ... STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

A) The operator of a bus, except school bus, or granted permission by the Chief of Police, shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B) The operator of a bus, except school buses, shall not stop such vehicle upon any street at any place for the purpose of loading or unloading

passengers other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in the case of any emergency.

- C) The operator of a bus, except school buses, shall enter a bus stop, bus stand or passenger loading zone on a public street in such manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not farther than 18" from the curb so as not to unduly impede the movement of other vehicular traffic. It shall be permissible in the case of loading or unloading handicapped persons to allow such vehicles to park in such a manner to allow discharge of such persons.

#### 14.7 ... RESTRICTED USE OF BUS AND TAXICAB STANDS

In the time restricted use for bus or taxicab stands, no person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

ARTICLE 15 ... STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

15.1 ... APPLICATION OF THIS ARTICLE

The provisions of this Article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

15.2 ... REGULATIONS NOT EXCLUSIVE

The provisions of this Article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

15.3 ... PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Schedule 4, and made a part of this Ordinance.

15.4 ... PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified in Schedule 5, or any day except Sundays and public holidays within the district or upon any of the streets described in said Schedule 5, and made a part of this Ordinance.

15.5 ... PARKING TIME LIMITED ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than two (2) hours at any time between the hours of 9:00/a and 9:00/p of any day except Sundays within the district or upon any of the streets described in Schedule 6. (See also 15.5A below.)

ADDITION

15.5A . PARKING TIME LIMITED ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than one (1) hour at any time between the hours of 9:00/a and 9:00/p of any day except Sundays within the district or upon any of the streets described in Schedule 6.

15.6 ... PARKING TIME LIMITED ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than thirty (30) minutes at any time between the hours of 9:00/a and 5:00/p of any day except Sundays within the district or upon any of the streets described in Schedule 7.

15.7 ... PARKING SIGNS REQUIRED

Whenever by this or any other Ordinance of this municipality, any parking time limit is imposed or parking is prohibited on designated streets, it

shall be the duty of the Road Commissioner to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

15.8 ... PROHIBITED PARKING

Parking prohibited during snow emergency along route designated as snow emergency routes by the Chief of Police.

ARTICLE 16 ... REGULATING THE KINDS OF CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS

16.1 ... COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding 10,000 pounds gross weight at any time upon any of the streets or parts of streets described in Schedule 8, made a part of this Ordinance, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter.

16.2 ... RESTRICTION UPON USE OF STREETS BY CERTAIN VEHICLES

A) The Board of Selectmen are hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles or other nonmotorized traffic and shall erect appropriate signs giving notice thereof.

B) When signs are so erected giving notice thereof, no person shall disobey the restriction stated on such signs.

16.3 ... STATE APPROVAL

On State aid and State highways, the installation of signs is subject to State Highway Commission approval.

ARTICLE 17 ... PENALTIES

17.1 ... PENALTIES

In lieu of court action, a person shall pay fines as follows:

- 1) No Parking Zone ..... \$ 5.00
- 2) Wrong Side of Street ..... 5.00
- 3) Too Close to Hydrant ..... 10.00
- 4) Double Parking ..... 5.00
- 5) All Night Parking ..... 5.00
- 6) Bus Stop ..... 5.00
- 7) Blocking Driveway ..... 5.00
- 8) Parking in Crosswalk ..... 5.00
- 9) Improper Parking ..... 5.00
- 10) Overtime Parking ..... 3.00
- 11) Parking in Designated Handicapped Spaces ..... 10.00
- 12) Other ..... 5.00
- 13) Snow Emergency ..... 15.00
- 14) Unreasonable Deposit - Snow/Ice ..... 25.00
- 15) Impeding Traffic ..... 10.00
- 16) Vehicular Trespassing ..... 20.00

17.2 ... CITATION ON ILLEGALLY PARKED VEHICLE

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by Ordinance of this municipality or by State law, the Officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the municipality for the owner to answer to the charge against him within 5-days during the hours and at a place specified in the citation.

17.3 ... FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE

If a violator of the restrictions on stopping, standing or parking under the traffic laws or Ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period five (5) days, the Chief of Police or someone acting under his authority shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, the amount of the penalty shall be doubled.

17.4 ... IN THE EVENT SUCH NOTICE IS DISREGARDED

If the five (5) day warning lapses and the double fine is not responded to for a period of ten (10) days thereafter, a warning shall be sent to the owner by Certified Mail. It shall be prima facie evidence that the owner failed to respond to the warning of court summons issuance and payment of penalty and after fifteen (15) days has lapsed, a court summons shall constitute a presumption of notice. Upon delivery in hand of the court summons, the matter is transferred to the courts.

