

ARTICLE X - MISCELLANEOUS ORDINANCES

1. SPECIAL AMUSEMENTS [3-79, 3-86]

1.1 This ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Wiscasset, Maine.

1.2 The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A MRSA Section 1054, and in or around facilities charging admission or fees.

1.3 No licensee shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the Selectmen.

1.4 Applications for all special amusement permits shall be made in writing to the Selectmen and shall state the name of the applicant; his residence address, the name of the business to be conducted; his business address; the nature of his business, the location to be used, whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

1.5 No permit shall be issued for anything, or act, or premises if the premises and buildings to be used for the purposes do not fully comply with all ordinances, articles, bylaws or rules and regulations of the municipality.

1.6 The fee for a special amusement permit shall be \$10.00

1.7 The Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. The Selectmen have the right to waive the public hearing requirement for applications from non-profit organizations.

1.8 The Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare or would violate municipal ordinances, or rules and regulations, articles or bylaws.

1.9 A permit shall be valid for only one year from the date of issuance. The above regulations shall not apply to school functions.

1.10 The Selectmen may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any municipal ordinances, articles, bylaws or rules and regulations.

1.11 The Selectmen are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

1.12 Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

1.13 Any licensee requesting a special amusement permit from the Selectmen shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

1.14 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Article I, Section 5. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

1.15 A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

1.16 Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) for the first offense, and not more than five hundred dollars (\$500.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Wiscasset.

1.17 The invalidity of any provision of this Ordinance shall not invalidate any other part.

1.18 The effective date of this Ordinance shall be July 3, 1979, and as amended March 15, 1986.

2. REGULATIONS FOR INDIVIDUAL MOBILE HOMES [3-00]

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 No person shall maintain and occupy a mobile home without a permit issued by the Building Inspector.

2.2 Each owner of a mobile home shall be required to apply for and obtain from the Building Inspector a permit to locate in the Town of Wiscasset.

2.3 No person shall maintain and occupy a mobile home in the Town of Wiscasset, Maine, except on a one acre lot as provided in Section 2.1 or in a duly licensed mobile home park. [3-83, 6-83, 12-89, 3-97, 3-02]

2.4 Within a mobile home park no mobile home shall be parked less than ten feet from the adjacent mobile home lot or property line. [6-83, 12-89, 3-02]

2.5 No permit shall be issued authorizing the establishment of a mobile home park within the "urban area" of the Town of Wiscasset, Maine. The "urban area" as used in this section shall be the urban compact area as indicated on the map of the Department of Transportation dated 1976.

2.6 No permanent additions, foundations, lean-tos, studs, or rooms shall be added to any mobile home; provided however that open porches with awnings may be installed and skirting of suitable building material approved by the Building Inspector, may be applied for the purpose of insuring added comfort.

2.7 In the event the wheels are removed, or the mobile home is permanently attached to the ground, the mobile home shall immediately become subject to all the provisions of the Building Ordinance of Wiscasset, Maine. Existing mobile homes may not be extended or altered except in conformance with the Building Ordinances of the Town of Wiscasset.

2.8 Individual mobile homes shall comply with State of Maine regulations regarding sanitary waste and sewage disposal means.

- 2.9 This Chapter shall not apply to mobile homes in the hands of dealers as stock in trade for resale, so long as said mobile homes remain unoccupied, except that no mobile home shall be exhibited for sale for commercial purposes in any urban area, mobile home park, or singly occupied mobile home site.
- 2.10 This Chapter shall not apply to mobile homes that are unoccupied and stored temporarily in buildings, garages, or on private property if said mobile homes are not objectionably visible from any public street or way.
- 2.11 This Chapter shall not apply to existing mobile homes or replacement of mobile homes on an existing site established prior to its effective date.
- 2.12 Any person found guilty of violating any provision of this Chapter shall be subject to a fine of not more than one hundred (\$100) dollars for each offense. Each month in which a violation is proved to exist may constitute a separate offense under this section.
- 2.13 The Building Inspector shall inspect all mobile homes and mobile home parks being located, altered, repaired, replaced or relocated wherever situated in the Town of Wiscasset and issue a certificate of occupancy the purpose of which is to enforce the provisions of this ordinance, governing the construction, alteration, replacement or repair in accordance with the Building Laws of the Town of Wiscasset.
- 2.14 The Building Inspector or his assistant in the performance of his duties, as prescribed by State Law, may enter any mobile home for the purpose of making the inspection required by this Chapter.

3. UNDERGROUND TANKS [3-87]

- 3.1 No person, firm or corporation shall install or cause to be installed any new or replacement underground oil storage tank without first obtaining a permit from the Building Inspector. The Building Inspector shall under no circumstances issue a permit until the applicant has obtained all necessary D.E.P., State and federal permits required. Permits shall be issued at a cost of \$50 per each underground tank regardless of size.
- 3.2 Following the issuance of a Building Permit, the installer shall file a written notification with the Building Inspector indicating the date and location of each installation. Permits shall be renewed annually at a cost of \$10 to the applicant.
- 3.3 No permit shall be issued for any new or replacement tank to be located within 1000 feet of Ward Brook, Montsweag Brook, Gardiner Pond or any other surface water or water supply within the Town of Wiscasset.

- 3.4 Installation or replacement of any underground storage tanks without first obtaining a permit from the Building Inspector shall be punishable by a fine of not less than \$500 (five-hundred dollars) and not more than \$1000 (one-thousand dollars).

4. FLOOD PLAINS ORDINANCE [3-91]

4.1 ESTABLISHMENT

The Town of Wiscasset, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968(P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) 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 Wiscasset, Maine.