17.5 ... PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle at the point where, and for the time during which, such violation occurred.

17.6 ... DISPOSITION OF TRAFFIC FINES AND FORFEITURES

All fines and penalties collected upon conviction of any person charged with a violation of any of the provisions of this Ordinance shall be paid into the municipal treasury.

17.7 ... IMPOUNDING VEHICLES

- A) When, and as authorized by the laws of this State, a Police Officer may cause a vehicle to be removed from a street or highway.
- B) Any vehicle parked in violation of any provisions of this Ordinance may be removed from a street or highway by a Lebanon Police Officer or by a person acting under authorization of the Lebanon Police Department.

ARTICLE 18 ... MISCELLANEOUS

18.1 ... STANDING OR PARKING CLOSE TO THE CURB

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, heading in the direction of traffic, and with the curbside wheels of the vehicle within 12" of the edge of the roadway, except as provided elsewhere in the Ordinance.

18.2 ... STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

No person shall stop, stand, park a vehicle, except when necessary to avoid conflict with other traffic, when there exists an emergency, etc., or in compliance with any direction of a Police Officer or traffic control device, in any of the following places:

- 1) On a sidewalk.
- 2) In front of a public or private driveway.
- 3) Within 10' of a fire hydrant.
- 4) On a crosswalk.
- 5) Within 20' of the near corner of the curbs at an intersection.
- 6) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- 7) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or double-parked, so called.
- 8) Upon any bridge or other elevated structure upon a highway.
- 9) At any place where official signs prohibit parking or stopping.
- 10) Trespassing - Parking of vehicle by trespassing on private or Town-owned property is prohibited.
- 11) Impeding Traffic - No vehicle shall be permitted to remain stationary within the limits of the street or public ways of the Town in such a manner as to constitute a traffic hazard or to impede or to obstruct the free movement of traffic thereon.

18.3 ... EMERGING FROM A PRIVATE DRIVEWAY

The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving onto the sidewalk and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

18.4 ... MOTOR VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK

The driver of any motor vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

18.5 ... CLINGING TO MOVING VEHICLES

Any person riding, clinging, or therefore being dragged upon any motorcycle, coaster, sled, skis, toboggan, roller skates, skateboard, or any toy vehicle shall not attach the same or himself/herself to any moving vehicle upon any roadway.

18.6 ... CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.



18.7 ... UNLAWFUL PARKING

No vehicle or combination of vehicles, except when permission of the Chief of Police is granted in excess of twenty (20) feet in length shall remain parked in controlled or regulated parking areas prohibited in Schedules 5, 6 and 7 for more than twenty (20) minutes on any public way within the urban limits of the Town.

18.8 ... LOUD, UNUSUAL OR UNNECESSARY NOISE

No person shall operate a motor vehicle upon any street or way, or in any other place, so as to make a loud, unusual, unnecessary noise against the peace, quiet or good order of the Town.

18.9 ... THE TRANSPORTATION OF RUBBISH, REFUSE, ASHES AND OTHER WASTE MATERIAL

No person shall operate or cause to be operated upon any public way a vehicle with a load, unless such load is fastened, secured, confined or loaded to prevent any possibility, reasonably to be anticipated, or any portion of said load from falling to the ground. The word "load" as used in this paragraph shall include, but shall not be limited to, paper, wood products, rubbish, refuse, ashes, garbage, or other waste material.

18.10 .. UNREASONABLE DEPOSIT OF SNOW OR ICE

Whoever unreasonable deposits or drops snow or ice within the built-up sections of the Town of Lebanon, except upon the written authority of the municipal officers, shall be punished by a fine of not more than twenty-five dollars (\$25).

ARTICLE 19 ... EFFECT OF AND SHORT TITLE OF ORDINANCE

19.1 ... APPLICATION

The provisions of this Ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

19.2 ... UNIFORMITY OF INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those local authorities which enact it.

19.3 ... EFFECT OF HEADINGS

Article and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section hereof.

19.4 ... SHORT TITLE

This Ordinance may be known and cited as the Lebanon Traffic Ordinance.

19.5 ... ORDINANCE NOT RETROACTIVE

This Ordinance shall not have a retroactive effect and shall not apply to any traffic accident or judgment arising therefrom, or to any violation of the motor vehicle Ordinance of this Town, occurring prior to the effective date of this Ordinance.