- 4.2 The areas of special flood hazard, Zones A and AE, identified by FEMA in a report entitled "Flood Insurance Study - Town of Wiscasset, Maine, Lincoln County", dated October 16, 1990, with accompanying "Flood Insurance Rate Map" is hereby adopted by reference and declared to be a part of this Ordinance, and any subsequent amendment or revision as issued by FEMA.

4.3 PERMIT REQUIRED

Before any construction or other development (as defined in the Glossary), including the placement of manufactured homes, begins within any areas of special flood hazard established in Sections 4.1 and 4.2 above, a Flood Hazard Development Permit shall be obtained from the Planning Board. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Wiscasset, Maine.

4.4 APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

- 4.4.1 The name and address of the applicant;
- 4.4.2 An address and a map indicating the location of the construction site;
- 4.4.3 A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;

- 4.4.4 A statement of the intended use of the structure;
- 4.4.5 A statement as to the type of sewage system proposed;
- 4.4.6 Specification of dimensions of the proposed structure;
- 4.4.7 The elevation in relation to Mean Sea Level, or to a locally established datum in Zone A only, of the:

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

- In Zone AE, from data contained in the "Flood Insurance Study - Town of Wiscasset, Maine," as described in Section 4.2 above; or

- In Zone A, 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;

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

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

- d. level, in the case of nonresidential structures only, to which the structure will be floodproofed;

- 4.4.8 A description of a base flood elevation reference point established on the site of all new or substantially improved structures;

- 4.4.9 A written certification by a registered land surveyor that the elevations shown on the application are accurate;

- 4.4.10 Certification by a registered professional engineer or architect that floodproofing methods for any nonresidential structures will meet the floodproofing criteria of Sections 4.4.7.d; 4.7.7; and other applicable standards in section 4.7.

- 4.4.11 A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

- 4.4.12 A statement or construction plan describing in detail how each applicable development standard in Section 4.7 will be met.

4.5 APPLICATION FEE AND EXPERT'S FEE

- 4.5.1 A nonrefundable application fee of \$40.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.
- 4.5.2 An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Planning Board may appeal that decision to the Board of Appeals.

4.6 REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- 4.6.1 Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 4.7 (Development Standards) have, or will be met;
- 4.6.2 Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Wiscasset, Maine," as described in Section 4.2. In special flood hazard areas where base flood elevation data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other sources including information obtained pursuant to Section 4.4.7; Section 4.7.9; and Section 4.9.5 in order to administer Section 4.7 of this Ordinance;
- 4.6.3 Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Sections 4.2 of this Ordinance;
- 4.6.4 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;
- 4.6.5 Notify adjacent municipalities, the Department of Environmental Protection, and the Maine State Office of Comprehensive Planning prior to any alteration or relocation of a water course;

- 4.6.6 Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Section 4.7; 4.7.6, 4.7.7; 4.7.8 and 4.7.10. Following review of the application, which review 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; and,
- 4.6.7 Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 4.10 of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Section 4.8 of this Ordinance.

4.7 DEVELOPMENT STANDARDS

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

- 4.7.1 New construction or substantial improvement of any structure shall:
- a. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. use construction materials that are resistant to flood damage;
 - c. use construction methods and practices that will minimize flood damage; and,
 - d. 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.
- 4.7.2 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

- 4.7.3 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 systems into flood waters.
- 4.7.4 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- 4.7.5 All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- 4.7.6 New construction or substantial improvement of any residential structure located within: [6-91]
- a. Zone AE, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 - c. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - * at least one foot higher than the depth specified IN feet on the community's Flood Insurance Rate Map; or,
 - * at least three feet if no depth number is specified.
 - d. 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 Section 4.4.7.a; Section 4.6.2; or Section 4.9.4.
- 4.7.7 New construction or substantial improvement of any nonresidential structure located within:
- a. Zone AE, shall have the lowest floor (including basement) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - * be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
 - * have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

- * 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 Section 4.4.10 and shall include a record of the elevation above mean sea level of the lowest floor including basement.

b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

c. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

- * at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
- * at least three feet if no depth number is specified; or,
- * together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Section 4.7.7.a. [6-91]

d. 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 Section 4.4.7.a; Section 4.6.2; or Section 4.9.4.

4.7.8 New or substantially improved manufactured homes located within:

a. Zone AE, shall be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,

- * 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:
- * 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 (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 (homes less than 50 feet long require four additional ties per side). (3) All components of the

anchoring system described in Section 4.7.8 shall be capable of carrying a force of 4800 pounds. [6-91]

b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

c. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

- * at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
- * at least three feet if no depth number is specified; and,
- * meet the requirements of Section 4.7.8.a and b.

d. 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 Section 4.4.7.a; Section 4.6.2; or Section 4.9.4.

4.7.9 Floodways

a. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. In Zone A riverine areas, in which 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, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Section 4.7.9.a.

4.7.10 New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Section 4.7, including the elevation requirements of Section 4.7.6, 4.7.7 or 4.7.8 and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces less than three feet in

height may be closed below the elevation requirements provided all the following criteria are met or exceeded:

a. Walls, with the exception of crawl spaces less than three feet in height, shall not be part of the structural support of the building; and,

b. Enclosed areas are not "basements" as defined in the Glossary; and,

c. 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:

- * be certified by a registered professional engineer or architect; or meet or exceed the following minimum criteria:
- * 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;
- * the bottom of all openings shall be no higher than one foot above the lowest grade; and,
- * openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, electrical controls, and other nonautomatic mechanical means; and,

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

e. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

4.8 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:

4.8.1 The applicant shall submit an Elevation Certificate completed by:

a. a registered Maine surveyor for compliance with Section 4.7.6; 4.7.7; or 4.7.8. and,

b. a registered professional engineer or architect, in the case of floodproofed nonresidential structures, for compliance with Section 4.7.6.

4.8.2 The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

4.8.3 The Code Enforcement Officer shall review the application within 10 working days of the receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

4.9 REVIEW OF SUBDIVISIONS 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 acres or, in the case of manufactured home parks divided into two or more lots, assure that:

4.9.1 All such proposals are consistent with the need to minimize flood damage.

4.9.2 All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

4.9.3 Adequate drainage is provided so as to reduce exposure to flood hazards.

4.9.4 All proposals include base flood elevation and, in a riverine floodplain, floodway data.

4.9.5 Any proposed development plan shall include a statement that the developer will require that structures on lots in the development to be constructed in accordance with Section 4.7 of this ordinance and that such requirement will be included in any deed, lease, 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 construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

4.10 ENFORCEMENT AND PENALTIES

- 4.10.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30-A MRSA Section 4966.
- 4.10.2 The penalties contained in 30-A MRSA Section 4966 shall apply to any violation of this ordinance.
- 4.10.3 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:
- a. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 - b. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;
 - c. a statement that the public body making the declaration has authority to do so and a citation to that authority;
 - d. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 - e. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

4.11 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.

4.12 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.

4.13 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).

5. SEWER USE [3-74, 3-00]

5.1 To promote the general welfare, prevent disease and promote health; to provide for the public safety and comfort of the people, and protect the environment, the following Sewer Use Ordinance is hereby enacted.

5.2 PROHIBITED USES

No person, firm, corporation or other legal entity shall introduce or allow to be introduced into the sewerage system or treatment system of the Town of Wiscasset, any pollutant which:

5.2.1 is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307(a) of the Federal Water Pollution Control Act of 1972 (hereinafter called the "Act");

5.2.2 creates a danger of fire or explosion in the treatment system;

5.2.3 causes corrosive structural damage to the treatment works of the Town, including all wastes with a PH lower than 5.0;

5.2.4 contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the treatment works; or,

5.2.5 contains a pollutant in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304(d)(1) or 307 (b) of the "Act".

5.2.6 Disposal of unpolluted waters prohibited

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted process waters to any Sanitary Sewer. [3-98]

5.2.7 Discharge method specified

Stormwater and all other unpolluted drainage shall be discharged to such public sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Board of Selectmen. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board, to a storm sewer or natural outlet. [3-98]

5.3 No person, firm, corporation or other legal entity shall discharge or allow to be discharged into the sewerage or treatment system of the Town of Wiscasset in any one day amounts in excess of five per cent (5%) of the average total daily

discharge into said system, or discharge which contains any toxic pollutant unless they shall notify the Selectmen of the Town of Wiscasset at least 45 days before the date of such discharge.

- 5.4 Every person, firm, corporation or other legal entity which discharges into the sewerage or treatment system of the Town of Wiscasset, shall perform such monitoring of its discharges as the Town may reasonably require, shall keep permanent records of the results of such monitoring and shall report results of such monitoring to the Town annually.
- 5.5 The Selectmen shall have the power to establish regulations for the installation, use and maintenance of monitoring equipment. The Selectmen of the Town of Wiscasset or their representatives shall have the right to enter into, upon or through the premises of any business or industry discharging into the system for the purpose of inspecting monitoring records, monitoring equipment and for the purpose of sampling any discharge into the system.
- 5.6 Any person, firm, corporation or other legal entity who shall be in violation of the provisions of any section of this ordinance, shall be liable for a fine of not more than \$500.00. Each day a violation of said section exists shall constitute a separate offense.
- 5.7 No person, firm, corporation or other legal entity shall connect a private drain with the sewerage or treatment system of the Town of Wiscasset without obtaining a permit for said connection from the Plumbing Inspector, who shall supervise and inspect said connection.
- 5.8 Any person, firm, corporation or other legal entity being in violation of Section 5.7 shall be liable for a fine of not more than \$50.00 and shall be further subject to the provisions of 30-A MRSA Section 3423 and any amendments thereto.

5.9 VALIDITY/SEVERABILITY CLAUSE

The invalidity of any provisions of this ordinance shall not invalidate any other part.

5.10 SEWER FEES [3-00]

5.10.1 DEFINITIONS

CONNECTION FEE shall mean a fee charged to connect to the Town's sewer.

DUMPING FEE shall mean a fee charged to dispose of wastewater or septage at the Town's Wastewater Treatment Plant or other site designated by the Town.

PLUMBING INSPECTOR shall mean a person appointed by the Board of Selectmen to perform duties set out in 30 M.R.S.A. 3222.

CUSTOMER shall mean an owner or tenant of real estate, which is connected to the Town's sewer system. All owners and tenants in a structure or a group of structures who are connected to a single meter shall constitute one customer.

USAGE FEE shall mean a fee charged based upon water used.

IMPACT FEE shall mean a fee charged for a new connection. The impact Fee is the cost to the sewer system. The impact fee is based upon the estimated volume of wastewater to be generated by the new customer in relation to the overall treatment plant capacity. [03-03

5.10.2 USE OF PUBLIC SEWERS REQUIRED

The owner of a structure for which a septic system is required by law shall, at his expense, connect the structure in question to the Town's sewer when (1) it is a new structure within 200 feet of the Town's sewer system, or (2) it is an existing structure within 200 feet of the Town's sewer system which, in the opinion of the plumbing inspector, has a failed private septic system.

Notwithstanding the foregoing, the owner of a structure shall not be required to connect to the Town's sewer when:

- a. It is legally impossible to do so; or
- b. The construction cost for connecting to the Town's sewer exceeds the construction cost of installing on the owner's lot a sub-surface septic disposal system in conformance with all applicable laws and ordinances. "Construction Cost," as used in this sub-section (b), shall be determined by the Town's plumbing inspector.