19.6 ... EFFECT OF PARTIAL INVALIDITY

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

T O W N   O F   L E B A N O N

ANIMAL CONTROL ORDINANCE

ARTICLE 20 ... REVISED 1988

SECTION 101 ... PURPOSE

The purpose of these Ordinances is to require that all dogs in the Town of Lebanon be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

SECTION 102 ... CONSTRUCTION

The provisions which apply to the owners of a dog apply equally to any person having its custody or possession. A dog in company with 3 or more dogs is deemed to be in a pack.

SECTION 103 ... DEFINITIONS

- 1) "Owner" means any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of a dog.
- 2) "At Large" means off the premises of owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of such dog.
- 3) "Dangerous Dog" means a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
- 4) "Law Enforcement Officer" means any person who, by virtue of his public employment, is vested by law with a duty to maintain public order, enforce any law of this State or Municipality establishing a civil violation, prosecute offenders or make arrest for crimes, whether that duty extends to all crimes, or is limited to specific crimes.
- 5) "Municipality" means a city, town or plantation.
- 6) "Nuisance" means the causing of unreasonable noise, litter, or other property damage; the chasing of automobiles, motorcycles, bicycles, or other vehicles; and the entry on school grounds while school is in session.
- 7) Leash... A leash should be a maximum of 3' in length.

SECTION 104 ... REGISTRATION AND IDENTIFICATION

A dog which is at least 6-months old must be licensed by its owner in accordance with State Law. A dog which is at least 2-months old must wear a collar or harness to which is attached an Identification Tag with the owner's Name and Address, or Telephone Number.

SECTION 105 ... RUNNING OR ROAMING AT LARGE

A dog is not permitted to run, or roam, at large. A dog which is off the premises of the owner or the premises of a person having its custody and is not on a leash, is prima facie running at large.

- 1) Exception... A dog which is under the owner's control and is engaged in field training, trials, or legal hunting may run at large.

SECTION 106 ... DANGEROUS DOG

It shall be unlawful to own or possess a dangerous dog as defined in Section 103.3 ... except when such dog is confined, or muzzled.

SECTION 107 ... NUISANCE DOG

It shall be unlawful to own or possess a dog creating a nuisance as defined under Section 103.6.

SECTION 108 ... PROHIBITED NOISE/DISTURBING THE PEACE

Owning, possessing, or harboring any dog which frequently or for continued duration, makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10-minutes, or barks intermittently for ½-hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for the purposes of this Ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which caused or provoked the dog.

SECTION 109 ... IMPOUNDING

The Animal Control Officer shall apprehend any dog found running at large and impound it in the dog pound, or other suitable place. At the time the Animal Control Officer shall register the breed, color, sex, license number, and name and address, or telephone number, of the owner in a book kept for this purpose.

SECTION 110 ... NOTICE AND RECLAMATION

The Animal Control Officer shall immediately notify the owner by telephone, if possible, or by regular mail, that the dog has been impounded, and that the owner may reclaim it by licensing the dog (if it is unlicensed) and by paying to the Town the following fee:

- 1) Fine for dog running or roaming at large,
- 2) Cost of keeping the dog at the dog pound, or other suitable place.

If the owner of the dog is unknown, or cannot be found, the Animal Control Officer shall immediately post the notice on the Bulletin Board in the entrance of the Police Department.

#### SECTION 111 ... DISPOSITION OF UNCLAIMED DOGS

The Animal Control Officer, or his representative, shall keep all impounded dogs for 8-days at the Town Pound or other suitable place. If, at the end of 8-days, the dog is not reclaimed, the Animal Control Officer, or his representative, shall place the dog with a Humane Society or another owner, or, if these two alternatives are not possible, the dog will be humanely disposed of.

#### SECTION 112 ... DISPOSITION OF DOGS WHICH HAVE BITTEN PERSON(S)

The owner of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least 14-consecutive days, and if not already reported shall notify the Lebanon Police Department immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the dog, nor allow it to be destroyed.

#### SECTION 113 ... EXAMINATION OF CONFINED DOGS

The Lebanon Police Department shall have a dog which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 14-day period of confinement, the Lebanon Police Department shall determine whether the dog is infected with rabies. In making this determination, he shall employ such expert assistance as may be necessary. If he deems it necessary to keep the animal confined for longer than a 14-day period, he shall order it done. If the dog is found to be rabid, he shall notify the owner, and the person bitten, and shall have the dog destroyed, following any procedure recommended by the State Department of Health and Welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog, or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this Section shall be paid for by the owner of the dog.