5.10.3 CONNECTIONS AND METERING

Sewer connection applications will be accompanied by payment of a nonrefundable connection fee.

A sewer connection authorization will expire one year after the date the Town issued it. If a structure for which the connection authorization was obtained is not connected to the Town's sewer within this one-year period, a new connection application must be submitted to the Town together with

another connection fee.

A separate application along with appropriate fees will be required for each connection to the Town's sewer system after July 20, 2000.

Water meters are mandatory for all customers who connect to the Town's sewer system after July 1, 2000 and mandatory for all existing unmetered customers by July 1, 2001. Only water meters approved by the Water District may be installed for measuring water usage.

5.10.4 INSPECTIONS

The Selectmen and their duly appointed officials shall be permitted to enter upon all properties, upon reasonable notification and at times mutually convenient for the Town and the property owner, for the purpose of verifying compliance with this ordinance.

5.10.5 FEES

CONNECTION FEE: A nonrefundable connection fee will be charged to each person when he or she applies to connect to the Town's sewer system.

USAGE FEE: A usage fee will be charged to each customer based upon water used as follows:

Unmetered residential customers will be billed at 1200 cubic feet of water per quarter.

Metered customers will be billed quarterly at a minimum of 900 cubic feet of water per quarter year plus the cubic foot charge for each cubic foot over 900 used during the quarter of the year in question.

A customer, who in the opinion of the Wiscasset Selectmen generates substantial volume of wastewater, may be billed monthly for each cubic foot of water used.

DUMPING FEE: Except as otherwise set out herein, a septage-dumping fee shall be charged per 1000 gallons or any part thereof. A recreational vehicle dumping fee will be charged per 50 gallons or any part thereof. A bus or train dumping fee will be charged per 100 gallons or any part thereof.

LATE CHARGE: There shall be a late charge equal to 1% per month or any part thereof assessed to all delinquent accounts effective 30 days from the date of billing.

LIENS: Accounts eight months in arrears will be subject to liens as provided by law.

RATES: The Wiscasset Board of Selectmen will set all fees provided for in this ordinance. All fees shall be reviewed at least annually and adjusted from time to time as the Selectmen may determine. Prior to setting, reviewing or adjusting a fee, the Wiscasset Board of Selectmen shall hold a public hearing on the issue.

6. SHELLFISH CONSERVATION ORDINANCE [6-93, 9-96, 9-99, 3-00]

6.1 Authority: This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671.

6.2 Purpose: To establish a shellfish conservation program for the Town of Wiscasset which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- a. Licensing.
- b. Limiting the number of shellfish harvesters.
- c. Restricting the time and area where digging is permitted.
- d. Limiting the minimum size of clams taken.
- e. Limiting the amount of clams taken daily by a harvester.

6.3 Shellfish Conservation Committee: The Shellfish Conservation Program for the Town of Wiscasset will be administered by the Shellfish Conservation Committee consisting of seven members to be appointed by the selectmen for terms of three years(s). The responsibilities of the committee include: [9-96]

- a. Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging licenses to be issued.
- b. Surveying each clam producing area at least once each three years to establish size distribution and density and annually estimating the status of the town's shellfish resources.
- c. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.
- d. Keeping this ordinance under review and making recommendations for its amendments.

- e. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- f. Recommending conservation closures and openings to the Board of Selectmen or Council in conjunction with the Area Biologists of the Department of Marine Resources.
- g. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all other committee activities.

6.4 Definitions:

- a. Resident: The term "resident" refers to a person who has been domiciled in this municipality for at least two years next prior to the time his claim of such residence is made. [9-96]
- b. Nonresident: The term "nonresident" means anyone not qualified as a resident under this ordinance.
- c. Shellfish, Clams and Intertidal Shellfish Resources: When used in the context of this ordinance the words "shellfish", "clams", and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*).
- d. Municipality: Refers to the Town of Wiscasset, Maine.
- e. Conservation Work: The following activities constitute conservation work: Seeding events, group shoreline cleanup, maintenance and/or operations work on upweller, net project activities, overwintering cage work, seed clam harvesting, attending shellfish committee meetings, and any other activity so designated by the chairman of the shellfish committee or his designee. [6-08]

- 6.5 Licensing: A Municipal Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance.

A Commercial Digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

6.5.1 Designation, Scope and Qualifications:

- a. Resident Commercial Shellfish License: The license is available to residents of the Town of Wiscasset and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.

b. Nonresident Commercial Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

c. Residential Recreational Shellfish License: The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family.

d. Nonresident Recreational Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family. [9-99]

e. License must be signed: The licensee must sign the license to make it valid. [9-99]

6.5.2 Application Procedure: Any person may apply to the Town Clerk for the licenses required by this ordinance on forms provided by the municipality.

a. Contents of Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, proof that the applicant has completed his or her annual twenty (20) hours of conservation work, as verified by the designee of the shellfish committee, and whatever information the municipality may require. [6-08]

b. Conservation Time: Commercial Shellfish License applicants shall complete conservation time by May 15 of each year. The conservation period starts May 16 and runs until May 15 of the following year. [6-11]

c. Misrepresentation: Any person who gives false information on a license application will cause said license to become invalid and void.

6.5.3 Fees: The fees for the licenses are as stated below and must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1.00 each license which will be retained by the clerk as payment for issuing the license. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. [9-99, 3-00]

| | |
|---------------------------|----------|
| Resident Commercial: | \$150.00 |
| Nonresident Commercial: | \$300.00 |
| Resident Recreational: | \$ 15.00 |
| Nonresident Recreational: | \$ 30.00 |

Resident and Nonresident Commercial shellfish diggers will not be allowed to buy recreational licenses.

- 6.5.4 Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the town. It is essential that the town carefully husband its shellfish resources. Following the annual review of the town's clam resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR area biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.
- a. Prior to May 1, the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence under 12 MRSA Section 6671(3). [9-99]
 - b. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to May 15, the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.
 - c. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.
 - d. The Town Clerk shall issue commercial licenses as allocated to those applicants who have met the requirements of obtaining a commercial shellfish license. The sale of both resident and nonresident licenses will be held at the Town Office on the first business day after June 1st, except that commercial license holders who have purchased their licenses before September 1st of the previous year and who have completed twenty (20) hours of conservation work under the supervision of the designee of the shellfish committee may purchase a shellfish license during the first two (2) business days preceding the regular sale date. All commercial license holders who have purchased their licenses before September 1st of the previous year and have completed twenty (20) hours of conservation work shall purchase their licenses within fourteen (14) business days following June 1st. Any license not purchased in that time period shall be made available to applicants as allocated, who have completed the application procedure, by lottery drawing. Licenses remaining unsold by September

1st will be issued to residents and nonresidents, who have completed the application procedure, by lottery drawing. [9-99, 6-08]

e. Licenses may be returned to the town voluntarily, and reissued to another person at the current fee according to the priorities established in this section. Said license will be entered into a lottery drawing for reissue. [9-96]

f. Licenses may not be transferred from one individual to another. [9-96, 6-08]

g. Open License Sales: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:

1. Notice of the dates, places, times and the procedures for the license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general industry circulation, which the municipal officers consider effective in reaching persons affected, not less than ten days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.
2. For each commercial license category, the Town Clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to nonresidents when four more are issued to residents; thereafter, one nonresident license will be issued for every ten additional resident licenses issued. For each recreational license category, the Town Clerk shall issue one license to a resident and one to a nonresident; thereafter, one nonresident license will be issued for every ten additional resident licenses sold. [9-99]

6.5.5 License Expiration Date: Each license issued under authority of this ordinance expires at midnight on 31st day of May next following date of issuance.

6.5.6 Reciprocal Harvesting Privileges: Licensees from any other municipality cooperating with this municipality on a joint clam management program may harvest clams according to the terms of their licenses.

6.5.7 Fee Waiver: Recreation shellfish license fees will be waived for applicants 65 years or older and 12 years or younger. [9-04]

6.5.8 Suspension: Any shellfish licensee having three convictions for a violation of this ordinance shall have his shellfish license automatically suspended for a period of thirty (30) days.

a. A licensee whose shellfish license has been suspended pursuant to this ordinance may reapply for a license only after the suspension period has expired.

b. The suspension shall be effective from the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee.

c. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written Request for Hearing with the Town Clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen/Town Council by filing a written Request for Appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

6.6 Opening and Closing of Flats: The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources area biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

6.7 Minimum Legal Size of Soft Shell Clams: It is unlawful for any person to possess soft shell clams within the Town of Wiscasset, County of Lincoln, which are less than two inches in the longest diameter except as provided by Subsection B of this section.

6.7.1 Definitions:

a. Lot: The word "lot" as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.

b. Possess: For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clamshell stock.

6.7.2 Tolerance: Any person may possess soft shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

6.8 Possession of License [3-00]

6.8.1 Exhibit on Demand. When any person is engaged in an activity, which is licensed under this ordinance, he/she shall, on the request of a Law Enforcement Officer, or other authorized person, exhibit his/her license.

6.8.2 Prima Facie Evidence. A failure to exhibit a license within a reasonable amount of time, when requested, shall be prima facie evidence that the person is not licensed.

6.9 Consent to inspection [3-00]

6.9.1 Violation: Any person who signs an application for a license or receives a license under this ordinance has a duty to submit to inspection and search for violations related to the licensed activities by a Law Enforcement Officer under the following conditions:

a. Watercraft or vehicles and the equipment located on watercraft or vehicle which are used primarily in a trade or business requiring a license under this ordinance may be searched or inspected at any time.

6.9.2 Seizure of Evidence: Any person who signs an application for a license or receives a license under this ordinance has a duty to permit seizure of evidence of a violation of this ordinance found during an inspection or search.

6.9.3 Refusal: Refusal to permit inspection or seizure shall be a violation of this ordinance.

6.10 Stopping for Inspection; Penalty [3-00]

It shall be unlawful for any person:

6.10.1 To fail or refuse to stop immediately upon request or signal of a Law Enforcement Officer in uniform.

6.10.2 After he/she has so stopped, to fail to remain stopped until the officer reaches his/her immediate vicinity and makes known to that person the reason for the request or signal.

6.10.3 To fail or refuse to stand by immediately for inspection on the request of a Law Enforcement Officer in uniform.

6.10.4 Who has been requested or signaled to stop by a Law Enforcement Officer in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or other container of any type or the contents thereof, before the officer has inspected the same.

6.11 Penalty: A person who violates this ordinance shall be punished as provided by 12 MRSA Section 6671 (10). [3-00]

6.12 Effective Date: This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption. [3-00]

6.13: Period of Ordinance: This ordinance shall remain in effect until repealed or amended by vote of the legislative body. [3-00, 3-03]

Note: Previously Shellfish Conservation Ordinances could be adopted for a maximum period of three years. This requirement has been repealed.

6.14 Separability: If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. [3-00]

6.15 Repeal: Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed. [3-00]

7. RECREATIONAL VEHICLES [3-00]

7.1 No recreational vehicle (RV) shall be used as a dwelling unit in the Town of Wiscasset unless it is situated in a State-approved campground or RV park. However, RVs may stay temporarily on private property under the following conditions:

7.1.1 The RV is not on a public way or in a public parking area.

7.1.2 The location of the RV has safe access to and from a public way.

7.1.3 The RV complies with State of Maine regulations regarding sanitary wastes and sewage disposal.

8. AUTOMOBILE JUNKYARDS, AUTOMOBILE GRAVEYARDS, AND AUTOMOBILE RECYCLING BUSINESSES [9-00]

8.1 Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, automobile junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety, and general welfare.