#### SECTION 114 ... PENALTIES

- A) Running or roaming at large... A person who violates this Article by permitting his dog to run or roam at large as required by Section 105 shall be punished by a fine of not more than fifty dollars (\$50).
- B) Dog in heat... The owner of any female dog in heat shall keep the same confined or on a leash at all times under the care of the owner, and shall not permit such dog to be at large within the Town on any premises other than those of the owner. Every female dog found running at large hereof is declared to be a public nuisance. The owner of a dog in heat which is found running or roaming at large shall be punished by a fine of not more than one hundred dollars (\$100).
- C) Traveling in packs. The owner of a dog traveling in a pack shall be punished by a fine of not more than fifty dollars (\$50) on first offense. For the second offense and subsequent offenses the owner shall be punished by a fine of not more than one hundred dollars (\$100).
- D) Running or roaming at large after causing a nuisance... The owner of a dog which is found running at large, who knows or has been advised that the

dog has caused a nuisance and has failed to keep the dog on his/her premises or under his/her control or under the control of a person charged with that responsibility shall, for the first offense, be punished by a fine of not more than fifty dollars (\$50). For a second offense and subsequent offenses, the owner shall be punished by a fine of not more than one hundred dollars (\$100).

- E) Disturbing the peace... The owner of a dog which disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise as required by Section 108, shall be punished on the first offense by a fine of not more than twenty-five dollars (\$25). For the second offense, he/she shall be punished by a fine of not more than fifty dollars (\$50). For the third and subsequent offenses, he/she shall be punished by a fine of not more than one hundred dollars (\$100).
- F) Dangerous dog... The owner of a dangerous dog which is unconfined without a muzzle shall be punished by a fine of not more than one hundred dollars (\$100) and the court can order the Animal Control Officer to destroy the dog if it has killed, maimed, or inflicted serious bodily injury upon a person, or has a history of assault.
- G) Refusing to reclaim a dog... A person who fails or refuses to reclaim his/her dog and pay the cost required by Section 110 within 1-week (7-days) after receiving oral or written notice of its impoundment, shall be punished by a fine of not more than one hundred dollars (\$100).
- I) The Board of Selectmen shall annually, between January 1st and April 30th, issue a warrant, returnable on October 15th following, to the Lebanon Police Department directing the Police Department to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The Police Department shall before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he/she conform with the law and obtain a license from the Town Clerk within 7-days from the date of demand, paying to the Town Clerk the license fee.

#### SECTION 115 ... ENFORCEMENT

The Police Department of the Town of Lebanon shall enforce this Ordinance.

#### SECTION 116 ... VALIDITY AND CONFLICT OF ORDINANCES

All Ordinances and Bylaws inconsistent with or contrary to the provisions of this Article are hereby repealed.

If any part of parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

MATERIALS, CONSTRUCTION AND INSTALLATION OF  
CHIMNEYS, FIREPLACES, VENTS AND SOLID FUEL BURNING APPLIANCES ORDINANCE

ARTICLE ( )

SECTION 1 ... This Ordinance shall be known and cited as the "Materials, Construction and Installation of Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances Ordinance of the Town of Lebanon, State of Maine."

SECTION 2 ... PURPOSE AND AUTHORITY

- 1) Declaration of Policy... This Ordinance is designed to control the construction, installation and use of materials in chimneys, fireplaces, vents and solid fuel burning appliances.
- 2) Authority for this Ordinance is Maine Revised Statutes Annotated Title 25, Section 2465, Paragraph 5.

SECTION 3 ... PROHIBITIONS

No person may, for compensation, construct or install any chimney, fireplace, vent or solid fuel burning appliance unless so constructed or installed in accordance with the provisions of the National Fire Protection Association Code #211; "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances."

SECTION 4 ... ENFORCEMENT

The Fire Marshal or his designees, Safety Compliance Officers of the Oil and Solid Fuel Board, duly appointed Fire Chiefs or their designees, and Municipal Building Inspectors and Code Enforcement Officers may enforce the requirements of "The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances."

SECTION 5 ... PRIOR INSTALLATION

Any chimney, fireplace, vent or solid fuel burning appliance constructed or installed prior to the effective date of this Ordinance may be continued in use subject to the provisions of Maine Revised Statutes Annotated Title 25, Section 2432.

SECTION 6 ... PENALTY

Any person who, for compensation, constructs or installs chimneys, fireplaces, vents or solid fuel burning appliances in violation of the standards, and permits such violation to remain uncorrected after 30-days notice from any official empowered to enforce this Section, shall be considered guilty of a civil violation and shall be subject to a forfeiture of not more than

five hundred dollars (\$500) per day for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 30-days of the issuance of a complaint.

#### SECTION 7 ... VALIDITY AND CONFLICT OR ORDINANCES

All Ordinances and Bylaws inconsistent with or contrary to the provisions of this Article are hereby repealed.

If any part(s) of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.