8.2 Authority

This ordinance is enacted pursuant to 30-A MRSA 3001 et seq. and 3751 et seq.

8.3 Applicability

This ordinance shall apply to all automobile graveyards, automobile junkyards and automobile recycling business as defined in 30-A MRSA 3752. (See Glossary)

8.4 Permit Required

No person may establish, operate or maintain an automobile graveyard, automobile junkyard or automobile recycling business without first obtaining a nontransferable permit from the Selectmen.

8.5 Administration

8.5.1 This ordinance shall be administered by the Board of Selectmen. No automobile graveyard, automobile junkyard or automobile recycling business permit shall be issued unless all of the provisions of this ordinance are met.

8.5.2 Upon receipt of an application, the Selectmen shall hold a hearing in accordance with 30-A MRSA 3754.

8.5.3 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The Selectmen shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

8.5.4 A nonrefundable fee of \$100 shall be submitted with the permit application.

8.6 Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

- 8.6.1 The property owner's name and address and the name and address of the person or entity that will operate the site.
- 8.6.2 A site plan drawn to scale not to exceed 1"=100', on which is shown:
 - 8.6.2.1 The boundary lines of the property
 - 8.6.2.2 The soils
 - 8.6.2.3 The location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
 - 8.6.2.4 The location of any residences or schools within 500 feet of the area where vehicles will be placed
 - 8.6.2.5 The location of any bodies of water on the property or within 200 feet of the property lines
 - 8.6.2.6 The boundaries of the 100-year flood plain
 - 8.6.2.7 The location of all roads within 1000 feet of the site
 - 8.6.2.8 A plan for containment of fluids, containment and disposal of batteries; and storage or disposal of tires; and
 - 8.6.2.9 The location within the property boundary lines where vehicles are drained, dismantled or stored.

8.7 Performance Standards

The following performance standards are required of all automobile graveyards, automobile junkyards and automobile recycling businesses, whether new or existing:

- 8.7.1 The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A MRSA 3759. It shall be the responsibility of the owner of the property to see that such screening is provided.
- 8.7.2 No vehicle shall be stored within 100 feet of any water body or inland wetland or pond or stream or any private well, excluding only a private well that serves only the premises and/or the owner's or operator's abutting residence.

- 8.7.3 No vehicle shall be stored within 500 feet of any school, church or public playground or public park.
- 8.7.4 No vehicles shall be stored over a sand and gravel aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- 8.7.5 No vehicles shall be stored within the 100-year flood plain.
- 8.7.6 When a vehicle is dismantled all fluids shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground, or into any body of water, storm water drain or wetland.
- 8.7.7 No vehicle shall be located closer than 30 feet from any lot line.
- 8.7.8 All dismantling of motor vehicles shall take place only between the hours of 7 a.m. and 6 p.m. Mondays through Saturdays.
- 8.7.9 No automobile graveyard, automobile junkyard, or automobile recycling business shall be started after the adoption of this ordinance on less than 2 acres of land, if standing alone, or three acres of land if including a residence, in all districts.

8.8 Enforcement

This ordinance shall be enforced by the Selectmen or their authorized agents in accordance with state law. Any violation of this ordinance shall be subject to a fine of \$50 (Fifty Dollars) per day for a period not to exceed 30 days from official notice. If the violation is not remedied within that time, the permit shall become void, and the automobile graveyard, junkyard or automobile recycling business shall be terminated. All costs incurred in the clearing of the site shall be borne by the owner of the property. Any costs for remedying environmental pollution shall be borne by the owner of the property.

8.9 Effective Date

This ordinance shall become effective on the date of adoption and may be amended by vote of the legislative body.

8.10 Exemption

All holders of valid Automobile Graveyard and/or Junkyard permits as of the effective date of adoption of this ordinance are exempt from the requirements of this ordinance.

8.11 Severability and Conflict

In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.

9. 9. GENERAL ASSISTANCE [6-07]

The Town of Wiscasset administers a general assistance program. The Town of Wiscasset Board of Selectmen, after notice and public hearing, shall annually vote on the Appendices annually received from the Department of Health and Human Services. A copy of the General Assistance Ordinance and Appendices is available at the town office. This Ordinance and Appendices are also filed with the Department of Health and Human Services in compliance with Title 22 M.R.S.A. § 4305(4).

10. SMALL WIND ENERGY CONVERSION SYSTEMS [6-07]

10.1 Purpose and Intent

The purpose of this ordinance is to provide standards for small wind energy conversion systems that are used to produce electrical power for on-site consumption. The intent of this section is to encourage the development of small wind energy systems and to protect the public health, safety and welfare.

10.2 Authority

The Wiscasset Planning Board is vested with the authority to review and approve, conditionally approve or reject any application for Small Wind Energy Conversion Systems.

10.3 Applicability

The requirements of this Ordinance shall apply to all Small Wind Energy Conversion Systems proposed, operated, modified, or constructed after the adopted date of this Ordinance.

10.4 Conflict

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute, or other provision of the law except as specifically provided in this ordinance. If any provision in this ordinance imposes

restrictions different from any other ordinance, rule, regulation, statute, or other provision of the law, the provision that is more restrictive or imposes higher standards shall control.

10.5 Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

10.6 Definitions

- (a) Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for approval under this ordinance
- (b) Habitable Building: Places likely to be occupied on a continuous basis. This includes, but is not limited to, dwellings, commercial businesses, places of worship, nursing homes, schools or other places used for education, day-care centers, motels, hotels, or correctional institutions.
- (c) Line of Sight: The direct view of the object from selected places of concern.
- (d) Negative Visual Impact: A change in the appearance of the landscape as a result of a Small Wind Energy Conversion System development that is both excessively out-of-character with a significant designated resource and which significantly diminishes the scenic value of the significant designated resource. Mere visibility, even startling visibility of a Small Wind Energy Conversion System, does not of itself constitute a negative visual impact.
- (e) Significant Designated Resources: A specific location, view, or corridor, identified as a scenic resource in the adopted Wiscasset Comprehensive Plan or by a state or federal agency.
- (f) Site: The parcel(s) of land where a Small Wind Energy Conversion System is to be placed. The site can be publicly or privately owned and may include several or more adjacent lots. Where the site is comprised of several adjacent lots the combined lots shall be considered one for the purpose of applying setback requirements and the maximum number of permissible Small Wind Energy Conversion Systems.
- (g) Small Wind Energy Conversion System: A wind energy conversion system consisting of a wind turbine, a tower, footings, electrical infrastructure, fence and any other associated equipment or structures, which has a rated capacity of not more than 100 kilowatts and which is intended to produce electrical power for on-site consumption.

- (h) Total Height: The vertical distance measured from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the Small Wind Energy System tower to the highest point of the wind turbine blade when the tip is at its full vertical position.
- (i) Viewshed Map: A map that shows the geographic area from which a Small Wind Energy Conversion System may be seen.
- (j) Wind Energy Conversion System: All Small Wind Energy Systems, related transformers, electrical conductors, substations, and connection points to transmission or distribution lines.
- (k) Windmill: A wind-driven machine that does not produce electricity.

10.7 Applications. Small Wind Energy Conversion System applications shall include the following (Please note: the items below are in addition to applicable Site Plan Review Application items and shall be completed on a separate application):

- 10.7.1 Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
- 10.7.2 Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposed application and authorizing its submission.
- 10.7.3 Address of each proposed Small Wind Energy Conversion System's location, including Tax Map and Lot numbers.
- 10.7.4 A description of the project, including the number and maximum rated capacity of each Small Wind Energy Conversion System.
- 10.7.5 In addition to the Site Plan Review Ordinance requirements (Article VIII, Section 4.3), a Small Wind Energy Conversion System Site Plan shall show the planned location of each Small Wind Energy Conversion System, property lines, setback lines, fencing, access roads and turnout locations, substations(s), electrical cabling from the system to the substation, accessory equipment, buildings and structures, right-of-way boundaries, railroads, and the layout of all structures within the Small Wind Energy Conversion System setback area.

- 10.7.6 A scaled representation of the Small Wind Energy Conversion System showing the total height. One drawing may be submitted for each system of the same type and total height.
- 10.7.7 Evidence the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- 10.7.8 A visual analysis of the Small Wind Energy Conversion System(s) as installed, which may include a computerized photographic simulation demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the site that is intended to lessen the system's visual prominence.
- 10.7.9 Written evidence that the electrical utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electrical generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
- 10.7.10 Sufficient evidence, including plans and documentation that the Small Wind Energy Conversion System(s) successfully complies with Zone Restrictions (9.8), Dimensional Requirements (9.9) and Development Standards (9.10) as stated below.
- 10.7.11 List of property owners, with their mailing address, within 200 feet of the boundaries of the proposed site.

10.8 Zone Restrictions

Small Wind Energy Conversion Systems are permitted only in the Rural Zoning District.

10.9 Dimensional Requirements

- 10.9.1 Minimum Site Area. The minimum site area for a single Small Wind Energy Conversion System shall be 1 acre. No more than 3 Small Wind Energy Conversion Systems are permissible per site.
- 10.9.2 Setbacks. All Small Wind Energy Conversion Systems shall be setback a minimum horizontal distance of 1.1 times the total height of the system from property lines, roads, easements, and habitable buildings. New habitable buildings shall not be constructed within the setback area after a Small Wind Energy Conversion System is constructed and operating.

10.9.3 Height. The Total Height of a Small Wind Energy Conversion System shall not exceed 140 feet. The allowed height shall be reduced if necessary to comply with Federal Aviation Administration Requirements.

10.10 Development Standards. All Small Wind Conversion Systems shall comply with the following standards. Additionally, such systems shall also comply with other applicable Wiscasset Ordinances including Site Plan Review.

10.10.1 Small Wind Energy Conversion Systems shall be used to produce electrical power for on-site consumption.

10.10.2 The maximum power output for each Small Wind Energy Conversion System shall be 100 kilowatts.

10.10.3 The system's tower and blades shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.

10.10.4 The system shall be designed and located in such a manner to minimize negative visual impacts on significant designated resources. The application shall include a visual impact analysis of the Small Wind Energy Conversion System(s) as installed, which shall include, at a minimum, a photographic simulation, viewshed map, any visual screening incorporated into the development that is intended to lessen the system's visual prominence, the color treatment of the system's components, and an inventory documenting significant designated resources located within the line of sight of the development.

10.10.5 Exterior lighting on any tower or turbine associated with the Small Wind Energy Conversion System shall not be allowed except that which is specifically required by the Federal Aviation Administration.

10.10.6 All on-site electrical wires associated with the systems shall be installed underground except for "tie-ins" to a public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board if the project terrain is determined to be unsuitable due to reasons of the need for excessive grading or similar factors.

10.10.7 The system shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

- 10.10.8 At least two signs shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.
- 10.10.9 Towers shall be constructed to provide either one of the following means of access control or another appropriate method of access control as approved by the Planning Board:
- (a) Tower climbing apparatus located no closer than twelve (12) feet from the ground.
 - (b) A locked anti-climb device installed on the tower.
 - (c) A locked, protective fence at least six feet in height that encloses the tower.
- 10.10.10 Anchor points for any guy wires for a system tower shall be located within the site and not on or across any above-ground electrical transmission lines. The point of attachment for the guy wires shall be enclosed by a fence or sheathed in bright orange or yellow covering from three to eight feet above the ground.
- 10.10.11 Construction of on-site access roads shall be minimized.
- 10.10.12 All Small Wind Energy Conversion Systems shall comply with applicable Federal Aviation Administration (FAA) rules and regulations. The applicant shall present proof of compliance with FAA rules and regulations prior to the Planning Board's final decision.
- 10.10.13 No Small Wind Energy Conversion System shall be installed or operated in a manner that causes interference with the operation of any aviation facility.
- 10.10.14 The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
- 10.10.15 The system shall be operated such that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
- 10.10.16 Except during short-term events including utility outages and severe wind storms, the audible noise due to wind turbine operations shall not be created which causes the noise level at the property boundary line of the proposed site to exceed fifty (50) dBA for more than five (5) minutes

out of any one hour time period or to exceed fifty-five (55) dBA for any time period. Certification shall be provided before construction demonstrating compliance with this requirement.

10.11 Abandonment of Use

A Small Wind Energy System which is not used for eighteen (18) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

10.12 Waivers or Modifications

10.12.1 Small Wind Energy Conversion System Ordinance Waivers or Modifications. The Planning Board may, after a public hearing, grant a waiver or modification from the strict application of the provisions of this ordinance if, in the opinion of the Planning Board, the grant of the waiver or modification is in the best interests of the Town of Wiscasset. The Planning Board may consider as reasonable factors in evaluating the request, which may include, the impact of the waiver or modification on the neighborhood, including the potential detriment to nearby properties; the benefit to the applicant; feasible alternative; the scope of the request; the lack of adverse effect on the general health, safety and welfare of the town. The applicant shall have the burden of proof.

10.12.2 Site Plan Review (Article VIII) Waivers or Modifications. The Planning Board may waive or modify any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the general health, safety and welfare of the public.

11. STREET NAMING AND ADDRESSING [6-10]

11.1 Purpose

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

11.2 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.

11.3 Administration

This ordinance shall be administered by the Wiscasset Board of Selectmen with advisement from the addressing officer. The addressing officer is authorized to recommend the assignment of road names and numbers to all properties in accordance with subsections 11.4, 11.5 and as outlined within the most recent edition of the Enhanced 9-1-1 Addressing Office Manual. The addressing officer shall also be responsible for maintaining the following official records of the ordinance:

- A. A Town of Wiscasset Enhanced 9-1-1 Maintenance Map Book showing road names and numbers.
- B. A data base of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- C. A data base of all roads with property owners listed in order of their assigned numbers.

11.4 Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. For the purposes of this ordinance, 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 Town of Wiscasset shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- A. No new roads shall be given the same name as existing roads (e.g., Pine Road and Pine Lane).
- B. No new roads shall have similar sounding names as existing roads (e.g. Beech Street and Peach Street).
- C. Each new road shall have the same name throughout its entire length.
- D. New road signs shall be purchased and installed by the Town of Wiscasset.

11.5 Numbering System.

Numbers shall be assigned along both sides of the road at locations determined by the addressing officer. The addressing officer shall assign numbers to new properties at the time of subdivision approval, building permits or certificate of occupancies. The following criteria shall govern the numbering system:

- A. Property address numbers shall be whole numbers and shall not have fractions (e.g., 45½ Brown Street).
- B. The addressing officer shall keep records of all numbers assigned under this ordinance.
- C. Upon assigning a number to any property, the addressing officer shall send written notice of the assigned number to the owner, occupant or person in charge of the property.
- D. Where a structure contains more than one dwelling or business, the addressing officer shall determine whether each dwelling or business shall be assigned its own road number or whether, because of the quantity or configuration of the dwellings or places of business within the business, only one road number should be assigned to the structure.

11.6 Posting of Road Address

All owners of structures shall, within 30 days after receipt of written notice from the addressing officer or on the effective date of this ordinance, display and maintain in a conspicuous place and legible from the road, the assigned number in the following manner:

- A. The number must be made of materials which are reflective or which contrast with the background materials so that the number is visible after dark when illuminated by a flashlight from the road.
- B. Where one driveway allows shared access to more than one address, a road number sign shall be erected at the road intersection. The sign must clearly represent the range of addresses that can be accessed by this shared driveway and a similar sign must appear at every split or fork of the driveway.
- C. Where a dwelling or business is set back out of view from the road and there is no mailbox available to post the address, a road number sign shall be displayed on a post, fence, wall, mailbox, or on some structure in order to clearly display the assigned road address.
- D. Where a principal structure contains more than one dwelling or business and each dwelling or business has been assigned a separate road number, the road number shall be displayed at a location that is conspicuous and legible from the road.

- E. The owner, occupant or person in charge of each dwelling, business or structure to which a number has been assigned shall maintain such number so it is conspicuous and legible from the road at all times of the year.

11.7 Enforcement

The Wiscasset Code Enforcement Officer shall enforce the provisions of this ordinance. Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall be duly notified by a written warning stating the action necessary to achieve compliance and a compliance date by which such action must be taken. If the individual, person, firm, corporation, partnership or other business entity to which the notice is addressed does not correct the violation by the compliance date, such person is subject to a fine not less than \$10.00 nor more than \$50.00. Each day of a continuing violation shall be deemed a separate offense.

11.8 Effective Date

This ordinance shall become effective as of June 9, 2010. The addressing officer shall notify owners of properties existing on or before the effective date of this ordinance which do not have posted road addresses of the requirements of this ordinance. It shall be the duty of each property owner to comply with this ordinance within 30 days following notification.